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**STATUTORY INSTRUMENTS**

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**1999 No. 3107****PUBLIC HEALTH, ENGLAND AND WALES  
PUBLIC HEALTH, SCOTLAND  
PUBLIC HEALTH, NORTHERN IRELAND****The Motor Fuel (Composition and Content)  
Regulations 1999**

<i>Made - - - - -</i>	<i>19th November 1999</i>
<i>Laid before Parliament</i>	<i>19th November 1999</i>
<i>Coming into force</i>	
<i>for the purposes of regulations</i>	
<i>8, 9(2) to (9), 10 and 16 and</i>	
<i>Schedules 1 and 2</i>	<i>10th December 1999</i>
<i>for all other purposes</i>	<i>1st January 2000</i>

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**[DOT 8842]**

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1. Information and evidence required in relation to an application for a leaded petrol permit
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The Secretary of State for the Environment, Transport and the Regions—

(a) in exercise of the powers conferred by sections 30(1), (3), 32(1) and 63(1) 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) (“the 1972 Act”) 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:—

#### PART I

##### *PRELIMINARY*

##### **Citation and commencement**

1. These Regulations may be cited as the Motor Fuel (Composition and Content) Regulations 1999 and shall come into force on—

- (a) 10th December 1999 for the purposes of regulations 8, 9(2) to (9), 10 and 16 and Schedules 1 and 2, and
- (b) 1st January 2000 for all other purposes.

##### **General interpretation**

2. In these Regulations—

“BS EN ISO 3830:1996” means the British Standard which is entitled “Petroleum products—Determination of lead content of gasoline—Iodine monochloride method” and was published under number BS EN ISO 3830:1996;

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(a) 1993 c.11.

(b) S.I. 1988/785.

(c) 1972 c.68.

“diesel fuel” has the same meaning as “diesel fuels” as defined in Article 2(2) of the Directive;

“the Directive” means Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC(a);

“distribute” in relation to motor fuel means either—

- (a) import into the United Kingdom, or
- (b) distribute from a refinery;

“filling station” means any premises used or intended to be used for fuelling motor vehicles with motor fuel in the course of the business of selling motor fuel by retail;

“filling station tank” means a tank at a filling station which stores motor fuel prior to its sale by retail;

“kPa” means kilopascal(s);

“leaded petrol” means petrol which (with the exception of the environmental specifications for lead content, research octane number and motor octane number in Annex I of the Directive) complies with the relevant requirements for petrol in regulations 4 and 5 and which has—

- (a) a lead content of not less than 0.05g/l and not more than 0.15g/l measured in accordance with BS EN ISO 3830:1996,
- (b) a research octane number of not less than 97 measured in accordance with the Test Method specified for research octane number in Annex I of the Directive, and
- (c) a motor octane number of not less than 86 measured in accordance with the Test Method specified for motor octane number in Annex I of the Directive;

“motor fuel” means petrol or diesel fuel;

“petrol” has the same meaning as in Article 2(1) of the Directive;

“refinery” has the same meaning as in section 27(1) of the Hydrocarbon Oil Duties Act 1979(b); and

“sell” means to sell by retail at a filling station and unless the context otherwise provides “sale”, “sells” and “sold” shall be construed accordingly.

## PART II

### *REGULATIONS RELATING TO THE SALE AND DISTRIBUTION OF MOTOR FUEL*

#### **Interpretation of requirements relating to motor fuel**

3.—(1) References in these Regulations to motor fuel complying with a specified requirement shall be construed in accordance with this regulation.

(2) Petrol complies with “the winter petrol requirement” if the composition and content of the petrol are such that—

- (a) from 1st January 2000 it complies with the environmental specifications in Annex I of the Directive,
- (b) from 1st January 2005 it complies with the environmental specifications in Annex III of the Directive.

(3) Petrol complies with “the summer petrol requirement” if the composition and content of the petrol are such that—

- (a) from 1st January 2000—
  - (i) it complies with the environmental specifications in Annex I of the Directive, with the exception of the Reid vapour pressure, and
  - (ii) it has a Reid vapour pressure of not more than 70kPa;
- (b) from 1st January 2005 it complies with the environmental specifications in Annex III of the Directive.

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(a) OJ No. L 350, 28.12.98, p. 58.

(b) 1979 c.5; the definition of “refinery” was substituted by the Finance Act 1981 (c.35), section 5(3).

(4) Petrol complies with “the transitional requirement” if the composition and content of the petrol are such that it complies with the environmental specifications in Annex I of the Directive with the exception of the environmental specifications for benzene and sulphur content.

(5) Diesel fuel complies with “the diesel fuel requirement” if the composition and content of the diesel fuel are such that—

- (a) from 1st January 2000 it complies with the environmental specifications in Annex II of the Directive,
- (b) from 1st January 2005 it complies with the environmental specifications in Annex IV of the Directive.

#### **Restrictions on the distribution of motor fuel**

4.—(1) Subject to the provisions of these Regulations, no person shall, during a period beginning on 1st September in any year and ending on 15th April in the following year, distribute petrol which—

- (a) does not comply with the winter petrol requirement; and
- (b) is for use within the United Kingdom.

(2) Subject to the provisions of these Regulations, no person shall during a period beginning on 16th April and ending on 31st August in any year, distribute petrol which—

- (a) does not comply with the summer petrol requirement; and
- (b) is for use within the United Kingdom.

(3) Subject to the provisions of these Regulations, no person shall distribute diesel fuel which—

- (a) does not comply with the diesel fuel requirement; and
- (b) is for use within the United Kingdom.

#### **Restrictions on the sale of motor fuel**

5.—(1) Subject to the provisions of these Regulations, no person shall, during a period beginning on 1st September in any year and ending on 31st May in the following year, sell petrol which—

- (a) does not comply with the winter petrol requirement; and
- (b) is for use within the United Kingdom.

(2) Subject to the provisions of these Regulations, no person shall, during a period beginning on 1st June and ending on 31st August in any year, sell petrol which—

- (a) does not comply with the summer petrol requirement; and
- (b) is for use within the United Kingdom.

(3) Paragraph (2) shall not apply to petrol—

- (a) which complies with the winter petrol requirement, and
- (b) which is stored in a filling station tank to which fewer than three deliveries of petrol have been made since 15th April immediately preceding the beginning of the period mentioned in paragraph (2).

(4) This paragraph applies to a filling station which is supplied from a facility (in this regulation referred to as “the supplying facility”)—

- (a) which is only supplied by sea-going vessels, and
- (b) whose total annual throughput of petrol is not more than 8,000 metric tonnes.

(5) Where paragraph (4) applies to a filling station, paragraph (2) shall not apply to petrol stored at that filling station where that petrol—

- (a) complies with the winter petrol requirement, and
- (b) is stored in a filling station tank to which fewer than two deliveries of petrol have been made since the second delivery of petrol to the supplying facility since 15th April immediately preceding the beginning of the period mentioned in paragraph (2).

(6) Subject to the provisions of these Regulations, no person shall sell diesel fuel which—

- (a) does not comply with the diesel fuel requirement; and
- (b) is for use within the United Kingdom.

**Exemptions relating to the distribution or sale of motor fuel**

6.—(1) Regulations 4 and 5 do not apply to the distribution or sale of motor fuel for the purposes of tests or experiments in connection with—

- (a) the composition or content of motor fuel; or
- (b) the design or performance of any article which uses, or is intended to use, motor fuel, or any component or lubricant of such article, in a case where the composition or content of the fuel is relevant to such design or performance.

(2) Notwithstanding the provisions of regulations 4 and 5, leaded petrol may be distributed and sold—

- (a) for use in a vehicle which belongs to the Crown and which is used for naval, military or air force purposes; or
- (b) in accordance with the provisions of Part III of these Regulations.

(3) Regulations 4 and 5 do not apply to the distribution or sale of motor fuel which is in the course of being manufactured or blended or which requires, for whatever reason, further manufacturing or blending.

(4) Regulation 5(1) shall not apply to petrol—

- (a) which complies with the transitional requirement, and
- (b) which is stored in a filling station tank to which fewer than three deliveries of petrol have been made since 1st January 2000.

(5) Nothing in regulation 4 or 5 shall render it unlawful for a person to distribute or sell any motor fuel on the ground that it fails to comply with any requirements mentioned in those regulations if—

- (a) the failure is due to a mistake or to reliance on information supplied to him or to the act or default of another person, accident or some other cause beyond his control; and
- (b) the person in question has taken all reasonable precautions and exercised all due diligence to avoid such failure by himself or any person under his control.

**Power of the Secretary of State to grant exemptions**

7.—(1) The Secretary of State may grant exemptions from the provisions of regulations 4 and 5 but only in accordance with the provisions of Articles 3(5), 4(3) and 7 of the Directive.

(2) Any exemption granted under paragraph (1) shall be made by instrument in writing and shall confer exemption upon such person or classes of person for such period and in such circumstances as may be specified in the instrument conferring the exemption.

**PART III***REGULATIONS RELATING TO LEADED PETROL PERMITS***Interpretation of Part III**

8. In this Part of these Regulations—

“distribution statement” means a statement provided in accordance with paragraph 8 of Schedule 1 to these Regulations;

“calendar year” means—

- (a) 1st January to 31st December in any year, or
- (b) where 1st January has passed in any particular year, from the date of the day in question to 31st December in that year;

“FBHVC” means the Federation of British Historic Vehicle Clubs;

“leaded petrol permit” has the meaning given in regulation 9(2);

“new applicant” means any applicant for a leaded petrol permit who has not previously been a permit holder and “new application” shall be construed accordingly;

“nominated filling station” means a filling station specified in a leaded petrol permit;

“permit holder” means a person who holds at least one leaded petrol permit which is in force;

“total leaded petrol allocation” means the total amount of leaded petrol, measured in metric tonnes, that a permit holder can distribute and sell in accordance with the leaded petrol permit or permits held by him;

“unallocated leaded petrol” means the amount of leaded petrol, or any fraction of that amount, which in accordance with regulation 9(2)(b) is specified in a leaded petrol permit in respect of which either—

- (a) a revocation notice has been given by the Secretary of State in accordance with regulation 12(2), or
- (b) a written notice has been given to the Secretary of State in accordance with regulation 13(1)(a).

### **Leaded petrol permits: general**

**9.**—(1) Subject to the other provisions of this Part of these Regulations, a person may distribute or sell leaded petrol for use within the United Kingdom if authorised to do so by a leaded petrol permit.

- (2) A leaded petrol permit is a permit issued by the Secretary of State which—
  - (a) authorises the distribution and sale of an amount of leaded petrol during any calendar year,
  - (b) specifies that amount of leaded petrol, and
  - (c) specifies the terms and conditions on which the distribution and sale shall take place.

(3) The Secretary of State shall not issue leaded petrol permits authorising the distribution and sale of more than a total of 100,000 tonnes of leaded petrol during any calendar year.

(4) The amount specified in paragraph (3) is referred to in these Regulations as “the annual leaded petrol allocation”.

- (5) A leaded petrol permit may be granted to—
  - (a) a producer of petrol which is for use within the United Kingdom,
  - (b) an importer of petrol into the United Kingdom, or
  - (c) a distributor of leaded petrol within the United Kingdom, and

shall apply to the distribution of leaded petrol to, and the sale of leaded petrol from, nominated filling stations provided such distribution and sale are in accordance with the terms and conditions of the permit.

- (6) Leaded petrol permits may be granted—
  - (a) to new applicants for a period of one calendar year, and
  - (b) in all other circumstances for a period of three calendar years.

(7) A leaded petrol permit may only be varied or surrendered in accordance with the provisions of regulations 11 and 13.

(8) A leaded petrol permit is not transferable by the permit holder but the Secretary of State may transfer it to another person in accordance with the provisions of regulations 14 and 15.

(9) A leaded petrol permit shall continue in force until its date of expiry unless previously surrendered or revoked in accordance with these Regulations.

### **Grant of a leaded petrol permit**

**10.**—(1) An application for a leaded petrol permit shall be made in writing to the Secretary of State and shall include the information and be accompanied by the evidence specified in Schedule 1.

(2) The Secretary of State shall not be required to determine an application if that information and evidence has not been provided.

(3) On receipt of an application for a leaded petrol permit, and subject to the provisions of paragraphs (4) to (7), the Secretary of State may—

- (a) grant one or more leaded petrol permits to the applicant on the terms and conditions specified in Schedule 2 and on such other terms as appear to the Secretary of State appropriate, or

(b) reject the application.

(4) The total leaded petrol allocation granted to an applicant shall not exceed the amount stated by the applicant in accordance with paragraph 6(c) of Schedule 1.

(5) In determining an application, the Secretary of State shall take into account the following—

- (a) the amount of leaded petrol which the applicant intends to distribute and sell,
- (b) the geographical area within which the applicant proposes to supply leaded petrol,
- (c) the number and location of the filling stations which the applicant has proposed as nominated filling stations,
- (d) the applicant's distribution statement,
- (e) the applicant's ability to discharge the obligations arising from the permit or permits for which he is applying, and
- (f) the desirability of ensuring that as widespread and continuous a supply of the annual leaded petrol allocation is achieved throughout the United Kingdom as is reasonably practicable.

(6) A leaded petrol permit shall not be issued to an applicant unless the Secretary of State is satisfied that the applicant is—

- (a) (i) a producer of petrol in the United Kingdom,  
(ii) an importer of petrol into the United Kingdom, or  
(iii) a distributor of petrol within the United Kingdom, and
- (b) in each case, a registered member of the FBHVC.

(7) The Secretary of State shall not issue leaded petrol permits to less than two applicants in respect of any calendar year, unless—

- (a) there has been only one application for a leaded petrol permit for that calendar year, or
- (b) the Secretary of State is of the opinion that there are insufficient suitable applicants for this requirement to be met.

#### **Variation of a leaded petrol permit**

**11.—**(1) While a leaded petrol permit is in force, the permit holder may apply in writing to the Secretary of State to vary—

- (a) the nominated filling stations specified in the permit, or
- (b) the terms of the mandatory condition specified in accordance with paragraph 1(b) of Schedule 2.

(2) On receipt of an application under paragraph (1), the Secretary of State may—

- (a) grant the variation on the terms set out in the permit holder's application,
- (b) grant the variation on such terms and subject to such conditions as appear to the Secretary of State appropriate, or
- (c) reject the application.

(3) In determining an application, the Secretary of State shall take into account the desirability of ensuring that as widespread and continuous a supply of the annual leaded petrol allocation is achieved throughout the United Kingdom as is reasonably practicable.

(4) Where the Secretary of State varies a leaded petrol permit in accordance with subparagraph (2)(a) or (b), the Secretary of State shall issue the permit holder with a variation notice specifying—

- (a) the leaded petrol permit to which the notice applies,
- (b) the nominated filling stations as varied by the notice, and
- (c) any terms and conditions which apply to the permit as a result of the variation,

and following its issue a variation notice shall be treated as a term of the leaded petrol permit to which it applies.

**Revocation of a leaded petrol permit**

- 12.**—(1) Where a leaded petrol permit is in force and where—
- (a) it appears to the Secretary of State that the permit holder is in breach of any of the terms or the conditions of the permit, or
  - (b) the permit holder has gone into liquidation,
- the Secretary of State may revoke the permit.
- (2) Where the Secretary of State exercises his powers under paragraph (1) he shall give the permit holder a revocation notice stating—
- (a) the grounds on which the permit is being revoked, and
  - (b) the date when the revocation shall take effect (“the revocation date”).
- (3) The revocation date specified in a revocation notice shall not be less than one month from the date when the revocation notice is sent to the permit holder.
- (4) A leaded petrol permit revoked in accordance with this regulation shall cease to authorise the permit holder to distribute and sell that amount of leaded petrol which, in accordance with regulation 9(2)(b), is specified in the permit.

**Surrender of a leaded petrol permit**

- 13.**—(1) Subject to the provisions of paragraph (2), a permit holder may surrender a leaded petrol permit by—
- (a) giving the Secretary of State not less than one month’s notice in writing of his intention to surrender the permit,
  - (b) specifying the permit which he wishes to surrender,
  - (c) specifying a date on which the surrender will take place (“the surrender date”), and
  - (d) delivering the leaded petrol permit to the Secretary of State by the surrender date.
- (2) Following receipt of a notice under paragraph (1), the Secretary of State, if he thinks it is appropriate, may serve a notice on the permit holder specifying a later date as the surrender date.
- (3) In exercising the power under paragraph (2), the Secretary of State may not specify a date which is more than five months after the date specified in the notice given under paragraph (1).
- (4) A leaded petrol permit surrendered in accordance with this regulation shall cease to authorise the permit holder to distribute and sell that amount of leaded petrol which, in accordance with regulation 9(2)(b), is specified in the permit.

**Duties of the Secretary of State on the surrender and revocation of a leaded petrol permit where the permit holder will continue to distribute and sell leaded petrol**

- 14.**—(1) This regulation applies where—
- (a) a revocation notice is given to a permit holder by the Secretary of State in accordance with regulation 12(2), or
  - (b) a written notice is given to the Secretary of State by a permit holder in accordance with regulation 13(1)(a),
- and that permit holder would remain a permit holder by holding another permit were the revocation notice or the written notice, as the case may be, to take effect.
- (2) Where the Secretary of State has given a revocation notice in accordance with regulation 12(2), as soon as reasonably practicable after—
- (a) the expiry of the period specified in regulation 16(3)(a), or
  - (b) the determination of the appeal, where an appeal has been made under regulation 16(1)(e) and that appeal has failed,
- the Secretary of State shall write to any other permit holders inviting them to apply for the unallocated leaded petrol and the Secretary of State may advertise the availability of the unallocated leaded petrol generally.
- (3) Where the Secretary of State has been given a written notice in accordance with regulation 13(1)(a), as soon as reasonably practicable the Secretary of State—
- (a) shall write to the other permit holders inviting them to apply for the unallocated leaded petrol, and



(b) may advertise the availability of the unallocated leaded petrol generally.

(4) Where a permit holder applies for a leaded petrol permit in respect of the unallocated leaded petrol under this regulation, the application shall—

- (a) be made in writing to the Secretary of State, and
- (b) identify those nominated filling stations through which the permit holder intends to sell the leaded petrol.

(5) Where a person other than a permit holder applies for a leaded petrol permit in respect of the unallocated leaded petrol under this regulation, the application shall be made in accordance with regulation 10.

(6) On receipt of an application under paragraph (4), and subject to the provisions of paragraph (7), the Secretary of State may—

- (a) grant one or more leaded petrol permits to the applicant on the terms and conditions specified in Schedule 2 and on such other terms as appear to the Secretary of State appropriate, or
- (b) reject the application.

(7) In exercising the power specified in paragraph (6), the Secretary of State shall take into account the desirability of ensuring that as widespread and continuous a supply of the annual leaded petrol allocation is achieved throughout the United Kingdom as is reasonably practicable.

**Duties of the Secretary of State on the surrender and revocation of a leaded petrol permit where the permit holder will cease to distribute and sell leaded petrol**

**15.**—(1) This regulation applies where—

- (a) a revocation notice is given to a permit holder by the Secretary of State in accordance with regulation 12(2), or
- (b) a written notice is given to the Secretary of State by a permit holder in accordance with regulation 13(1)(a),

and that permit holder would cease to be a permit holder were the revocation notice or the written notice, as the case may be, to take effect.

(2) Where the Secretary of State has given a revocation notice in accordance with regulation 12(2), as soon as reasonably practicable after—

- (a) the expiry of the period specified in regulation 16(3)(a), or
- (b) the determination of the appeal, where an appeal has been made under regulation 16(1)(e) and that appeal has failed,

the Secretary of State shall advertise the availability of the unallocated leaded petrol generally.

(3) Where the Secretary of State has been given written notice in accordance with regulation 13(1)(a), as soon as reasonably practicable the Secretary of State shall advertise the availability of the unallocated leaded petrol generally.

(4) Where an application for a leaded petrol permit in respect of the unallocated leaded petrol is made under this regulation, the application shall be made in accordance with regulation 10.

**Appeals**

**16.**—(1) Where—

- (a) an application for a leaded petrol permit is rejected,
- (b) an application for a leaded petrol permit in respect of unallocated leaded petrol is rejected,
- (c) a leaded petrol permit is granted subject to conditions,
- (d) an application for the variation of a leaded petrol permit is rejected, or

- (e) a revocation notice is given by the Secretary of State in accordance with regulation 12(2),
- the applicant or, as the case may be, the permit holder may appeal against the decision to the Secretary of State.
- (2) An appeal under paragraph (1) shall be made by notice in writing accompanied by a statement of the grounds of the appeal.
- (3) A notice of appeal shall be given—
- (a) in the case of an appeal under sub-paragraph (1)(a), (c) or (e) before the expiry of the period of fourteen days beginning with the date on which the decision which is the subject of the appeal is notified to the appellant, and
  - (b) in the case of any other appeal under paragraph (1), before the expiry of the period of twenty-eight days beginning with the date on which the decision which is the subject of the appeal is notified to the appellant.
- (4) The Secretary of State, if satisfied that there are special reasons for doing so, may at any time allow notice of an appeal to be given after the expiry of the periods mentioned in paragraph (3).
- (5) The Secretary of State shall not be required to determine an appeal under sub-paragraph (1)(a) or (b) in respect of an application for a particular calendar year if on the date he receives the notice of appeal—
- (a) one or more permits have been issued in respect of that calendar year, and
  - (b) those permits authorise the distribution and sale of all of the annual leaded petrol allocation for that calendar year.
- (6) Where an appeal under paragraph (1)(a) or (b) is successful in whole or in part, the Secretary of State may give effect to the appeal decision by issuing one or more leaded petrol permits in accordance with the provisions of regulation 10(3)(a).
- (7) Where an appeal under paragraph (1)(c) or (d) is successful in whole or in part, the Secretary of State may give effect to the appeal decision by issuing a variation notice in accordance with regulation 11(4).
- (8) Where an appeal under paragraph (1)(e) is successful in whole or in part, the Secretary of State shall give effect to the appeal decision by reinstating the appellant as the holder of any permit in respect of which the appeal succeeded.

## PART IV

### *REGULATIONS RELATING TO SUPPLEMENTAL MATTERS AND REVOCATION*

#### **Evidence by certificate in Scotland**

17.—(1) In any proceedings in Scotland against any person for contravention of, or failure to comply with, any provision of these Regulations a certificate issued by any person possessing the qualifications prescribed by regulations made under section 27 of the Food Safety Act 1990(a) as qualifying persons for appointment as public analysts under that Act and stating the results of any test carried out in accordance with the appropriate method specified in paragraph (2) below shall be received in evidence, and be sufficient evidence of the matters stated in the certificate, and the provisions of subsections (2) to (4) of section 31 of the Trade Descriptions Act 1968(b) (evidence by certificate) shall apply to any such certificate as they apply to such a certificate as mentioned in that section.

(2) A test carried out in accordance with the appropriate method referred to in paragraph (1) is a Test Method specified in Annexes I to IV of the Directive.

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(a) 1990 c.16.  
(b) 1968 c.29.

**Revocations**

**18.** The Motor Fuel (Composition and Content) Regulations 1994<sup>(a)</sup> are revoked.

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

19th November 1999

*Larry Whitty*  
Parliamentary Under Secretary of State  
Department of the Environment,  
Transport and the Regions

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(a) S.I. 1994/2295.

**SCHEDULE 1**

Regulation 10(1)

**INFORMATION AND EVIDENCE REQUIRED IN RELATION TO AN APPLICATION FOR A LEADED PETROL PERMIT**

1. The full name, address and (as applicable) electronic mail address and daytime telephone, fax and telex number of the applicant and, where the applicant employs an agent in relation to the application, of that agent.
2. Evidence that the applicant is—
  - (a) a producer of petrol within the United Kingdom,
  - (b) an importer of petrol into the United Kingdom, or
  - (c) a distributor of petrol within the United Kingdom.
3. Evidence that the applicant is a registered member of the FBHVC.
4. A description of the applicant's retail distribution network for the sale of petrol or, where the applicant has a contractual agreement for the sale of his petrol with a third party, a description of that contract and a description of the third party's retail distribution network.
5. Where the applicant is a distributor of petrol within the United Kingdom, a description of the applicant's contractual agreement for the production and supply of leaded petrol on and after 1st January 2000 or, where such a contractual agreement has not been finalised, details of the applicant's likely supplier and the likely terms of that supply.
6. A statement of the following—
  - (a) the areas within which the applicant proposes to sell leaded petrol,
  - (b) the number and location of the applicant's proposed nominated filling stations, and
  - (c) the total tonnage of leaded petrol which the applicant intends to distribute and sell (to the nearest 1,000 metric tonnes) over the period to be covered by any issued permit.
7. A statement that the proposed nominated filling stations will be required contractually to sell leaded petrol for the duration of any issued permit (one calendar year for a new application and three calendar years in other cases), or a statement that those filling stations have agreed to do so.
8. A statement detailing—
  - (a) the applicant's proposed systems for ensuring that the total leaded petrol allocation is not exceeded,
  - (b) the expected distribution of leaded petrol to the proposed nominated filling stations for each month during a calendar year, and
  - (c) the expected distribution of leaded petrol to the proposed nominated filling stations for each month during a calendar year expressed as a percentage of the figure provided in accordance with paragraph 6(c).
9. Any other information which the applicant wishes the Secretary of State to take into account.

**SCHEDULE 2**

Regulation 10(3)

**MANDATORY TERMS AND CONDITIONS FOR A LEADED PETROL PERMIT**

- 1.—(1) The permit holder shall ensure that—
  - (a) leaded petrol is not distributed or sold in excess of the permit holder's total leaded petrol allocation,
  - (b) the amount of leaded petrol distributed to the nominated filling stations each month remains within a specified percentage of that part of the distribution statement which is provided in accordance with paragraph 8(c) of Schedule 1,
  - (c) the nominated filling stations only sell leaded petrol for vehicles with fuel filler necks which are greater than 23.6mm in diameter, and
  - (d) the owners of the nominated filling stations are registered members of the FBHVC.
 (2) In this paragraph "specified percentage" means a percentage specified by the Secretary of State in the leaded petrol permit.
2. The permit holder shall:
  - (a) prepare monthly statements in metric tonnes of—
    - (i) the amount of leaded petrol distributed to the nominated filling stations,
    - (ii) the amount of leaded petrol sold from the nominated filling stations, and
    - (iii) the amount of leaded petrol sold from each nominated filling station;

- (b) submit the statements specified in sub-paragraph (a) to the Secretary of State at intervals of not more than three months in arrears;
  - (c) retain copies of the statements specified in sub-paragraph (a) for a period of not less than three years; and
  - (d) on being given notice of not less than twenty-four hours, allow the copies specified in sub-paragraph (c) to be inspected by a representative of the Secretary of State.
3. The permit holder shall give the Secretary of State not less than one month's notice of his intention to surrender a leaded petrol permit.
4. The permit holder shall provide the FBHVC with—
- (a) the locations and addresses of his nominated filling stations, and
  - (b) where the nominated filling stations have been varied in accordance with regulation 11, the locations and addresses of the newly nominated filling stations and the details of any filling stations that have ceased to be nominated filling stations.
5. The permit holder shall publish the locations and addresses of his nominated filling stations on the internet and shall provide the FBHVC with details of the internet address where this information can be accessed.

## EXPLANATORY NOTE

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

These Regulations implement Directive 98/70/EC of the European Parliament and of the Council of October 13 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (“the Directive”). They revoke and replace the Motor Fuel (Composition and Content) Regulations 1994 (“the 1994 Regulations”).

Part I of the Regulations provides for preliminary matters, including citation and commencement (regulation 1) and general interpretation (regulation 2).

Part II of the Regulations lays down requirements as to the composition and content of motor fuel. Regulation 3 specifies these requirements by reference to Annexes I to IV of the Directive. Certain of these requirements vary according to the time of year when motor fuel is distributed or sold.

Both the distribution and sale of non-complying motor fuel are prohibited (regulations 4 and 5). One of the effects of these provisions is to prohibit the distribution and sale of leaded petrol generally.

Regulation 6 provides for certain exemptions from these provisions. In particular, an exemption is provided for leaded petrol which is distributed and sold in accordance with Part III of the Regulations (regulation 6(2)(b)).

Regulation 7 enables the Secretary of State to grant exemptions to specified persons or classes of person in accordance with Articles 3(5), 4(3) and 7 of the Directive.

Part III of the Regulations provides for leaded petrol permits. Regulation 9 provides for leaded petrol permits generally and enables the Secretary of State to issue leaded petrol permits which authorise the distribution and sale of the annual leaded petrol allocation. Regulation 10 provides for the grant of these permits.

Leaded petrol permits may be varied (regulation 11), revoked (regulation 12) or surrendered (regulation 13). Certain duties are imposed on the Secretary of State where surrender or revocation takes place (regulations 14 and 15). Provision is made for appeals (regulation 16).

Part IV of the Regulations deal with supplemental matters and revocations. Regulation 17 provides for evidence of the results of tests to be given by certificate in proceedings in Scotland and regulation 18 revokes the 1994 Regulations.

A regulatory impact assessment has been prepared and copies can be obtained from Vehicle, Environment and Taxation Division, Department of the Environment, Transport and the Regions, Zone 2/03, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone: 0207 944 2063, e-mail: vet@detr.gov.uk). A copy has been placed in the library of each House of Parliament.

Copies of the British Standard Specifications 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 (telephone: 0181 996 9000, e-mail: infor@bsi.org.uk).



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