

1976 No. 1988

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
The Oil Fuel (Sulphur Content of Gas Oil) Regulations 1976

Made - - - - 22nd November 1976
Laid before Parliament 8th December 1976
Coming into Operation 29th December 1976

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred upon them by sections 76 and 77(1) of the Control of Pollution Act 1974^(a) and of all other powers enabling them in that behalf, and after consulting such persons appearing to them to represent producers and users of oil fuel, such persons appearing to them to represent manufacturers and users of plant and equipment for which oil fuel is used, and such persons appearing to them to be conversant with problems of air pollution as they consider appropriate, in accordance with the provisions of section 76(2) of that Act, hereby make the following regulations:—

Commencement and citation

1. These regulations may be cited as the Oil Fuel (Sulphur Content of Gas Oil) Regulations 1976 and shall come into operation on 29th December 1976.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“gas oil” means any liquid petroleum product produced in a refinery of which—

(a) less than 65 per cent by volume, including losses, is distilled at a temperature of 250° Centigrade when it is tested by the method described in the British Standard which is entitled “Method for determination of distillation of petroleum products” and was published on 23rd September 1968 under the number B.S. 4349: 1968; and

(b) 85 per cent or more by volume, including losses, is distilled at a temperature of 350° Centigrade when it is tested by that method;

“power station” includes any plant or equipment used directly or indirectly for the generation of electrical energy, or for purposes of testing, trial or development in connection with the generation of such energy;

“ship” has the meaning assigned to it by section 742 of the Merchant Shipping Act 1894^(b).

(a) 1974 c. 40.

(b) 1894 c. 60.

(2) A reference in these regulations to a numbered regulation is a reference to the regulation so numbered in these regulations, and a reference to “the Schedule” is a reference to the Schedule to these regulations.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Permitted maximum amount of sulphur in gas oil

3.—(1) For the purposes of these regulations, the maximum permitted amount of sulphur per one hundred grammes of gas oil (in these regulations referred to as “the permitted maximum”), when tested by the appropriate method, in relation to any date falling within a period specified in column (1) of the Schedule shall be the number of grammes specified in respect of that period in column (2) of the Schedule.

(2) For the purposes of this regulation gas oil is tested by the appropriate method when—

- (a) it is tested by the method described in the British Standard which is entitled “Determination of the Sulphur Content of Petroleum Products by the Wickbold Combustion Method” and was published on 31st August 1976 under the number B.S. 5379: 1976 EN41, and
- (b) the results of any such test are interpreted in accordance with the rules given in the British Standard which is entitled “Recommendations for the Application of Precision Data to Specifications for Petroleum Products” and was published on 28th March 1968 under the number B.S. 4306: 1968.

Prohibition of use of gas oil having excess sulphur content

4.—(1) Subject to regulations 5 and 6, no person shall use, or cause or permit to be used, in any furnace or engine to which these regulations apply, any gas oil having a sulphur content which exceeds the permitted maximum.

(2) These regulations apply to any furnace or engine in Great Britain except—

- (a) a furnace or engine used in a power station or in a ship; or
- (b) a diesel engine used to propel a motor vehicle.

(3) In this regulation—

“motor vehicle” does not include an agricultural vehicle, engineering plant or a works vehicle;

“agricultural vehicle” means a mechanically propelled vehicle which is designed and used primarily for work on the land in connection with agriculture, grass cutting, forestry, land levelling, dredging or similar operations;

“engineering plant” means—

- (a) moveable plant or equipment being a mechanically propelled vehicle or trailer which is specially designed and constructed for the special purposes of engineering operations and which is not constructed primarily to carry a load other than a load being either excavated materials raised from the ground by apparatus on the vehicle or trailer or materials which the vehicle or trailer is specially designed to treat while carried thereon; or

(b) a mobile crane;

“works vehicle” means a mechanically propelled vehicle which is—

(a) not kept or used on any public road; or

(b) designed for use otherwise than on a public road but where used on such a road is so used only in delivering goods from or to private premises to or from a vehicle in the immediate neighbourhood, or in passing from one part of some private premises to another or to other private premises in the immediate neighbourhood, or in connection with road works while at or in the immediate neighbourhood of the site of such works; and

“public road” means a road which is repairable at the public expense.

Exemptions in certain cases

5.—(1) Nothing in regulation 4 shall apply to the production, treatment or use of gas oil which is in the course of being manufactured or blended.

(2) Nothing in regulation 4 shall apply so as to render it unlawful to use gas oil contained in the tank of a vehicle entering Great Britain in a case where the gas oil in the tank is to be used for the propulsion of the vehicle, or for the driving of any ancillary engine or equipment forming part of the vehicle, and the gas oil is present in the tank when the vehicle enters Great Britain.

(3) Nothing in regulation 4 shall apply to the use of gas oil—

(a) for the purpose of tests or experiments in connection with the composition of oil fuel, or of any other fuel used in any furnace or engine to which these regulations apply, or

(b) for the purpose of tests or experiments in connection with the design or performance of any article which uses, or is intended to use, oil fuel or any other fuel used in any furnace or engine to which these regulations apply, or any component or lubricant of such an article, in a case where the composition or content of the fuel is relevant to that design or performance.

Power for the Secretary of State to grant exemptions

6. The Secretary of State may by instrument in writing confer exemption from any provision of regulation 4 upon such persons or classes of person, for such period, and in such circumstances, as may be specified in the instrument conferring the exemption.

Offences and penalties

7. No person shall be liable to conviction on indictment, or on summary conviction to a fine exceeding £50, for any contravention of, or failure to comply with, regulation 4.

SCHEDULE

MAXIMUM PERMITTED AMOUNT OF SULPHUR PER HUNDRED GRAMMES OF GAS OIL

Regulation 3

Column (1) Period	Column (2) Permitted maximum
29th December 1976 to 30th September 1980	0.8 grammes
On and after 1st October 1980	0.5 grammes

18th November 1976.

Peter Shore,
Secretary of State for the Environment.

19th November 1976.

John Morris
Secretary of State for Wales.

22nd November 1976.

Bruce Millan,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to England, Wales and Scotland.

They provide that, subject to certain specified exemptions, and to such exemptions as the Secretary of State may confer in particular cases, no person shall use, or cause or permit to be used, in any furnace or engine (other than one in a power station, ship, or diesel engined motor vehicle) any gas oil containing more sulphur than 0.8 per cent by weight between 29th December 1976 and 30th September 1980 (or more sulphur than 0.5 per cent by weight from 1st October 1980 onwards).

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