
STATUTORY INSTRUMENTS

2004 No. 3349

The Biofuel (Labelling) Regulations 2004

Citation and commencement

1. These Regulations may be cited as the Biofuel (Labelling) Regulations 2004 and shall come into force on 1st February 2005.

Interpretation

2. In these Regulations—

“biodiesel” means biofuel which is a fatty acid methyl-ester produced from vegetable or animal oil;

“bioethanol” means biofuel which is ethanol produced from biomass or the biodegradable fraction of waste;

“biofuel” means liquid or gaseous fuel for transport produced from biomass;

“biomass” means the biodegradable fraction of products, waste and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste;

“blend” means motor fuel containing mineral oil derivatives and any biofuel;

“enforcement authority” means—

(a) in England and Wales and in Scotland, a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985 ^{M1}; and

(b) in Northern Ireland, the Department of Enterprise, Trade and Investment; and

“ultimate consumer” means the person to whom a blend or biofuel is sold by retail at a filling station.

Marginal Citations

M1 1985 c. 72, as amended by paragraph 75 of Schedule 16 to the [Local Government \(Wales\) Act 1994](#) (c. 19) and paragraph 144 of Schedule 13 to the [Local Government etc. \(Scotland\) Act 1994](#) (c. 39).

Labelling requirements

3.—(1) [^{F1}Paragraph (2)] applies to each of the following fuels—

(a) bioethanol;

(b) biodiesel;

(c) any blend containing more than [^{F2}10%] by volume of [^{F3}bioethanol].

[^{F4}(d) any blend containing more than 7% by volume of biodiesel.]

(2) No person shall sell, or offer for sale, to the ultimate consumer any fuel to which [^{F5}this paragraph] applies, unless the words, “Not suitable for all vehicles: consult vehicle manufacturer

before use” are displayed prominently on any dispenser from which such fuel is sold or offered for sale to the ultimate consumer.

[^{F6}(3) No person shall sell, or offer for sale, to the ultimate consumer before 1st April 2010 any blend containing more than 5% but not more than 7% by volume of biodiesel unless the words “Contains up to 7% biodiesel” are displayed prominently on any dispenser from which such fuel is sold or offered for sale to the ultimate consumer.]

[^{F7}(4) A person must not sell, or offer for sale, to the ultimate consumer any blend containing more than 5% but not more than 10% by volume of bioethanol, unless the words “Suitable for most petrol vehicles: check before use” are displayed prominently on any dispenser from which such blend is sold or offered for sale to the ultimate consumer.]

Textual Amendments

- F1** Words in reg. 3(1) substituted (8.1.2010) by [The Biofuel \(Labelling\) \(Amendment\) Regulations 2009 \(S.I. 2009/3277\)](#), regs. 1, **3(2)(a)**
- F2** Word in reg. 3(1)(c) substituted (12.8.2021) by [The Motor Fuel \(Composition and Content\) and the Biofuel \(Labelling\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/894\)](#), regs. 1(2), **13(a)**
- F3** Word in reg. 3(1)(c) substituted (8.1.2010) by [The Biofuel \(Labelling\) \(Amendment\) Regulations 2009 \(S.I. 2009/3277\)](#), regs. 1, **3(2)(b)**
- F4** Reg. 3(1)(d) added (8.1.2010) by [The Biofuel \(Labelling\) \(Amendment\) Regulations 2009 \(S.I. 2009/3277\)](#), regs. 1, **3(3)**
- F5** Words in reg. 3(2) substituted (8.1.2010) by [The Biofuel \(Labelling\) \(Amendment\) Regulations 2009 \(S.I. 2009/3277\)](#), regs. 1, **3(4)**
- F6** Reg. 3(3) added (8.1.2010) by [The Biofuel \(Labelling\) \(Amendment\) Regulations 2009 \(S.I. 2009/3277\)](#), regs. 1, **3(5)**
- F7** Reg. 3(4) inserted (12.8.2021) by [The Motor Fuel \(Composition and Content\) and the Biofuel \(Labelling\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/894\)](#), regs. 1(2), **13(b)**

Penalties and enforcement

4.—(1) Any person who contravenes a provision of these Regulations shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding level 5 on the standard scale.

(2) The provisions of the Schedule (defences and enforcement) shall have effect.

(3) It shall be the duty of every enforcement authority to enforce these Regulations within its area, provided that nothing in these Regulations authorises an enforcement authority in Scotland to bring proceedings in Scotland for an offence.

(4) In Northern Ireland proceedings for an offence under these Regulations may be instituted by or on behalf of an enforcement authority or the Director of Public Prosecutions.

Signed by authority of the Secretary of State

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

Changes to legislation:

There are currently no known outstanding effects for the The Biofuel (Labelling) Regulations 2004.