

2012 No. 2567

PUBLIC HEALTH

**The Motor Fuel (Composition and Content) (Amendment)
Regulations 2012**

<i>Made</i> - - - -	<i>10th October 2012</i>
<i>Laid before Parliament</i>	<i>12th October 2012</i>
<i>Coming into force</i> - -	<i>7th November 2012</i>

The Secretary of State for Transport makes the following regulations—

- (a) in exercise of the powers conferred by sections 30, 31, 32(1) and 63(1) of the Clean Air Act 1993 (“the 1993 Act”)(a); and
- (b) being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the environment(c), and in relation to measures relating to maritime transport(d) and consumer protection(e), in exercise of the powers conferred by that section.

In accordance with section 30(2) of the 1993 Act the Secretary of State has consulted such persons as appeared to the Secretary of State to represent manufacturers and users of motor vehicles or to represent the producers and users of fuel for motor vehicles or to be conversant with problems of air pollution.

In accordance with section 31(2) of the 1993 Act the Secretary of State has consulted such persons as appeared to the Secretary of State to represent producers and users of oil fuel or to represent manufacturers and users of plant and equipment for which oil fuel is used or to be conversant with problems of air pollution.

Citation and commencement

1. These Regulations may be cited as the Motor Fuel (Composition and Content) (Amendment) Regulations 2012 and come into force on 7th November 2012.

(a) 1993 c.11; section 30(4) was amended by the Statute Law (Repeals) Act 1998 (c.43), section 1(1) and (2), Schedule 1, Part X, Group 5 and Schedule 2, paragraph 13; section 30(5) was amended by the Statute Law (Repeals) Act 2004 (c.14), section 1(1), Schedule 1, Part 13.

(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(c) S.I. 2008/301.

(d) S.I. 1994/757, to which there are amendments not relevant to these Regulations.

(e) S.I. 1993/2661, to which there are amendments not relevant to these Regulations.

Amendment of the Motor Fuel (Composition and Content) Regulations 1999

2. The Motor Fuel (Composition and Content) Regulations 1999(a) are amended as follows.

3.—(1) Regulation 2 (general interpretation) is amended in accordance with this regulation.

(2) In the definition of “the Directive”, for “Directive 2009/30/EC of the European Parliament and of the Council”, substitute “Commission Directive 2011/63/EU(b)”.

(3) After the definition of “mg/kg”, insert—

““other liquid fuel” means any fuel, other than petrol, diesel fuel and gas oil, which is a liquid at 15 °C and at an absolute pressure of 101.325 kPa;”.

4. In paragraph (7)(e) of regulation 5B (restrictions on the distribution and sale of gas oil and other liquid fuel), for “Merchant Shipping Notice 1776(M)” substitute “Merchant Shipping Notice 1827(M)”.

Review

5.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Commission Directive 2011/63/EU (which is implemented by means of regulation 3(2)) is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by the authority of the Secretary of State

10th October 2012

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Fuel (Composition and Content) Regulations 1999 (S.I. 1999/3107) (“the 1999 Regulations”).

(a) S.I. 1999/3107; relevant amending instruments are S.I. 2003/3078 and 2010/3035.

(b) OJ No L 147, 2.6.2011, p15.

These Regulations transpose the changes to Annexes I and II of Directive 98/70/EC of the European Parliament and of the Council of 13th October 1998 relating to the quality of petrol and diesel fuels (OJ L 350, 28.12.1998, p58) made by Commission Directive 2011/63/EU (OJ No L 147, 2.6.2011, p15) (“the 2011 Directive”). The 2011 Directive updates footnotes in Annexes I and II of Directive 98/70/EC so as to reference the latest versions of the industry fuel standards EN228 and EN590. These standards are referenced to define the methods used for testing whether fuels comply with the specifications listed in the respective Annexes.

Regulation 3 amends regulation 2 of the 1999 Regulations to update references to Directive 98/70/EC so as to capture the amendments made by the 2011 Directive and to insert a definition of “other liquid fuel”.

Regulation 4 amends regulation 5B of the 1999 Regulations to update the reference to the Merchant Shipping Notice on Categorisation of Waters so that it refers to the latest version of that Notice.

Regulation 5 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A Transposition Note in respect of Commission Directive 2011/63/EU has been laid before each House of Parliament.

An impact assessment has not been produced as this instrument changes only minor technical details of the 1999 Regulations to bring them into line with current industry practice and so no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum is available alongside the instrument on the UK legislation website, www.legislation.gov.uk.

A copy of the Directives referred to in this Explanatory Note may be obtained from the Office of Public Sector Information or viewed in the Official Journal of the European Union via the EUR-Lex website at <http://eur-lex.europa.eu/>.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency and can be viewed on the Agency’s website at <http://www.dft.gov.uk/mca/> which also has details of any amendments or replacements.

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STATUTORY INSTRUMENTS

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