STATUTORY RULES OF NORTHERN IRELAND

1998 No. 329

EUROPEAN COMMUNITIES
CLEAN AIR

The Sulphur Content of Solid Fuel Regulations (Northern Ireland) 1998

Made - - - - 16th September 1998

Coming into operation 15th October 1998

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

Citation and commencement

1. These Regulations may be cited as the Sulphur Content of Solid Fuel Regulations (Northern Ireland) 1998, and shall come into operation on 15th October 1998.

Interpretation

2.—(1) In these Regulations—

"authorised officer" means an officer authorised by a district council for the purposes of these Regulations;

"deliver" includes deposit with or consign to any person;

"the Department" means the Department of the Environment;

"private dwelling" has the same meaning as in Article 2(5) of the Clean Air (Northern Ireland) Order 1981(**3**);

"relevant information" means any information held in whatever form dealing with the acquisition, sale or storage of solid fuel;

"sell" includes possess for the purpose of sale or offer or expose for sale;

(**1**) S.I.1988/785
(**2**) 1972 c. 68
(**3**) S.I. 1981/158 (N.I. 4)

"trade premises" means any place where solid fuel is held for sale or delivery, and includes any vehicle used for the delivery of such fuel.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Sulphur content of solid fuel

3.—(1) Subject to paragraph (2), a person shall not sell by retail or deliver in the course of retail sale any solid fuel having a total sulphur content greater than 2 per cent. determined on a dry basis in accordance with British Standard BS 1016: Part 100: 1994 Methods for analysis and testing of coal and coke(**5**).

(2) Paragraph (1) shall not prohibit—

(a) the delivery of any such fuel to premises other than a private dwelling; or

(b) the possession of any such fuel for the purposes of—

(i) its use in the manufacture of solid fuel; or

(ii) its export from Northern Ireland.

Exemption

4. Regulation 3 shall not apply to the sale or delivery of solid fuel held on trade premises on the date of commencement of these Regulations.

Enforcement

5. These Regulations shall be enforced and executed by each district council within its district.

Powers of entry

6.—(1) An authorised officer may, for the purpose of determining whether an offence has been committed under these Regulations, at any reasonable time and on production, if so required, of his authority—

(a) enter any trade premises on which he has reasonable cause to believe that it is necessary for him to enter;

(b) inspect any solid fuel which has been sold or delivered to such premises;

(c) take a sample of such fuel from such premises;

(d) submit the sample referred to in sub-paragraph (*c*) for testing to a laboratory approved by the Department, for the purpose of determining its total sulphur content; and

(e) request and inspect any relevant information and, where any such information is kept by means of a computer—

(i) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the information; and

(ii) require any person having charge of, or otherwise concerned with the operation of, the computer, associated apparatus, or material to afford him such assistance as he may reasonably require.

(**4**) 1954 c. 33 (N.I.)

(**5**) British Standard BS 1016 is available from the British Standards Institution, 389 Chiswick High Road, London, W4 4AL (telephone 0181 996 9000)