1991 No. 235

PUBLIC HEALTH

Oil Fuel (Sulphur Content of Gas Oil) Regulations (Northern Ireland) 1991

Made	*5th June 1991*
Coming into operation . .	*19th July 1991*

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2) and 55(1), (3), (5) and (6) of the Pollution Control and Local Government (Northern Ireland) Order 1978(**a**) and of every other power enabling it in that behalf, and after consulting such persons appearing to the Department (i) to represent producers and users of oil fuel, (ii) to represent manufacturers and users of plant and equipment for which oil fuel is used, and (iii) to be conversant with problems of air pollution, as the Department considers appropriate, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Oil Fuel (Sulphur Content of Gas Oil) Regulations (Northern Ireland) 1991 and shall come into operation on 19th July 1991.

Interpretation

2. In these regulations—

"gas oil" means any oil fuel of which at least 85 per cent by volume, including distillation losses, distils at a temperature of 350°C, when tested by the method described in the first revision (February 1985) of British Standard BS 2000: Part 123: 1985, entitled "British Standard Methods of Test for Petroleum and its Products, Part 123, Distillation of Petroleum Products" and which came into effect on 28th February 1985;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on a road as defined in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(**b**).

Prohibition of use of gas oil having excess sulphur content

3.—(1) This regulation applies to any furnace or engine except—

(*a*) a furnace or engine used in a ship; or

(*b*) a diesel engine used to propel a motor vehicle.

(**a**) S.I. 1978/1049 (N.I. 19); Art. 2(2) is cited because it contains a definition of "the Department" and "regulations"

(**b**) S.I. 1981/154 (N.I. 1)

(2) Subject to regulations 5 and 6, a person shall not use, or cause or permit to be used, in a furnace or engine to which this regulation applies, gas oil having a sulphur content that exceeds 0.3 per cent by weight when tested by the appropriate method as described in regulation 4.

(3) In paragraph (1)(*a*) ''ship'' includes every description of vessel used in navigation.

Appropriate method of testing

4. For the purposes of regulations 3(2) and 5(*a*)(i), gas oil is tested by the appropriate method when—

(*a*) it is tested by the method described in the Institute of Petroleum document entitled ''Sulphur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence (Non-Dispersive X-Ray Fluorescence)'' published by the Institute of Petroleum as designation IP 336/81 (Reapproved 1986); and

(*b*) the results of any such test are interpreted in accordance with 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.

Exemptions

5. Regulation 3 does not apply—

(*a*) to the use of gas oil—

(i) having a sulphur content not exceeding 0.5 per cent by weight when tested by the appropriate method; and

(ii) already in the user's possession on 31st December 1988;

(*b*) to the production, treatment or use of gas oil which is in the course of being manufactured, processed or blended in the refining industry;

(*c*) to the use of gas oil contained in the fuel tank of a motor vehicle entering Northern Ireland from a state which is not a Member State of the European Community where—

(i) the gas oil in the tank is to be used for the propulsion of the vehicle; or

(ii) for the driving of any ancillary engine or equipment forming part of the vehicle; or

(*d*) to the use of gas oil for the purpose of tests or experiments in connection with—

(i) the composition of oil fuel, or of any other fuel used, or for use, in any furnace or engine to which regulation 3 applies; or

(ii) the design or performance of any article which uses, or is intended to use, oil fuel or any other fuel used, or for use, in any such furnace or engine or any component or lubricant of such an article, where the composition or content of the fuel is relevant to that design or performance.