

2003 No. 3078

PUBLIC HEALTH

**The Motor Fuel (Composition and Content) (Amendment)
Regulations 2003**

Made - - - - - 27th November 2003

Laid before Parliament 10th December 2003

Coming into force - - 31st December 2003

The Secretary of State for Transport—

- (a) in exercise of the powers conferred by sections 30(1) and (3)(a) and 63(1) of the Clean Air Act 1993^(a) and,
- (b) being a Minister designated^(b) for the purposes of section 2(2) of the European Communities Act 1972^(c) in relation to the control of air pollution in exercise of the powers conferred by that section;

and in exercise of all other powers enabling him in that behalf, and 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 2003 and shall come into force on 31st December 2003.

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

2. The Motor Fuel (Composition and Content) Regulations 1999^(d) shall be further amended in accordance with the following provisions of these Regulations.

Interpretation

3. In regulation 2 (general interpretation)—
- (a) in the definition of “the Directive”, for “as amended by Commission Directive 2000/71/EC”^(e) there shall be substituted “as last amended by Directive 2003/17/EC of the European Parliament and of the Council”^(f);
 - (b) after the definition of “filling station tank” there shall be inserted—
““gas oil” means any petroleum-derived liquid falling within CN codes 2710 19 41 and 2710 19 45;”;
 - (c) in the definition of “motor fuel” after “diesel fuel” there shall be inserted “or gas oil”;

(a) 1993 c. 11.
(b) S.I. 1988/785.
(c) 1972 c. 68.
(d) S.I. 1999/3107, amended by S.I. 2001/3896
(e) O.J. L 287, 14.11.2000, p. 46.
(f) O.J. L 76, 22.03.2003, p. 10.

- (d) after the definition of “motor fuel” there shall be inserted the following definition—
 ““mg/kg” means milligrams per kilogram;” and
- (e) for the definition of “sell” there shall be substituted—
 ““sell” means—
 - (a) in relation to motor fuel which is petrol or diesel fuel, to sell by retail at a filling station;
 - (b) in relation to motor fuel which is gas oil, to sell to a person for use by that person, and “sale” and “sold” shall be construed accordingly.”

Interpretation of requirements relating to petrol and diesel fuel

- 4.—(1) Regulation 3 shall be amended as follows.
- (2) In the heading for “motor fuel” there shall be substituted “petrol and diesel fuel”.
- (3) In paragraph (2)—
 - (a) in sub-paragraph (a) for “from 1st January 2000” there shall be substituted “before 1st January 2005”;
 - (b) in sub-paragraph (b) after “2005” there shall be inserted “and before 1st January 2009”; and
 - (c) following sub-paragraph (b) there shall be inserted the following new sub-paragraph—
 “(c) on or after 1st January 2009 it complies with the environmental specifications in Annex III of the Directive with 10 mg/kg as the maximum sulphur content.”
- (4) In paragraph (3)—
 - (a) in sub-paragraph (a) for “from 1st January 2000” there shall be substituted “before 1st January 2005”;
 - (b) in sub-paragraph (b) after “2005” there shall be inserted “and before 1st January 2009”; and
 - (c) following sub-paragraph (b) there shall be inserted—
 “(c) on or after 1st January 2009 it complies with the environmental specifications in Annex III of the Directive with 10 mg/kg as the maximum sulphur content.”
- (5) In paragraph (5)—
 - (a) in sub-paragraph (a) for “from 1st January 2000” there shall be substituted “before 1st January 2005”;
 - (b) in sub-paragraph (b) after “2005” there shall be inserted “and before 1st January 2009”; and
 - (c) following sub-paragraph (b) there shall be inserted—
 “(c) from 1st January 2009 it complies with the environmental specifications in Annex IV of the Directive with 10 mg/kg as the maximum sulphur content.”

Restrictions and exemptions relating to the distribution and sale of petrol and diesel fuel

5. In the headings to regulations 4 and 5, for “motor fuel” there shall in each case be substituted “petrol or diesel fuel”.

Restrictions on the sale of gas oil

- 6. After regulation 5 there shall be inserted the following regulation—
 “Restrictions on the sale of gas oil
 5A. No person shall sell gas oil for use within the United Kingdom—
 - (a) if he knows that the gas oil is intended for use in non-road mobile machinery or agricultural or forestry tractors; and
 - (b) if the sale takes place—
 - (i) before 1st January 2008 the sulphur content is 2,000 mg/kg or higher; or
 - (ii) on or after 1st January 2008 the sulphur content exceeds 1,000 mg/kg.”

Exemptions relating to the distribution or sale of motor fuel

7.—(1) Regulation 6 shall be amended as follows.

(2) In paragraphs (1) and (3), for “Regulations 4 and 5” in both places occurring there shall be substituted “Regulations 4, 5 and 5A”.

(3) In paragraph 5, for “regulation 4 or 5” there shall be substituted “regulations 4, 5 or 5A”.

Powers of the Secretary of State to grant exemptions

8. In regulation 7(1), for “Articles 3(5), 4(3) and 7” there shall be substituted “Article 7”.

Applications for leaded petrol permits

9. In Schedule 1, in paragraph 5, for “1st January 2000” there shall be substituted “the first day from which the permit is to apply”.

Signed by the authority of the Secretary of State

27th November 2003

Tony McNulty
Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Fuel (Composition and Content) Regulations 1999 (“the Principal Regulations”) in order to implement Directive 2003/17/EC of the European Parliament and of the Council of 3rd March 2003.

Regulation 3 inserts new definitions and amends existing definitions in regulation 2 of the Principal Regulations.

Regulation 4 amends regulation 3 of the Principal Regulations so as partially to implement paragraph 3 of Article 1 of Directive 2003/17/EC prohibiting the distribution or sale of petrol or diesel fuel from 1st January 2009 if the sulphur content of either fuel exceeds 10 mg/kg.

Regulation 5 makes consequential amendments to the headings of regulations 4 and 5 of the Principal Regulations.

Regulation 6 also implements paragraph 3 of Article 1 of the Directive by inserting a new regulation 5A into the Principal Regulations prohibiting the sale of gas oil intended for use in non-road mobile machinery or agricultural or forestry tractors before 1st January 2008 if the sulphur content is 2,000 mg/kg or higher and from 1st January 2008 if the sulphur content exceeds 1,000 mg/kg. *Regulations 7 and 8* make consequential amendments to the Principal Regulations.

Regulation 9 updates a reference in Schedule 1 to the Principal Regulations (Information and evidence required in relation to an application for a leaded petrol permit).

A transposition note setting out how the main elements of the Directive are transposed into law and a regulatory impact assessment and supplement have been prepared and copies have been placed in the library of each House of Parliament. Copies of these documents can be obtained from the Vehicle Standards and Engineering Division, Department for Transport, Zone 4/15, Great Minster House, 76 Marsham Street, London SW1P 4DR (Telephone: 020 7944 2063; email: vse@dft.gsi.gov.uk).

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