
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 272

ENVIRONMENTAL PROTECTION

**The Sulphur Content of Liquid Fuels
Regulations (Northern Ireland) 2007**

Made - - - - *3rd May 2007*

Coming into operation *31st May 2007*

The Department of the Environment, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the control of air pollution, makes the following Regulations in exercise of the powers conferred on it by section 2(2) of that Act:

Citation and commencement

1. These Regulations may be cited as the Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007 and shall come into operation on 31st May 2007.

Commencement Information

II Reg. 1 in operation at 31.5.2007, see [reg. 1](#)

Interpretation

[^{F12}—(1) In these Regulations—

“combustion plant” means any technical apparatus in which fuels are oxidised in order to use the heat generated;

[^{F2}“Directive (EU) 2016/802” means Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels;]

“gas oil” means any petroleum-derived liquid fuel—

- (a) that falls within CN code 2710 19 25, 2710 19 29, 2710 19 47, 2710 19 48, 2710 20 17 or 2710 20 19; or

- (b) of which less than 65 per cent by volume (including losses) distils at 250°C and of which at least 85 per cent by volume (including losses) distils at 350°C by the ASTM D86 method,

but excluding marine fuels, diesel fuels (as defined by Article 2(2) of Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC) and fuels used in non-road mobile machinery and agricultural tractors;

“heavy fuel oil” means any petroleum-derived liquid fuel—

- (a) that falls within CN code 2710 19 51 to 2710 19 68, 2710 20 31, 2710 20 35 or 2710 20 39;
- (b) which, by reason of its distillation limits, falls within the category of heavy oils intended for use as fuel and of which less than 65 per cent by volume (including losses) distils at 250°C by the ASTM D86 method; or
- (c) where the distillation cannot be determined by the ASTM D86 method, that is categorised as heavy fuel oil,

but excluding marine fuel and gas oil;

“marine fuel” means any petroleum-derived liquid fuel intended for use or in use on board a vessel, including those fuels defined in ISO 8217;

“sulphur content of liquid fuels permit” has the meaning given in regulation 4(5)(b);

“the 2013 Regulations” means the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;

(2) In paragraph (1)—

- (a) “ASTM method” means a method laid down by the American Society for Testing and Materials in the 1976 edition of standard definitions and specifications for petroleum and lubricating products; and
- (b) the reference to a numbered CN code is a reference to the code set out in Annex I to Council Regulation 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff;

(3) [^{F3}Expressions used in these Regulations that also appear in Directive (EU) 2016/802 have the same meaning as they do in that Directive.]

(4) The Interpretation Act (Northern Ireland) 1954 applies to these regulations as it applies to an Act of the Assembly.]

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| F1 | Reg. 2 substituted (18.6.2014) by The Sulphur Content of Liquid Fuels (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014/147) , reg. 1(1), 3 |
| F2 | Words in reg. 2(1) substituted (24.12.2018) by The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/200) , reg. 1(1), Sch. 3 para. 2 |
| F3 | Reg. 2(3) substituted (24.12.2018) by The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/200) , reg. 1(1), Sch. 3 para. 3 |

Application

3. These Regulations do not apply to heavy fuel oil or gas oil intended for—

- (a) the purposes of research and testing;
- (b) processing prior to final combustion; or
- (c) processing in the refining industry.

Commencement Information

I2 Reg. 3 in operation at 31.5.2007, see [reg. 1](#)

Maximum sulphur content of heavy fuel oil

^{F4}4.—(1) No person shall use any heavy fuel oil that has a sulphur content exceeding 1 per cent by mass.

(2) Until 1st January 2016, paragraph (1) shall not apply to the use of heavy fuel oil—

(a) in a new plant that—

(i) is subject to Article 4(1) of ^{F5}[Directive 2010/75/EU](#) and is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part A of Annex IV of that Directive; or

(ii) is subject to Article 4(2) of ^{F5}[Directive 2010/75/EU](#) and is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part B of Annex IV of that Directive;

(b) in an existing plant—

(i) operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out for new plants in Part A of Annex IV of ^{F6}[Directive 2010/75/EU](#); or

(ii) that is a participating plant operated in accordance with a permit containing a condition prohibiting the monthly average emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis;

(c) in a combustion plant, other than a plant to which sub-paragraph (a) or (b) applies, that is operated in accordance with a permit containing a condition prohibiting the monthly average of emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis; or

(d) in a combustion plant, other than a gas engine, a gas turbine or a plant to which sub-paragraph (a) or (b) applies, that—

(i) forms part of a refinery; and

(ii) is operated in accordance with a permit containing a condition that the monthly average of emissions of sulphur dioxide averaged over all combustion plants in the refinery, irrespective of the type of fuel or fuel combination used, does not exceed 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis.

(3) From 1st January 2016, paragraph (1) shall not apply to the use of heavy fuel oil—

(a) in a combustion plant that—

(i) falls within the scope of Chapter III of [Directive 2010/75/EU](#); and

(ii) is operated in accordance with a permit containing a condition that emission limit values for sulphur dioxide are at least as stringent as those set out in Annex V to that Directive;

(b) in a combustion plant that—

- (i) falls within the scope of Chapter III of Directive 2010/75/EU;
 - (ii) is not subject to the emission limit values for sulphur dioxide set out in Annex V to that Directive; and
 - (iii) is operated in accordance with a permit containing a condition prohibiting the monthly average emissions of sulphur dioxide from the plant from exceeding 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis;
 - (c) in a combustion plant, other than a plant to which sub-paragraph (a) or (b) applies, that is operated in accordance with a permit containing a condition prohibiting the monthly average emissions of sulphur dioxide from exceeding 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis; or
 - (d) in a combustion plant, other than a gas engine, a gas turbine or a plant to which sub-paragraph (a) or (b) applies, that—
 - (i) forms part of a refinery; and
 - (ii) is operated in accordance with a permit containing a condition that the monthly average of emissions of sulphur dioxide averaged over all combustion plants in the refinery, irrespective of the type of fuel or fuel combination used, does not exceed 1,700 mg/Nm³ at an oxygen content in the flue gas of 3 per cent by volume on a dry basis.
- (4) The enforcing authority that grants a permit referred to in paragraph (2) or (3) shall carry out appropriate monitoring of emissions of sulphur dioxide to ensure that the limitations on emissions contained in that permit are not exceeded.
- (5) In this regulation—
- “Directive 2001/80/EC” means Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants;
- “Directive 2010/75/EU” means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast);
- “existing plant” and “new plant” have the meanings given in Article 2(10) and 2(9) respectively of Directive 2001/80/EC;
- “gas engine” and “gas turbine” have the meaning given in Article 3(34) and 3(33) respectively of Directive 2010/75/EU;
- “participating plant” has the meaning given in regulation 3(1)(c) of the Large Combustion Plants (National Emission Reduction Plan) Regulations 2007;
- “permit” means—
- (a) if the operation of the combustion plant requires an authorisation or permit—
 - (i) an authorisation under Article 6 of the Industrial Pollution and Control (Northern Ireland) Order 1997; or
 - (ii) a permit granted under regulation 10 of the 2013 Regulations;
 or
 - (b) a sulphur content of liquid fuels permit which—
 - (i) was granted for the purposes of the Sulphur Content of Liquid Fuels (Northern Ireland) Regulations 2002 and which is still subsisting; or
 - (ii) is granted under these Regulations.
- (6) Schedule 1 (Sulphur content of liquid fuels permits) has effect.]

- F4** Reg. 4 substituted (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **4**
- F5** Words in reg. 4(2)(a)(i)(ii) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 3 para. 4**
- F6** Words in reg. 4(2)(b) substituted (24.12.2018) by [The Environment \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/200\)](#), reg. 1(1), **Sch. 3 para. 4**

Maximum sulphur content in gas oil

[^{F7}5. No person shall use any gas oil that has a sulphur content exceeding 0.1 per cent by mass.]

- F7** Reg. 5 substituted (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **5**

Sampling and analysis

[^{F8}6.—(1) The Department shall take all necessary measures to ensure that periodic sampling is carried out of heavy fuel oil and gas oil and that the samples are analysed to check that the use of those fuels complies with regulations 4(1) and 5.

(2) Sampling shall be carried out with sufficient frequency and in such a way that the Department is satisfied that the samples are representative of the fuels examined.

(3) The samples shall be analysed without undue delay.

(4) The reference method adopted for determining the sulphur content of fuels sampled pursuant to paragraph (1) shall be defined by ISO method 8754 (2003) or EN ISO 14596 (2007).]

- F8** Reg. 6 substituted (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **6**

Offences and penalties

7.—(1) A person is guilty of an offence if he contravenes regulation 4(1) or 5, or causes or permits another person to do so.

(2) Any person guilty of an offence under paragraph (1) shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

(3) For the purposes of these Regulations section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Commencement Information

- I3** Reg. 7 in operation at 31.5.2007, see [reg. 1](#)

Revocation and saving

8.—(1) Subject to paragraph (2), the Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2002 are revoked.

- (2) Where an operator of a combustion plant—
- (a) has submitted an application for a sulphur content of liquid fuels permit in accordance with Schedule 1 to the Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2002; and
 - (b) that application has not been determined at the date these Regulations come into force, such application shall continue to be determined under those Regulations.

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Commencement Information

I4 Reg. 8 in operation at 31.5.2007, see [reg. 1](#)

Sealed with the Official Seal of the Department of the Environment on 3rd May 2007.



Wesley Shannon
A senior officer of the Department of the
Environment

SCHEDULE 1

[^{F9}Regulation 4(6)]

Sulphur content of liquid fuel permits

F9 Words in Sch. 1 heading substituted (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **7(2)**

1. An operator of [^{F10}a combustion plant] who wishes to operate that plant under an exception provided for in regulation 4(2) [^{F11}or 4(3)] may apply to the enforcing authority for a sulphur content of liquid fuels permit if the operation of that plant does not require—

- (a) an authorisation under Article 6 of the 1997 Order; or
- (b) a permit under regulations made under Article 4 of the Environment (Northern Ireland) Order 2002(**3**)

F10 Words in Sch. 1 para. 1 substituted (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **7(3)**

F11 Words in Sch. 1 para. 1 added (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **7(3)**

Commencement Information

I5 Sch. 1 para. 1 in operation at 31.5.2007, see [reg. 1](#)

2. An application under paragraph 1 shall be in writing and accompanied by a fee prescribed in relation to that application by a scheme under Article 8(2) of the 1997 Order and shall contain—

- (a) the name and address of the applicant and any other address to which correspondence should be sent and the applicant's telephone number;
- (b) the address of the site of the combustion plant, the rated thermal input (in megawatts) and the fuel used in the plant; and
- (c) the condition which the applicant wishes to be included in the permit, being a condition referred to in regulation 4(2) [^{F12}or 4(3)].

F12 Words in Sch. 1 para. 2(c) added (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **7(4)**

Commencement Information

I6 Sch. 1 para. 2 in operation at 31.5.2007, see [reg. 1](#)

3. An applicant may withdraw his application at any time before it is determined.

Commencement Information

I7 Sch. 1 para. 3 in operation at 31.5.2007, see [reg. 1](#)

4. An enforcing authority which receives a duly made application under paragraph 1 shall grant a sulphur content of liquid fuels permit subject to the condition identified in the application.

Changes to legislation: There are currently no known outstanding effects for the The Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007. (See end of Document for details)

Commencement Information

I18 Sch. 1 para. 4 in operation at 31.5.2007, see [reg. 1](#)

5. A sulphur content of liquid fuels permit may be transferred by the holder of the permit to a person who intends to operate the plant to which the permit relates in place of the holder.

Commencement Information

I19 Sch. 1 para. 5 in operation at 31.5.2007, see [reg. 1](#)

6. The person to whom a sulphur content of liquid fuels permit is transferred as permitted by paragraph 5 shall—

- (a) notify the transfer in writing to the enforcing authority which granted the permit; and
- (b) do so within 21 days of the date of the transfer.

Commencement Information

I10 Sch. 1 para. 6 in operation at 31.5.2007, see [reg. 1](#)

7. The holder of a sulphur content of liquid fuels permit may surrender it to the enforcing authority which granted it and such a surrender—

- (a) shall be notified in writing to the enforcing authority within 21 days of the date of the intended surrender; and
- (b) where duly notified shall take effect on the surrender date stated in the notification.

Commencement Information

I11 Sch. 1 para. 7 in operation at 31.5.2007, see [reg. 1](#)

8. In this Schedule “enforcing authority” in relation to the discharge of functions under these Regulations, means either the chief inspector or district council by whom the functions are determined to be exercisable.

Commencement Information

I12 Sch. 1 para. 8 in operation at 31.5.2007, see [reg. 1](#)

[^{F13}9. Regulation 7 of the 2013 Regulations (Discharge and scope of functions) shall apply to functions under these Regulations as it applies to functions under the 2013 Regulations.]

F13 Sch. 1 para. 9 substituted (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), 7(5)

10. Article 8 of the 1997 Order shall apply for the purpose of prescribing a fee in respect of an application under paragraph 1 as it applies for the purposes of prescribing a fee in respect of an application for an authorisation granted under Article 6 of the Order.

Changes to legislation: There are currently no known outstanding effects for the The Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007. (See end of Document for details)

Commencement Information

I13 Sch. 1 para. 10 in operation at 31.5.2007, see [reg. 1](#)

SCHEDULE 2

F14F14

F14 Sch. 2 repealed (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **8**

F14

F14 Sch. 2 repealed (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **8**

Commencement Information

I14 Sch. 2 para. 2 in operation at 31.5.2007, see [reg. 1](#)

F14

F14 Sch. 2 repealed (18.6.2014) by [The Sulphur Content of Liquid Fuels \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/147\)](#), regs. 1(1), **8**

Commencement Information

I15 Sch. 2 para. 3 in operation at 31.5.2007, see [reg. 1](#)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in Northern Ireland, matters concerning heavy fuel oil (except marine fuels) contained in Council Directive [1999/32/EC](#) (OJ L 121, 11.5.1999, p.13 as amended by Regulation [\(EC\) No 1882/2003](#) of the European Parliament and of the Council (OJ L 284, 31.10.2003, p.1)) relating to a reduction in the sulphur content of certain liquid fuels and amending Directive [93/12/EEC](#) as amended by Directive [2005/33/EC](#) (OJ L 191, 22.7.2005, p.59) of the European Parliament and of the Council as regards the sulphur content of marine fuels.

Regulation 3 sets out those matters outside the scope of these Regulations.

Regulation 4 provides, subject to exceptions, that no person shall use any heavy fuel oil which has a sulphur content that exceeds 1 per cent by mass.

Changes to legislation: There are currently no known outstanding effects for the *The Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007*. (See end of Document for details)

Regulation 5 provides that no person shall use gas oil with a sulphur content exceeding 0.2 percent by mass before 1st January 2008 or, on and after 1st January 2008, with a sulphur content exceeding 0.1 percent by mass.

Regulation 6 provides that the Department shall take all necessary measures to ensure that sampling of heavy fuel oil and gas oil is carried out. The Department must also check that the use of those fuels complies with the restrictions in regulations 4 and 5.

Regulation 7 provides that it is an offence to contravene the restrictions on heavy fuel oil and gas oil in regulations 4 and 5 and imposes criminal penalties.

Under regulation 8, the Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2002 ([S.R. 2002/28](#)) are revoked with a saving in respect of permissions granted under those Regulations.

Schedule 1 provides for the enforcing authority to grant permits to enable an operator of a combustion plant (who would not otherwise require a permit to operate the plant) to be exempt from the restriction on the use of heavy fuel oil in regulation 4.

Schedule 2 sets out technical requirements for the analysis of samples taken under regulation 6.

Copies of the British Standards publications referred to in these Regulations may be obtained from any of the outlets operated by the British Standards Institution, or by post from the British Standards Institution at Standards House, 389 Chiswick High Road, London W4 4AL. The *Integrated Customs Tariff of the United Kingdom*, which sets out the CN codes used in the definitions of “gas oil” and “heavy fuel oil”, are published by HMSO and available from HMSO Bookshops. The 1999 Annual Book of ASTM Standards is available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, USA.

Copies of the Directive can be obtained from the Stationery Office Bookshop, 16 Arthur Street, Belfast, BT1 4GD.

Changes to legislation:

There are currently no known outstanding effects for the The Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007.