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STATUTORY INSTRUMENTS

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**1994 No. 2249**

**ENVIRONMENTAL PROTECTION**

**The Marketing of Gas Oil (Sulphur Content) Regulations 1994**

*Made* - - - - *30th August 1994*  
*Laid before Parliament* *1st September 1994*  
*Coming into force* - - *1st October 1994*

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the control of air pollution and anything supplemental or incidental thereto, in exercise of the powers conferred upon him by section 2(2) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Marketing of Gas Oil (Sulphur Content) Regulations 1994 and shall come into force on 1st October 1994.

(2) In these Regulations “the Directive” means Council Directive [93/12/EEC](#)<sup>(3)</sup>.

(3) Words used in these Regulations which are also used in the Directive have the same meaning as in the Directive.

**Prohibition on marketing gas oil with excessive sulphur content**

2.—(1) Subject to paragraph (2) below, any person who markets gas oil whose sulphur content exceeds 0.2% by weight shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) Paragraph (1) above shall not apply to—

- (a) gas oil to which Article 1(2) of the Directive applies (gas oil contained in the fuel tanks of vessels, aircraft or motor vehicles crossing a frontier between a third country and a Member State, or gas oil intended for processing prior to final combustion);
- (b) gas oil which is referred to in Article 2(1) of the Directive, or used for purposes referred to in that paragraph (fuels for certain road vehicles); or
- (c) aviation kerosene.

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<sup>(1)</sup> S.I.1988/785.

<sup>(2)</sup> 1972 c. 68.

<sup>(3)</sup> OJNo. L 74, 27.3.1993, p. 81.

### **Sampling of gas oil placed on the market**

3.—(1) A local authority shall for the purposes of these Regulations check by sampling the sulphur content of gas oil which is placed on the market in its area.

(2) The method adopted for determining the sulphur content of gas oil for the purposes of these regulations shall be that defined by ISO method 8754(4).

(3) The statistical interpretation of the results of the checks carried out in accordance with paragraph (1) above shall be made in accordance with ISO standard 4259 (1979 edition)(5).

(4) Section 56 to 58 of the Clean Air Act 1993(6) (powers of entry etc.) shall apply for the purposes of this regulation as if it were a provision of Part IV of that Act, and as if, in relation to Northern Ireland, any reference to a local authority were a reference to a district council.

(5) In this regulation, “local authority” means—

- (a) in England and Wales, the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple;
- (b) in Scotland, an islands or district council;
- (c) in Northern Ireland, a district council.

### **Revocation**

4. The following regulations are hereby revoked—

- (a) the Oil Fuel (Sulphur Content of Gas Oil) Regulations 1990(7); and
- (b) the Oil Fuel (Sulphur Content of Gas Oil) Regulations (Northern Ireland) 1991(8).

Department of the Environment  
30th August 1994

*John Selwyn Gummer*  
One of Her Majesty’s Principal Secretaries of  
State

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(4) Described in the British Standard entitled “Methods of test for Petroleum and its products. Part 336. Petroleum products — Determination of sulphur content — Energy-dispersive X-ray fluorescence method” published under the numbers BS 2000:Part 336:1993 and ISO 8754:1992 which came into effect on 28th February 1993.

(5) Described in the rules given in the first revision (February 1981) of the British Standard entitled “Method for determination and application of precision data in relation to methods of test for petroleum products” published under the numbers BS 4306:1981 and ISO 4259:1979 which came into effect on 27th February 1981.

(6) 1993 c. 11.

(7) S.I. 1990/1096.

(8) S.R. (N.I.) 1991 No. 235.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made to implement, in the United Kingdom, provisions of Council Directive [93/12/EEC](#) in relation to gas oils to which Article 2(2) applies.

The Regulations—

- (a) make it an offence to market such gas oil if it has a sulphur content exceeding 0.2% by weight (regulation 2);
- (b) require local authorities to check by sampling the sulphur content of gas oils which are placed on the market (regulation 3); and
- (c) revoke the Oil Fuel (Sulphur Content of Gas Oil) Regulations 1990 and the Oil Fuel (Sulphur Content of Gas Oil) Regulations (Northern Ireland) 1991 (regulation 4).

An assessment of the cost to business of complying with these Regulations has been prepared and a copy has been placed in the library of each of the Houses of Parliament. Copies of the assessment may be obtained from the Department of the Environment, Room B3.50, Romney House, 43 Marsham Street, London SW1P 3PY.

British Standards publications can be obtained by post from British Standards Institution Customer Services, Linford Wood, Milton Keynes, MK14 6LE (Tel. 0908-221166). From 24th October onward a limited range of British Standards publications can be obtained by calling personally, or telephoning, British Standards Institution Customer Services, 389 High Road, Chiswick, London W4 4AJ (Tel. 081-996 9000).