

2001 No. 3896

PUBLIC HEALTH

The Motor Fuel (Composition and Content) (Amendment) Regulations 2001

Made - - - - - *5th December 2001*

Laid before Parliament *7th December 2001*

Coming into force - - *31st December 2001*

The Secretary of State for Transport, Local Government and the Regions—

- (a) in exercise of the powers conferred by section 30(1) and (3) of the Clean Air Act 1993(a) (“the 1993 Act”); and
- (b) being a Minister designated(b) for the purposes of subsection (2) of section 2 of the European Communities Act 1972(c) in relation to the control of air pollution, in exercise of the powers conferred by that subsection;

and in exercise of all other powers enabling him in that behalf, after consultation in accordance with the provisions of section 30(2) of the 1993 Act with persons appearing to him to represent manufacturers and users of motor vehicles, persons appearing to him to represent the producers and users of fuel for motor vehicles and persons appearing to him to be conversant with the problems of air pollution, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Fuel (Composition and Content)(Amendment) Regulations 2001 and shall come into force on 31st December 2001.

Amendment of the Motor Fuel (Composition and Content) Regulations 1999

2.—(1) The Motor Fuel (Composition and Content) Regulations 1999(d) shall be amended in accordance with the following paragraphs—

- (a) in regulation 2 (general interpretation) at the end of the definition of “the Directive” there shall be added the words “as amended by Commission Directive 2000/71/EC(e)”;
- (b) in regulation 3 (interpretation of requirement relating to motor fuel) in paragraph (3)(a)(i) and (ii) the word “Reid” shall be omitted;
- (c) in regulation 11 (variation of a leaded petrol permit)—
 - (i) in paragraph (1) for sub-paragraph (b) there shall be substituted the following—

“(b) the terms of any condition of the permit which requires the permit holder to ensure that the amount of leaded petrol distributed to the nominated filling stations each month remains within a specified percentage of the monthly percentage.”; and

(a) 1993 c. 11.
(b) S.I. 1988/785.
(c) 1972 c. 68.
(d) S.I. 1999/3107.
(e) OJ No. L287, 14.11.00, p. 46.

(ii) after paragraph (1) there shall be inserted the following—

“(1A) For the purposes of paragraph (1)—

- (a) “monthly percentage” means a figure provided by the permit holder in relation to his application for the permit as being the amount of leaded petrol expected to be distributed to the proposed nominated filling stations for each month during a calendar year expressed as a percentage of the figure provided by him in relation to that application as being the amount of leaded petrol which he intended to distribute and sell over the period to be covered by any issued permit; and
- (b) “specified percentage” means a percentage specified by the Secretary of State in a leaded petrol permit.”;
- (d) in Schedule 1 (information and evidence required in relation to an application for a leaded petrol permit) in paragraph 8 sub-paragraphs (b) and (c) shall be omitted; and
- (e) in Schedule 2 (mandatory terms and conditions for a leaded petrol permit)—
 - (i) in paragraph 1 sub-paragraph (1)(b) and (2) shall be omitted; and
 - (ii) in paragraph 2 in sub-paragraph (a) paragraphs (ii) and (iii) shall be omitted.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

5th December 2001

David Jamieson
Parliamentary Under-Secretary of State,
Department for Transport, Local Government and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Fuel (Composition and Content) Regulations 1999 (“the principal Regulations”) which implement Directive 98/70/EC of the European Parliament and of the Council of 13th October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC. Firstly, these Regulations implement Commission Directive 2000/71/EC of 7th November 2000 to adapt the measuring methods as laid down in Annexes I, II, III and IV to Directive 98/70 to technical progress as foreseen in article 10 of that Directive. They implement the Commission Directive by ensuring that references in the principal Regulations to “the Directive” are to Directive 98/70/EC as amended by the Commission Directive (regulation 2(1)(a)) and make a consequential amendment (regulation 2(1)(b)).

Secondly, these Regulations amend the provisions of Part III of the principal Regulations, which concerns leaded petrol permits.

Schedule 1 to the principal Regulations sets out the information required on an application for a permit. These Regulations remove the requirements to provide details of the expected monthly distribution of leaded petrol to the proposed nominated filling stations and to express that expected distribution as a percentage of the total tonnage of leaded petrol which the applicant proposes to sell (a “monthly percentage”) (regulation 2(1)(d)).

Schedule 2 is amended so that it is no longer mandatory for a permit to require the holder to—

- (a) ensure that the amount of leaded petrol distributed to the nominated filling stations each month remains within a percentage (specified by the Secretary of State) of the monthly percentage; or
- (b) prepare monthly statements of the amount of leaded petrol sold from the nominated filling stations and from each individual station (regulation 2(1)(e)).

Regulation 11 of the principal Regulations is also amended to ensure that conditions relating to the amount of leaded petrol distributed to nominated filling stations (no longer mandatory as a consequence of the amendments to Schedule 2) can continue to be varied (regulations 2(1)(c)).

A regulatory impact assessment has been prepared in relation to these Regulations and copies can be obtained from the Vehicle Standards and Engineering Division, Department for Transport, Local Government and the Regions, Zone 4/15, Great Minister House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the library of each House of Parliament.

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