

Energy Conservation (Transport Facility Operators) Order 2013

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No. S 806

**ENERGY CONSERVATION ACT 2012
(ACT 11 OF 2012)**

**ENERGY CONSERVATION
(TRANSPORT FACILITY OPERATORS)
ORDER 2013**

In exercise of the powers conferred by section 45 of the Energy Conservation Act 2012, the Minister for Transport hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Energy Conservation (Transport Facility Operators) Order 2013 and shall come into operation on 1st January 2014.

Definitions

2. In this Order, unless the context otherwise requires —

“consumption of energy”, in relation to a business activity, means the use or disposal of energy from the operation of the business activity, including own use and losses in use, extraction, production and transmission;

“energy” means any form of energy derived from any fuel or energy commodity specified in the First Schedule;

“energy commodity” means a commodity from which energy may be derived without combustion, and includes electricity, steam, compressed air and chilled water.

Qualifications by which airport service operator qualifies as transport facility operator

3.—(1) For the purposes of section 45(1)(b) of the Act, an airport service operator qualifies as a transport facility operator if —

(a) it has operational control over a business activity which has attained the energy use threshold specified in sub-paragraph (2) in at least 2 out of the 3 preceding calendar years; and

(b) the business activity is attributable to its business as an airport service operator.

(2) The energy use threshold referred to in section 45(2)(b) of the Act is 54 terajoules of energy consumed per calendar year, derived from one or more types of fuel or energy commodity specified in the First Schedule.

(3) The energy consumed by a business activity is the total consumption of energy derived from all fuel and energy commodities used to provide or produce energy, but the total shall not include energy so produced from any fuel or energy commodity that is already accounted for in the total figure.

(4) If a quantity of fuel used is to be converted to an amount of energy in joules, the conversion is to be done using —

- (a) the default net calorific values set out in the Second Schedule; or
- (b) the net calorific values specified by an airport service operator and approved by the Civil Aviation Authority under sub-paragraph (8).

(5) If a quantity of an energy commodity used is to be converted to an amount of energy in joules, the conversion is to be done using —

- (a) the default energy content values set out in the Third Schedule; or
- (b) the energy content values specified by an airport service operator and approved by the Civil Aviation Authority under sub-paragraph (8).

(6) An airport service operator seeking to specify the net calorific value of a fuel shall submit to the Civil Aviation Authority a report by a laboratory containing the results of a test conducted by the laboratory in accordance with the relevant ASTM International, International Organization for Standardization (ISO) or other equivalent testing standards approved by the Civil Aviation Authority to ascertain the net calorific value of the fuel concerned.

(7) An airport service operator seeking to specify the energy content value of an energy commodity shall submit to the Civil Aviation Authority the method by which the airport service operator derived the energy content value.

(8) The Civil Aviation Authority may approve or reject the net calorific value or the energy content value sought to be specified by the airport service operator under sub-paragraph (6) or (7), as the case may be.

Declaration of land transport operator or port service operator as transport facility operator

4. For the purposes of section 45(1)(a) of the Act —

- (a) every land transport operator specified in the first column of the Table in Part I of the Fourth Schedule is declared to be a transport facility operator from the date specified opposite in the second column of that Table; and
- (b) every port service operator specified in the first column of the Table in Part II of the Fourth Schedule is declared to be a transport facility operator from the date specified opposite in the second column of that Table.

FIRST SCHEDULE

Paragraphs 2 and 3(2)

FUEL AND ENERGY COMMODITIES

PART I

FUEL

1. Crude Oil and Petroleum Products

- (a) Aviation Gasoline
- (b) Bitumen
- (c) Crude Oil
- (d) Ethane
- (e) Gas/Diesel Oil
- (f) Jet Gasoline
- (g) Jet Kerosene
- (h) Other Kerosene
- (i) Liquefied Petroleum Gases
- (j) Lubricants
- (k) Motor Gasoline
- (l) Naphtha
- (m) Natural Gas Liquids
- (n) Orimulsion
- (o) Paraffin Waxes
- (p) Petroleum Coke
- (q) Refinery Feedstock
- (r) Refinery Gas
- (s) Residual Fuel Oil
- (t) Shale Oil
- (u) White Spirit and Special Boiling Point (SBP) Spirit
- (v) Other Petroleum Products

2. Solid Fuel

- (a) Anthracite
- (b) Brown Coal Briquettes

- (c) Coal Tar
- (d) Coke Oven Coke and Lignite Coke
- (e) Coking Coal
- (f) Gas Coke
- (g) Lignite
- (h) Oil Shale and Tar Sands
- (i) Patent Fuel
- (j) Sub-Bituminous Coal
- (k) Other Bituminous Coal

3. Derived Gases

- (a) Blast Furnace Gas
- (b) Coke Oven Gas
- (c) Oxygen Steel Furnace Gas
- (d) Town Gas (Gas Works Gas)

4. Natural Gas

- (a) Natural Gas

5. Non Fossil-based Fuel

- (a) Industrial Waste
- (b) Municipal Waste
- (c) Waste Oils

6. Peat

- (a) Peat

7. Biomass and Fuel Derived from Biomass

- (a) Biodiesels
- (b) Biogasoline
- (c) Charcoal
- (d) Landfill Gas
- (e) Sludge Gas
- (f) Sulphite Lyes (Black Liquor)
- (g) Wood/Wood Waste