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STATUTORY INSTRUMENTS

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**2007 No. 3072**

**TRANSPORT  
ENERGY**

**SUSTAINABLE AND RENEWABLE FUELS**

**The Renewable Transport Fuel Obligations Order 2007**

*Made - - - - 25th October 2007*

*Coming into force - - 26th October 2007*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 124 to 130, 132(1), 132(4) and 192(4)(c) of the Energy Act 2004 <sup>M1</sup>.

A draft of this Order was laid before Parliament in accordance with sections 124(5) and 192(3) of that Act and approved by a resolution of each House of Parliament.

In accordance with section 124(4) of that Act, before making this Order the Secretary of State has consulted with such persons appearing to her to represent persons whose interests will be affected by the Order, and such other persons, as she considers appropriate.

**Marginal Citations**

**M1** [2004 c.20](#).

**PART 1**

**INTRODUCTORY PROVISIONS**

**Citation and commencement**

**1.** This Order may be cited as the Renewable Transport Fuel Obligations Order 2007 and comes into force on the day after the day on which it is made.

**Interpretation**

**2.—(1)** In this Order—

“the 1979 Act” means the Hydrocarbon Oil Duties Act 1979 <sup>M2</sup>;

“the 2004 Act” means the Energy Act 2004;

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[<sup>F1</sup>“the 2011 Order” means the Renewable Transport Fuel Obligations (Amendment) Order 2011;]

“account holder” has the meaning given in article 7(8);

[<sup>F1</sup>“additional sustainability information” means the information specified in Article 1 of Commission Decision 2011/13/EU of 12 January 2011 on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States;]

“buy-out fund” has the meaning given in article 22(2)(d);

<sup>F2</sup> .....

“connected person” means, in relation to a transport fuel supplier, a person connected to the supplier within the meaning of [<sup>F3</sup>section 1122 of the Corporation Tax Act 2010];

[<sup>F1</sup>“the cross compliance requirements” means—

(a) the statutory management requirements—

- (i) under the heading ‘Environment’ in point A of Annex II to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (“the CAP regulation”); and

- (ii) in row 9 of the table in that Annex; and

(b) the minimum requirements for good agricultural and environmental condition defined pursuant to Article 6(1) of the CAP regulation;]

[<sup>F1</sup>“the directive” means Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, and a reference in this Order to Annex V to the directive is a reference to that Annex as amended from time to time;]

[<sup>F1</sup>“ISAE 3000” means the International Standard on Assurance Engagements 3000 promulgated by the International Federation of Accountants;]

[<sup>F1</sup>“the Motor Fuel Regulations” means the Motor Fuel (Composition and Content) Regulations 1999;]

“non-obligated supplier” means a transport fuel supplier other than one upon whom a renewable transport fuel obligation is imposed under article 4;

[<sup>F1</sup>“notional volume” means, in relation to an amount of renewable transport fuel, the notional volume of that amount of renewable transport fuel determined in accordance with article 5(4A);]

“obligation period” has the meaning given in article 4(3)(a);

“obligated supplier” means a transport fuel supplier upon whom a renewable transport fuel obligation is imposed under article 4;

[<sup>F1</sup>“relevant feedstock” means—

(a) products, wastes or residues of biological origin from—

- (i) agriculture (including both vegetal and animal substances);
- (ii) forestry;
- (iii) related industries including fisheries and aquaculture;

(b) industrial or municipal waste of biological origin;]

[<sup>F1</sup>“renewable energy obligation” has the same meaning as in the directive;]

“road vehicle” means a vehicle constructed or adapted for use on roads, but does not include any vehicle which is an excepted vehicle within the meaning given by the 1979 Act <sup>M3</sup>;

“RTF account” means an account which is established pursuant to article 7; and

[<sup>F1</sup>“sustainability criteria” means the criteria set out in the Schedule;]

[<sup>F1</sup>“sustainable feedstock” means a relevant feedstock which meets the criteria set out in paragraphs 7 to 9 of the Schedule (land criteria);]

[<sup>F1</sup>“sustainable wastes” means relevant feedstocks which are—

- (a) wastes or residues other than residues from agriculture, aquaculture, fisheries or forestry; or
- (b) wastes, residues, non-food cellulosic material or ligno-cellulosic material which meet the criteria set out in paragraphs 7 to 9 of the Schedule (land criteria);]

[<sup>F1</sup>“verifier’s assurance report” means a report which meets the requirements of article 16A;]

“working day” means any day other than—

- (a) Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 <sup>M4</sup> in any part of the United Kingdom.

(2) For the purposes of this Order and of section 132(4) of the 2004 Act, “biomass” means the biodegradable portion of—

- (a) products, wastes and residues from agriculture, forestry and related [<sup>F4</sup>industries including fisheries and aquaculture], or
- (b) industrial and municipal waste.

#### Textual Amendments

- F1** Words in art. 2(1) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **3(2)**
- F2** Words in art. 2(1) omitted (1.4.2011) by virtue of [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(2)**
- F3** Words in art. 2(1) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **3(1)**
- F4** Words in art. 2(2)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **3(3)**

#### Marginal Citations

- M2** 1979 c.5.
- M3** Schedule 1 to the 1979 Act sets out the meaning of “excepted vehicle”; Schedule 1 to the 1979 Act was substituted by the [Finance Act 1995 \(c.4\)](#), **section 8(2)** and (3), and was amended by the [Finance Act 2000 \(c.17\)](#), sections 9, 156, **Schedule 40**, Part 1(1), and S.I. 2007/93.
- M4** 1971(c.80).

### Definitions of fuels and fuel products

3.—(1) The following paragraphs of this article define the various descriptions of fuels and fuel products referred to in this Order.

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(2) “Bioblend”, “biodiesel”, “bioethanol” and “bioethanol blend” have the same meaning as in the 1979 Act <sup>M5</sup>.

[<sup>F5</sup>(2A) “Biobutanol” means a liquid consisting of butanol produced wholly from biomass and capable of being used for the same purposes as light oil.]

[<sup>F6</sup>(2B) “Diesel” has the meaning given to “diesel fuel” in regulation 2 of the Motor Fuel Regulations.]

(3) “Fossil fuel” means coal, substances produced directly or indirectly from coal, lignite, natural gas, crude liquid petroleum, or petroleum products.

(4) “Heavy oil” has the same meaning as in the 1979 Act <sup>M6</sup>.

[<sup>F7</sup>(5) “Hydrocarbon oil” means any hydrocarbon fuel which, at 15 degrees C and under a pressure of 101,325 Pa, is a liquid or a gas.]

[<sup>F8</sup>(5A) “Light oil” has the same meaning as in the 1979 Act.]

(6) “Natural road fuel gas” has the same meaning as in the 1979 Act <sup>M7</sup>.

(7) “Natural gas” means any gas derived from natural strata.

[<sup>F9</sup>(7A) “Partially renewable transport fuel” means renewable transport fuel other than wholly renewable transport fuel.

(7B) “Petrol” has the same meaning as in regulation 2 of the Motor Fuel Regulations.]

(8) “Petroleum products” means the following substances produced directly or indirectly from crude, that is to say, fuels, lubricants, bitumen, wax, industrial spirits and any wide-range substance (meaning a substance whose final boiling point at normal atmospheric pressure is more than 50°C higher than its initial boiling point).

<sup>F10</sup>(9) .....

[<sup>F11</sup>(10) “Relevant hydrocarbon oil” means hydrocarbon oil which—

- (a) is chargeable to a duty of excise under the 1979 Act;
- (b) is for use as fuel in road vehicles; and
- (c) falls within one of the following categories—
  - (i) petrol,
  - (ii) diesel,
  - (iii) renewable transport fuel,

but shall not include detergents, cetane improvers, lubricity improvers, viscosity improvers, oxidation inhibitors, gum inhibitors, anti-corrosive preparations and like substances intended for use as fuel additives.]

[<sup>F12</sup>(10A) “Renewable diesel” means heavy oil—

- (a) which is produced wholly from biomass or waste cooking oil or a combination of biomass and waste cooking oil,
- (b) the ester content of which does not exceed 0.0005% by weight or is nil, and
- (c) the sulphur content of which does not exceed 0.005% by weight or is nil.]

[<sup>F13</sup>(11) “Wholly renewable transport fuel” means renewable transport fuel which is produced wholly from a relevant feedstock.

(12) For the purposes of paragraph (d) of the definition of “renewable transport fuel” in section 132(1) of the 2004 Act, solid, liquid or gaseous fuel which—

- (a) is produced wholly or partly from a relevant feedstock, and

(b) does not fall within paragraph (a), (b) or (c) of that definition, is designated as renewable transport fuel.]

F14(13) .....

F14(14) .....

**Textual Amendments**

- F5** Art. 3(2A) inserted (15.4.2009) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2009 \(S.I. 2009/843\)](#), arts. 1, **3(2)**
- F6** Art. 3(2B) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **4(1)**
- F7** Art. 3(5) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **4(2)**
- F8** Art. 3(5A) inserted (15.4.2009) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2009 \(S.I. 2009/843\)](#), arts. 1, **3(3)**
- F9** Art. 3(7A)(7B) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **4(3)**
- F10** Art. 3(9) omitted (15.4.2009) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2009 \(S.I. 2009/843\)](#), arts. 1, **3(4)**
- F11** Art. 3(10) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **4(4)**
- F12** Art. 3(10A) inserted (15.4.2009) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2009 \(S.I. 2009/843\)](#), arts. 1, **3(6)**
- F13** Art. 3(11)(12) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **4(5)**
- F14** Art. 3(13)(14) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **4(6)**

**Marginal Citations**

- M5** The expression “bioblend” is defined in section 6AB(2) of the 1979 Act, as inserted by the [Finance Act 2002 \(c.23\)](#), **section 5(1)** and (4); “biodiesel” is defined in section 2AA(1) of the 1979 Act, as inserted by the Finance Act 2002, section 5(1) and (2) ; “bioethanol” is defined in section 2AB(1) of the 1979 Act, as inserted by the [Finance Act 2004 \(c.12\)](#), **section 10(1)**; and “bioethanol blend” is defined in section 6AE of the 1979 Act, as inserted by the Finance Act 2004, section 10(3).
- M6** The expression “heavy oil” is defined in section 1(4) of the 1979 Act.
- M7** The expression “natural road fuel gas” is defined in section 5(2) of the 1979 Act, as inserted by the [Finance Act 2004 \(c.12\)](#), **section 6(1)**.

**PART 2**

**RENEWABLE TRANSPORT FUEL OBLIGATIONS**

**The renewable transport fuel obligation**

4.—(1) A renewable transport fuel obligation is imposed on every transport fuel supplier who in a specified period—

- (a) owns relevant hydrocarbon oil at the time when the requirement to pay the duty of excise with which the oil is chargeable takes effect, and
- (b) supplies that oil at or for delivery to places in the United Kingdom.

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(2) But this obligation does not apply to a transport fuel supplier who, in a specified period, supplies less than 450,000 litres in total of the oil (a “non-obligated supplier”).

(3) For the purposes of section 124(2) of the 2004 Act and this Order—

(a) a “specified period” means a period beginning on 15th April in a year and ending on 14th April in the following year, and this period is referred to in this Order as an “obligation period”;

[<sup>F15</sup>(b) the “specified date” means 29th November (or the next working day after 29th November, if 29th November is not a working day) following the end of the obligation period in question; and]

(c) the evidence which is required is one or more RTF certificates issued by the Administrator in accordance with this Order.

[<sup>F16</sup>(4) For the purposes of section 124(2) of the 2004 Act and this Order, “the specified amount” of renewable transport fuel is determined in accordance with paragraphs (5) and (6).]

[<sup>F17</sup>(5) The specified amount of renewable transport fuel for the obligation period beginning with 15th April 2011 is determined as follows—

(a) calculate in accordance with article 26 the volume of relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during the period beginning with 15th April 2011 and ending with the day before the 2011 Order comes into force;

(b) calculate the notional amount of the relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during the period beginning with the day on which the 2011 Order comes into force and ending with 14th April 2012;

(c) in any case where the sum of the amount calculated in accordance with sub-paragraph (a) and the amount calculated in accordance with sub-paragraph (b) is less than 10 million litres, deduct the first 450,000 litres of that amount;

(d) the specified amount is an amount equal to 4.1667% of the sum of the amounts calculated under sub-paragraphs (a) and (b), adjusted in accordance with sub-paragraph (c) if applicable.

(6) The specified amount of renewable transport fuel for any other obligation period is determined as follows—

(a) calculate the notional amount of the relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during the obligation period in question;

(b) in any case where that notional amount is less than 10 million litres, deduct the first 450,000 litres of that amount; and

(c) in relation to the amount calculated in accordance with sub-paragraphs (a) and (b) (“the obligated amount”)—

(i) for the obligation period beginning with 15th April 2012, the specified amount is an amount equal to 4.7120% of the obligated amount; and

(ii) for each subsequent obligation period, the specified amount is an amount equal to 5.2632% of the obligated amount.

(7) For the purposes of paragraphs (5)(b) and (6)(a), the notional amount of the relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during any period is determined in accordance with the following formula—

$$FN=HA-(E\times S)$$

where—

$F_N$  is that notional amount of relevant hydrocarbon oil;

$H_A$  is the total amount of relevant hydrocarbon oil which was owned by the supplier at the time when the requirement to pay the duty of excise with which that relevant hydrocarbon oil is chargeable took effect and was supplied at or for delivery to places in the United Kingdom during that period;

$E$  is the amount of the eligible oil; and

$S$  is the percentage of the volume of the eligible oil which is attributable to sustainable feedstocks.

(8) For the purposes of paragraph (7)—

(a) “the eligible oil” means the renewable transport fuel which—

(i) the supplier supplied at or for delivery to places in the United Kingdom during the period in question;

(ii) is for use as fuel in road vehicles;

(iii) meets the sustainability criteria; and

(iv) was owned by the supplier at the time when the requirement to pay the duty of excise with which that renewable transport fuel is chargeable took effect;

(b) to the extent that the eligible oil is bio-ethyl-tertiary-butyl-ether,  $S$  is deemed to be 47% in respect of that portion of the eligible oil;

(c) to the extent that the eligible oil is bio-methyl-tertiary-butyl-ether,  $S$  is deemed to be 36% in respect of that portion of the eligible oil; and

(d) to the extent that the eligible oil is fatty-acid-methyl-ester derived from relevant feedstocks and methanol derived from fossil fuel,  $S$  is deemed to be 100% in respect of that portion of the eligible oil.

(9) For the purposes of this article, one kilogram of gaseous relevant hydrocarbon oil must be treated as equivalent to one litre of relevant hydrocarbon oil.]

#### Textual Amendments

**F15** Art. 4(3)(b) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **5(1)**

**F16** Art. 4(4) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **5(2)**

**F17** Art. 4(5)-(9) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **5(3)**

#### [<sup>F18</sup>Duty of the Secretary of State in respect of the directive

**4A.**—(1) The Secretary of State must keep under review whether further steps need to be taken in order to meet the requirements of the directive in respect of transport.

(2) Without prejudice to the generality of paragraph (1), the Secretary of State must keep under review—

(a) whether the requirements of the directive in respect of transport will be met if no changes are made to the way in which the specified amount is determined in respect of the obligation periods beginning on or after 15th April 2014;

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- (b) the extent to which relevant feedstocks from agriculture cultivated in the United Kingdom and used for the production of renewable transport fuel have been obtained in accordance with the cross compliance requirements.
- (3) The Secretary of State must determine whether steps need to be taken under paragraph (1).]

**Textual Amendments**  
**F18** Art. 4A inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011](#) (S.I. 2011/2937), arts. 1, 6

**Determinations of amounts of transport fuel**

5.—<sup>F19</sup>(1) Where, in relation to an amount of transport fuel, it is shown that a person owns the fuel at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, it is to be presumed that that amount of fuel is supplied by that person at or for delivery to places in the United Kingdom at that time. This presumption shall only be displaced if the Administrator is satisfied that the fuel will not be supplied at or for delivery to places in the United Kingdom.]

(2) An amount of renewable transport fuel only counts towards the discharging of a person's renewable transport fuel obligation for an obligation period if—

- <sup>F20</sup>(a) it is for use as fuel in road vehicles,
- (b) it meets the sustainability criteria, and]
- (c) the condition set out in paragraph (4) is satisfied.

<sup>F21</sup>(3) . . . . .

(4) The condition is that the person who applies for the fuel to count is the person who owns the fuel at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect.

<sup>F22</sup>(4A) For the purposes of discharging a person's renewable transport fuel obligation for an obligation period, the volume of an amount of renewable transport fuel is deemed to be the notional volume determined in accordance with the following formula—

$RN=RA \times (S+W)$

where—

$R_N$  is the notional volume;

$R_A$  is the actual volume of the amount of renewable transport fuel which was owned by the supplier at the time when the requirement to pay the duty of excise with which that renewable transport fuel is chargeable took effect and was supplied at or for delivery to places in the United Kingdom during that period;

S is the percentage of the volume of the amount of renewable transport fuel which is attributable to sustainable feedstocks;

W is the percentage of the volume of the amount of renewable transport fuel which is attributable to sustainable wastes.

(4B) For the purposes of paragraph (4A)—

- (a) to the extent that the renewable transport fuel is bio-ethyl-tertiary-butyl-ether, S is deemed to be 47% in respect of that portion of the renewable transport fuel;



- (b) to the extent that the renewable transport fuel is bio-methyl-tertiary-butyl-ether, S is deemed to be 36% in respect of that portion of the renewable transport fuel; and
- (c) to the extent that the renewable transport fuel is fatty-acid-methyl-ester derived from relevant feedstocks and methanol derived from fossil fuel, S is deemed to be 100% in respect of that portion of the renewable transport fuel.]

[<sup>F23</sup>(5) For the purposes of this article, one kilogram of gaseous renewable transport fuel must be treated as equivalent to one litre of liquid renewable transport fuel.]

[<sup>F24</sup>(6) Where fossil fuel is blended with other fuel, the fossil fuel element of the blend is to be disregarded for the purposes of—

- (a) the definitions of “partially renewable fuel” and “wholly renewable transport fuel” in article 3(7A) and (11);
- (b) calculating the notional volume of an amount of renewable transport fuel in accordance with paragraph (4A); and
- (c) determining whether an amount of renewable transport fuel meets the sustainability criteria.]

#### Textual Amendments

- F19** Art. 5(1) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **7(1)**
- F20** Art. 5(2)(a)(b) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **7(2)**
- F21** Art. 5(3) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **7(3)**
- F22** Art. 5(4A)(4B) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **7(4)**
- F23** Art. 5(5) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **7(5)**
- F24** Art. 5(6) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **7(6)**

## PART 3

### THE ADMINISTRATOR

#### [<sup>F25</sup>The Administrator

6. The Secretary of State is appointed as the Administrator.]

#### Textual Amendments

- F25** Art. 6 substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(3)**

#### Establishment of RTF Accounts

7.—(1) The Administrator must establish and maintain an account, in which the balance of RTF certificates held and other matters are to be recorded, for each person who—

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- (a) is, or is likely to become, subject to a renewable transport fuel obligation,
  - (b) applies for an account, and
  - (c) satisfies the Administrator that the person is a transport fuel supplier.
- (2) A person must apply for an account under paragraph (1) not later than the end of the period of 28 days beginning on the date on which the person becomes an obligated supplier.
- (3) The Administrator may establish and maintain an account for each of the following who applies for an account—
- (a) any transport fuel supplier who is not, and is not likely to become, subject to a renewable transport fuel obligation, and
  - (b) any other person who intends to trade or invest in RTF certificates.
- (4) The Administrator may not establish an account for a supplier or other person referred to in paragraph (3) unless the Administrator is satisfied that the supplier or other person—
- (a) has good reason to hold an account, and
  - (b) has consented to allowing the Administrator such access to premises (other than a dwelling), computers, records, or documents, as the Administrator may require in order to verify information given by the supplier or other person.
- (5) A supplier or other person who applies for an account under this article must provide such information or produce such evidence (or both) to the Administrator as the latter may reasonably request in order to satisfy the Administrator that—
- (a) in the case of an application under paragraph (1), the person is a transport fuel supplier, or
  - (b) in the case of an application under paragraph (3), the supplier or other person has good reason to hold an account and has consented to access as referred to in paragraph (4)(b).
- (6) A supplier or other person who applies for an account under this article must ensure that the information provided or evidence produced is accurate to the best of the supplier's or other person's knowledge and belief.
- (7) The Administrator may reject any application under this article if the Administrator reasonably believes that—
- (a) the information provided to the Administrator under this article is inaccurate or incomplete, or
  - (b) in the case of an application under paragraph (3), the supplier or other person does not have good reason to hold an account or has not consented to access as referred to in paragraph (4)(b).
- (8) An “account holder” is a supplier or other person for whom the Administrator establishes an account pursuant to this article.
- (9) The accounts referred to in this article must be established and maintained in electronic form or in such other form as the Administrator determines is appropriate (or in both forms).

#### **Power of the Administrator to require further information or evidence**

**8.—(1)** Where the Administrator has reason to believe that an account holder for whom an account has been established pursuant to paragraph (1) of article 7—

- (a) is not subject, and is not likely to become subject, to a renewable transport fuel obligation, or
- (b) does not have good reason to hold an account,

the Administrator may require the account holder to provide such information or produce such evidence (or both) to the Administrator as may be necessary for the Administrator to become satisfied

as to whether the account holder is subject, or is likely to become subject, to the renewable transport fuel obligation, or has good reason to hold an account, as the case may be.

(2) Where the Administrator has reason to believe that an account holder for whom an account has been established pursuant to paragraph (3) of article 7 does not have good reason to hold an account, the Administrator may require the account holder to provide such information or produce such evidence (or both) to the Administrator as may be necessary for the Administrator to become satisfied that the account holder does have good reason to hold an account.

(3) An account holder must—

- (a) provide the information or produce the evidence required under this article, and
- (b) ensure that the information provided or evidence produced is accurate to the best of the account holder's knowledge or belief.

### **Closures of accounts**

9.—(1) This article applies in the case of an account holder who is a supplier or other person referred to in paragraph (3) of article 7.

(2) The Administrator must close the account of such an account holder where—

- (a) the Administrator—
  - (i) is no longer satisfied that the account holder meets the criterion set out in paragraph (4)(a) of that article, or
  - (ii) is satisfied that the account holder has withdrawn the consent which was given under paragraph (4)(b) of that article; and
- (b) any certificates standing to the credit of the account have been revoked or otherwise may no longer be produced as evidence pursuant to section 124(2) of the 2004 Act.

(3) The Administrator may close the account of such an account holder where, in the immediately preceding period of 36 months—

- (a) no RTF certificate has been issued to the account holder, or
- (b) no RTF certificate has been credited to the account of the account holder.

### **Managing accounts**

10. Subject to the provisions in this Part, the Administrator may manage accounts, including amending details of accounts, and consolidating the accounts of account holders, as the Administrator thinks fit.

### **Processing of information and evidence**

11.—(1) The Administrator must—

- (a) record and retain information submitted for the purpose of—
  - (i) establishing that a transport fuel supplier is, or reasonably expects to be, subject to a renewable transport fuel obligation, or
  - (ii) calculating the amount of renewable transport fuel for which a transport fuel supplier is required to produce evidence under article 4(3)(c),
- (b) record and retain information which is submitted by an account holder in support of an application for an RTF certificate,
- (c) record each RTF certificate which is issued, and

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(d) correct any error which is discovered in information stored by the Administrator in relation to an account.

(2) The period for which the Administrator must retain any information pursuant to paragraph (1) is such period as the Administrator considers is reasonable, but it must not be a period of less than ten years beginning on the date of receipt of the information.

(3) The Administrator may record and retain, for purposes connected with the carrying out of the Administrator's functions, such other information as the Administrator thinks fit.

### **Duty to require information from obligated suppliers**

**12.**—<sup>[F26]</sup>(1) The Administrator must, by the specified date referred to in article 4(3)(b), impose a requirement on an obligated supplier, and on any non-obligated supplier who applies for RTF certificates, to provide the Administrator with—

- (a) information as to—
  - (i) whether the supplier has supplied any relevant hydrocarbon oil at or for delivery to places in the United Kingdom during each relevant period;
  - (ii) whether the supplier has supplied any renewable transport fuel at or for delivery to places in the United Kingdom during each relevant period;
  - (iii) the amount of any relevant hydrocarbon oil which has been supplied by the supplier at or for delivery to places in the United Kingdom, or received by the supplier from another transport fuel supplier at places in the United Kingdom, during each relevant period;
  - (iv) the types of any relevant hydrocarbon oil supplied or received as described in paragraph (iii) during each relevant period and, in respect of each type—
    - (aa) the volume supplied;
    - (bb) the energy content; and
    - (cc) in the case of partially renewable transport fuel, the volume attributable to relevant feedstocks;
  - (v) the compliance of any renewable transport fuel supplied, but excluding the volume of such fuel which is not attributable to relevant feedstocks, with the sustainability criteria;
  - (vi) the volume content of any renewable transport fuel supplied, but excluding the volume of such fuel which is not attributable to relevant feedstocks, which is attributable to—
    - (aa) sustainable feedstocks;
    - (bb) sustainable wastes; and
- (b) the additional sustainability information in respect of any renewable transport fuel supplied, but excluding the volume of such fuel which is not attributable to relevant feedstocks.

(2) In paragraph (1) a “relevant period” means such period as the Administrator may notify to the obligated supplier for the purposes of that paragraph or, in the absence of such notice, a period during an obligation period in respect of which information has not been provided by the supplier under this article and which—

- (a) begins with 15th December and ends with the 31st December immediately following,
- (b) begins with 1st January and ends with the 14th January immediately following, or
- (c) begins with the 15th day of any month other than December and ends with the 14th day of the immediately following month.]

- (3) The Administrator must impose requirements as to—
- (a) the form in which the information must be provided,
  - (b) the methodology to be used in calculating and providing the information, and
  - (c) the period within which it must be provided.
- (4) The supplier must provide the information required under this article and ensure that it is—
- (a) accurate <sup>F27</sup> ..., and
  - (b) provided in such form, and using such methodology, and within such period, as the Administrator requires.
- (5) The Administrator may require a transport fuel supplier to produce such evidence as the Administrator may determine is necessary in order to substantiate information which the supplier has provided to the Administrator under this article.
- [<sup>F28</sup>(6) The Administrator may impose requirements as to—
- (a) the form in which the evidence must be produced,
  - (b) the methodology to be used in compiling and producing the evidence, and
  - (c) the period within which the evidence must be produced.]

[<sup>F29</sup>(7) Where the Administrator imposes a requirement under this article on a transport fuel supplier to produce evidence, the supplier must produce that evidence and ensure that it is—

    - (a) accurate; and
    - (b) produced in such form, and using such methodology, and within such period, as the Administrator requires.]

#### Textual Amendments

- F26** Art. 12(1)(2) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **8(1)**
- F27** Words in art. 12(4)(a) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **8(2)**
- F28** Art. 12(6) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **8(3)**
- F29** Art. 12(7) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **8(4)**

#### Power to require information

**13.**—(1) The Administrator may impose a requirement on a transport fuel supplier to provide the Administrator with such information as the Administrator may require for purposes connected with the carrying out of the Administrator's functions.

- (2) The Administrator may impose requirements as to—
- (a) the form in which the information must be provided,
  - (b) the methodology to be used in calculating and providing the information, and
  - (c) the period within which it must be provided.

(3) Without prejudice to the generality of paragraph (1), the Administrator may require a non-obligated <sup>F30</sup>... supplier to provide the Administrator with the information, in relation to that supplier, which is referred to in [<sup>F31</sup>paragraph (1)] of article 12; and references in that paragraph to the “relevant

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period” are to be treated as references to such period during an obligation period as the Administrator notifies to the supplier for the purposes of this paragraph.

(4) Without prejudice to the generality of paragraph (1), the Administrator may require a transport fuel supplier (whether obligated or non-obligated) to provide the Administrator with information as to the effects on—

- (a) carbon emissions,
- (b) agriculture,
- (c) other economic activities,
- (d) sustainable development, or
- (e) the environment generally,

which are or may be associated with the production, supply or use of the renewable transport fuel which has been supplied by the supplier at or for delivery to places in the United Kingdom, and to provide that information in relation to such period during an obligation period as the Administrator notifies to the supplier for the purposes of this paragraph.

(5) Where the Administrator imposes a requirement under this article on a transport fuel supplier to provide information, the supplier must provide that information and ensure that it is—

- (a) accurate to the best of the supplier's knowledge and belief, and
- (b) provided—
  - (i) in such form,
  - (ii) using such methodology,
  - (iii) within such period, and
  - (iv) in relation to such period,
 as the Administrator requires.

(6) The Administrator may require a transport fuel supplier to produce such evidence as the Administrator may determine is necessary in order to substantiate information which the supplier has provided to the Administrator under this article.

(7) A transport fuel supplier must—

- (a) produce such evidence where so required, and
- (b) ensure that that evidence is accurate to the best of the supplier's knowledge and belief.

#### Textual Amendments

**F30** Words in art. 13(3) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **9(a)**

**F31** Words in art. 13(3) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **9(b)**

#### [<sup>F32</sup>Mass balance system

**13A.—(1)** A supplier must use a mass balance system in accordance with this article for the purposes of producing any information which the supplier is required to provide in pursuance of articles 12(4) and (7), and 13(5) and (7).

(2) In using a mass balance system, and notwithstanding articles 12(4)(a) and 7(a), and 13(5)(a) and (7)(b), a supplier may report that the relevant feedstock or fuel has sustainability characteristics other than its actual sustainability characteristics if the condition in paragraph (3) is met.

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(3) That condition is that none of the relevant feedstock or fuel which is subject to that mass balance system is reported to have sustainability characteristics other than those attributed to it by that system.

(4) In this article, “report” means report under articles 12(4) and (7), and 13(5) and (7), and “reported” is to be construed accordingly.

(5) A mass balance system is a system which—

- (a) allows amounts of relevant feedstock or fuel with different sustainability characteristics to be mixed (“the mixture”);
- (b) provides for the sustainability characteristics of amounts added to the mixture to be attributed to other amounts withdrawn from the mixture; and
- (c) requires the sustainability characteristics attributed to the sum of the amounts withdrawn from the mixture to be the same, and in the same quantities, as the sustainability characteristics attributed to the sum of the amounts added to the mixture.

(6) For the purposes of paragraphs (2) to (5), the sustainability characteristics of relevant feedstock or fuel include—

- (a) its type;
- (b) its place of origin; and
- (c) any other matter relevant to its compliance with the sustainability criteria.]

**Textual Amendments**

**F32** Art. 13A inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **10**

**Duty to report to Parliament**

<sup>F33</sup>**14.** . . . . .

**Textual Amendments**

**F33** Art. 14 omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **11**

**Other powers and duties conferred and imposed on the Administrator**

**15.**—(1) In addition to the duties imposed upon the Administrator elsewhere in this Order, the Administrator has the following duties—

- <sup>F34</sup>(a) . . . . .
- <sup>F34</sup>(b) . . . . .
- <sup>F34</sup>(c) . . . . .
- [<sup>F35</sup>(d) to carry out such calculations or analysis as may be required for purposes connected with the implementation of provision made by or under Chapter 5 of Part 2 of the 2004 Act;]
- (e) to publicise the renewable transport fuel obligation so as to secure that it is brought to the attention of all transport fuel suppliers who are or may be subject to the renewable transport fuel obligation;

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- (f) where an RTF certificate is transferred between account holders, to record that fact in the relevant accounts;
- [<sup>F36</sup>(g) where an account holder who is a transport fuel supplier has supplied information as to volumes of fuel supplied by that supplier pursuant to article 12(1)(a)(i) to (iv) and (vi), to verify that information so far as reasonably practicable;]
- <sup>F37</sup>(h) . . . . .
  - (i) to calculate and disburse payments under article 22, and
  - (j) to ensure, so far as reasonably practicable, that there is no obligated supplier who, having failed to produce the evidence required to discharge fully the renewable transport fuel obligation for an obligation period, is failing to pay the sum due under article 21.
- (2) In addition to the powers conferred upon the Administrator elsewhere in this Order, the Administrator has power—
  - (a) to take reasonable steps to promote good working relationships with transport fuel suppliers and others having an interest in the implementation of provision made by or under Chapter 5 of Part 2 of the 2004 Act, and
  - (b) to publish such reports <sup>F38</sup>...and guidance as the Administrator thinks fit for purposes connected with the implementation of provision made by or under that Chapter.
- (3) But the Administrator must exclude from any reports referred to in [<sup>F39</sup>paragraph (2)(b)], so far as reasonably practicable—
  - [<sup>F40</sup>(a) information as to the amount of relevant hydrocarbon oil which has been notified by a particular supplier to the Administrator; and]
  - (b) any other information from which that amount may be deduced.

**Textual Amendments**

**F34** Art. 15(1)(a)-(c) omitted (1.4.2011) by virtue of [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(6)**

**F35** Art. 15(1)(d) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(7)**

**F36** Art. 15(1)(g) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **12(1)**

**F37** Art. 15(1)(h) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **12(2)**

**F38** Words in art. 15(2)(b) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **12(3)**

**F39** Words in art. 15(3) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(8)**

**F40** Art. 15(3)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **12(4)**

## PART 4

### RTF CERTIFICATES

#### Application for RTF certificates

16.—(1) The manner in which an application for an RTF certificate is to be made is—



- (a) in electronic form, through a website of the Administrator, or
  - (b) in another manner, in a case where the Administrator determines that it is necessary to allow an application in that manner.
- (2) The evidence which must be included in the application is—
- [<sup>F41</sup>(a) a declaration from an individual nominated by the transport fuel supplier which confirms that—
    - (i) the information submitted in the application and referred to in paragraph (3)(b) and (d) is accurate;
    - (ii) the renewable transport fuel has not already been, and will not be, counted under the support scheme of another EEA state within the meaning of article 2(k) of the directive, or a UK renewable energy obligation other than the renewable transport fuel obligation of the supplier; and]
  - (b) such other evidence as the Administrator may reasonably determine is necessary, and in such form as the Administrator may reasonably determine is appropriate, in order to substantiate the information provided by the supplier in relation to the renewable transport fuel.
- (3) For the purposes of section 127(3)(c) of the 2004 Act, the other conditions which must be satisfied for the issue of an RTF certificate are that—
- (a) the supplier has an RTF account;
  - [<sup>F42</sup>(b) the supplier has provided the Administrator with the information required by the Administrator pursuant to article 12(1)(a);]
  - [<sup>F43</sup>(c) the supplier has provided the Administrator with a verifier’s assurance report in respect of information relating to the compliance of the renewable transport fuel with the sustainability criteria which has been submitted in the application or is contained in the information referred to in sub-paragraph (b);]
  - (d) the supplier (whether obligated or non-obligated) has provided the Administrator with the information referred to in article 13(4); and has provided that information in relation to such period during an obligation period as the Administrator notifies to the supplier for the purposes of article 13(4), or failing such notification, to such period during an obligation period as the Administrator notifies to the supplier for the purposes of this sub-paragraph;
  - (e) the Administrator is satisfied [<sup>F44</sup>so far as is reasonably practicable] that the information provided by the supplier under sub-paragraphs [<sup>F45</sup>(b) and (d)] fulfils the criteria set out in paragraph (5),
  - [<sup>F46</sup>(ea) the Administrator is satisfied that the renewable transport fuel has not already been, and will not be, counted under the support scheme of another EEA state within the meaning of article 2(k) of the directive, or a UK renewable energy obligation other than the renewable transport fuel obligation of the supplier;]
  - (f) any duty of excise payable on the renewable transport fuel has been paid, and
  - [<sup>F47</sup>(g) the supplier makes the application for the RTF certificate by the 12th August immediately following the obligation period during which the renewable transport fuel was supplied, or such later date as the Administrator may notify to the supplier for the purposes of this sub-paragraph.]
- [<sup>F48</sup>(3A) For the purposes of this article, “the renewable transport fuel” is the renewable transport fuel in respect of which the RTF certificate has been applied for.]
- (4) The person who makes the declaration referred to in paragraph (2)(a) must ensure that the information submitted in the application is accurate <sup>F49</sup>....

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- (5) The criteria referred to in paragraph (3)(e) are that the information—
- (a) is accurate, and
  - (b) has been provided—
    - (i) in such form,
    - (ii) using such methodology, and
    - (iii) within such period,
- as the Administrator notifies for the purposes of article 12(3) or 13(2), as the case may be, or failing such notification, as the Administrator notifies for the purposes of this paragraph.

#### Textual Amendments

- F41** Art. 16(2)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(1)**
- F42** Art. 16(3)(b) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(2)**
- F43** Art. 16(3)(c) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(3)**
- F44** Words in art. 16(3)(e) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(4)(a)**
- F45** Words in art. 16(3)(e) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(4)(b)**
- F46** Art. 16(3)(ea) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(5)**
- F47** Art. 16(3)(g) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(6)**
- F48** Art. 16(3A) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(7)**
- F49** Words in art. 16(4) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **13(8)**

#### <sup>F50</sup>Verifier's assurance procedures and reports

- 16A.**—(1) A verifier's assurance report must—
- (a) confirm that the assurance procedures used in the preparation of the report—
    - (i) met the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard; and
    - (ii) were undertaken by a person with appropriate expertise who is not the supplier or a connected person of the supplier;
  - (b) be prepared by a person with appropriate expertise who is not the supplier or a connected person of the supplier and in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard;
  - (c) consider whether the relevant systems used to collate and report information relating to the compliance of renewable transport fuel with the sustainability criteria are likely to produce relevant data which is reasonably accurate and reliable and whether there are controls in place to help protect against material misstatements due to fraud or error;
  - (d) where the verifier intends to use as evidence work performed by the supplier or another party, consider the frequency and methodology of sampling used by that party and the robustness of the relevant data; and

- (e) state whether anything has come to the verifier’s attention to indicate that—
  - (i) the relevant data has not been prepared in accordance with any guidance produced by the Administrator under article 15(2)(b); and
  - (ii) the information provided by the supplier under article 12 or 13 in respect of the renewable transport fuel covered by the application is not accurate.
- (2) In paragraph (1)—
  - “relevant data” means—
    - (a) the information referred to in paragraph (1)(c); and
    - (b) any other information or data on which that information is based;
  - “relevant systems” means the systems by which the relevant data were produced;
  - “sampling” means sampling for the purposes of obtaining or checking the relevant data.

**Textual Amendments**

**F50** Arts. 16A, 16B inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, 14

**Annual verifier’s report on additional sustainability information**

**16B.**—(1) A transport fuel supplier which has made an application for RTF certificates in respect of renewable transport fuel supplied during an obligation period must submit a report which meets the requirements of paragraph (1) of article 16A as modified in accordance with paragraph (2).

(2) For the purposes of paragraph (1), article 16A is to have effect as if, in paragraph (1)(c), for “information relating to the compliance of renewable transport fuel with the sustainability criteria” there were substituted “additional sustainability information”.

(3) The report referred to in paragraph (1) must be submitted to the Administrator by the 12th August immediately following that obligation period or such later date as the Administrator may notify to the supplier for the purposes of this paragraph.

(4) A report submitted under paragraph (1) need not confirm matters already confirmed by a verifier’s assurance report submitted to the Administrator.]

**Textual Amendments**

**F50** Arts. 16A, 16B inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, 14

**Issue of RTF certificates**

**17.**—<sup>F51</sup>(1) Where each of the requirements in article 16(1) to (3) has been met, the Administrator must issue an RTF certificate to a transport fuel supplier for each whole litre of the renewable transport fuel, as defined in article 16(3A), which—

- (a) is for use as fuel in road vehicles,
- (b) meets the sustainability criteria,
- (c) is owned by the supplier at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, and

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(d) is supplied by the supplier at or for delivery to places in the United Kingdom during an obligation period.]

[<sup>F52</sup>(1A) For the purposes of paragraph (1) the volume of an amount of renewable transport fuel is deemed to be the notional volume of that fuel determined in accordance with article 5(4A).]

(2) An RTF certificate must be issued as soon as reasonably practicable after an application for it has been made in accordance with article 16.

[<sup>F53</sup>(3) For the purposes of section 127(2)(d) of the 2004 Act, “the other specified facts” are—

- (a) that the supplier has notified the Administrator of each of the matters listed in section 127(2)(a) to (c); and
- (b) the greenhouse gas emission saving attributable to the use of the fuel stated in the certificate, described by reference to one of the following categories—
  - (i) Less than 35%;
  - (ii) Equal to or more than 35%, but less than 50%;
  - (iii) Equal to or more than 50%, but less than 60%;
  - (iv) Equal to or more than 60%.]

(4) For the purposes of this Order, the Administrator issues an RTF certificate to a supplier by recording the credit of an RTF certificate in the RTF account of the supplier.

(5) As soon as reasonably practicable after issuing an RTF certificate, the Administrator must notify the supplier of the issue of the certificate, and of the date and time of issue.

(6) As soon as reasonably practicable after receiving a request for the information from an account holder, the Administrator must inform the account holder of the number of RTF certificates (if any) held to the credit of that account holder's RTF account, and of the date and time of issue of those certificates.

#### Textual Amendments

- F51** Art. 17(1) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **15(1)**
- F52** Art. 17(1A) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **15(2)**
- F53** Art. 17(3) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **15(3)**

#### Transfers of RTF certificates

**18.**—(1) A transfer of an RTF certificate may be made between any persons who are account holders.

(2) Such a transfer is not effective unless—

- (a) the transferor notifies the Administrator of the following details of the transfer—
  - (i) the name and account number of the account holder to whom the certificate is transferred,
  - (ii) the date of the transfer (“the notified date”), and
  - (iii) the obligation period in respect of which the certificate was issued;
- (b) the transferor so notifies the Administrator—
  - (i) through a website of the Administrator, or

- (ii) in another manner, in a case where the Administrator determines that it is necessary to allow notification in that manner;
  - (c) the transferor so notifies the Administrator—
    - (i) on the date of the transfer, or
    - (ii) before the date of the transfer, in which case the notification must be within the period of one month ending immediately before the date of the transfer;
  - (d) the transfer relates to not more than one transferee;
  - (e) the RTF certificate is held to the credit of the transferor's account at the date and time of the transfer, and
  - (f) the Administrator is satisfied that, at the date of the transfer, there is no reason to consider the revocation of the certificate under article 20.
- (3) Where—
- (a) a transfer relates to some (but not all) of the RTF certificates held by a transferor on the date of the transfer, and
  - (b) the RTF certificates held by the transferor on that date were not all issued at the same date and time,

it is to be presumed, <sup>F54</sup>unless the transferor notifies the Administrator otherwise at the same time as notifying the Administrator of the details of the transfer in accordance with paragraph (2)(a)], that the transfer relates to the certificates which were issued at the earlier dates and times.

(4) In the event of there being an insufficient number of certificates held to the credit of a transferor's account on the notified date to transfer certificates to two or more transferees, the Administrator must give priority to the transfer which was first notified to the Administrator.

(5) For the purposes of this Order, the Administrator transfers an RTF certificate from one account holder (“the transferor”) to another account holder (“the transferee”) by recording a debit of an RTF certificate in the transferor's RTF account and a credit of an RTF certificate in the RTF account of the transferee.

#### Textual Amendments

**F54** Words in art. 18(3) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, 16

#### Use of an RTF certificate in a later obligation period

<sup>F55</sup>**19.**—(1) The production of an RTF certificate by a supplier to the Administrator may count as evidence that the amount of renewable transport fuel stated in the certificate was supplied at or for delivery to places in the United Kingdom during the obligation period immediately following the obligation period stated in the certificate (“the later period”) in any of the following circumstances—

- (a) where the obligation period stated in the certificate is the obligation period beginning with 15th April 2010;
- (b) where the obligation period stated in the certificate is the obligation period beginning with 15th April 2011, and—
  - (i) the certificate was issued in respect of fuel supplied before the day on which the 2011 Order comes into force;
  - (ii) the fuel would have met the sustainability criteria which would have applied had that fuel been supplied on the first day of the later period; and

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- (iii) the supplier has provided the Administrator with a verifier’s assurance report sufficient to satisfy the Administrator that sub-paragraph (ii) is satisfied;
  - (c) where the obligation period stated in the certificate is an obligation period beginning on or after 15th April 2011, and—
    - (i) the certificate was issued in respect of fuel supplied on or after the day on which the 2011 Order comes into force; and
    - (ii) the fuel in respect of which the certificate was issued would have met the greenhouse gas emission saving threshold established in accordance with paragraph 3 of the Schedule if that fuel had been supplied on the first day of the later period.
- (2) But in all cases a renewable transport fuel certificate, or a set of renewable transport fuel certificates in which the same obligation period is stated, may not count in relation to more than 25% of a supplier’s renewable transport fuel obligation for the obligation period immediately following the obligation period stated in the certificates.]

#### Textual Amendments

**F55** Art. 19 substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, 17

#### Revocation of an RTF certificate

**20.**—(1) Subject to the following paragraphs, the Administrator may revoke an RTF certificate where the Administrator is satisfied that—

- (a) the declaration provided in relation to that certificate pursuant to article 16(2)(a) is false,
- (b) the certificate was issued as a consequence of any fraudulent behaviour, statement or undertaking on the part of [<sup>F56</sup>the transport fuel supplier to whom it was issued, any connected person or any person who has produced a verifier’s assurance report],
- [<sup>F57</sup>(c) the information provided to the Administrator in relation to the certificate pursuant to article 12(1)(a) was materially inaccurate,
- (d) the evidence provided in relation to the information referred to in sub-paragraph (c) was insufficient to substantiate it, or
- (e) the verifier’s assurance report was materially inaccurate.]

(2) Before revoking an RTF certificate, the Administrator must give notice in writing to the transport fuel supplier to whom the certificate was issued and, where the certificate has been transferred to another person to whose credit the certificate is held (a “transferee”), to that other person.

- (3) The notice must state—
  - (a) that the Administrator is proposing to revoke the RTF certificate,
  - (b) the grounds for the proposed revocation,
  - (c) that the supplier and any transferee may make representations in writing to the Administrator in relation to the proposed revocation, and
  - (d) that any such representations must be made within such period as the Administrator specifies, not being a period of less than 14 days beginning on the date of receipt of the notice.
- (4) The Administrator—

- (a) must consider any representations which are made under paragraph (3) and are relevant to the proposed revocation,
- (b) must decide whether to revoke the RTF certificate, but
- (c) may not revoke the certificate—
  - (i) within a period of 28 days beginning on the date of the [F58]notice, and]
  - (ii) later than [F59]the 16th October] immediately following the obligation period during which the RTF certificate was issued.
- (5) Where the Administrator revokes an RTF certificate, the Administrator must, within a period of seven days beginning on the date of revocation, but in any event not later than [F60]the 23rd October] immediately following the obligation period during which the RTF certificate was issued—
  - (a) give notice in writing of such revocation to the supplier to whom the certificate was issued, and to any transferee, and
  - (b) state in that notice—
    - (i) the grounds for the revocation,
    - (ii) that the supplier or any transferee (or both) may apply to [F61]the Administrator] by notice in writing to reconsider the revocation, and
    - (iii) the requirements about that notice which are set out in paragraph (7).
- (6) Where the Administrator revokes an RTF certificate, the supplier to whom the certificate was issued or any transferee (or both) may apply to [F62]the Administrator] by notice in writing to reconsider the revocation.
- (7) Such notice must—
  - (a) be given to [F63]the Administrator] within a period of 14 days beginning on the date of receipt of the notice of revocation, but in any event not later than [F64]the 6th November] immediately following the obligation period during which the RTF certificate was issued,
  - (b) set out the grounds for reconsidering the revocation, and
  - (c) contain any representations which the supplier or transferee (as the case may be) wishes to make in relation to the reconsideration of the revocation.
- (8) [F65]The Administrator] must—
  - (a) consider any representations which the supplier or transferee has made under paragraph (7), and
  - (b) reconsider the revocation not later than [F66]the 15th November] immediately following the obligation period in which the RTF certificate was issued.
- (9) On reconsidering the revocation, [F67]the Administrator] must—
  - (a) re-instate the RTF certificate, or
  - (b) confirm the revocation of the certificate on the grounds referred to in paragraph (5)(b)(i) or on other grounds.
- <sup>F68</sup>(10) .....
- (11) The Administrator must give notice in writing of [F69]its decision] and, in the case of a confirmation of a revocation of an RTF certificate, of the grounds for that revocation, to the supplier to whom the certificate was issued, and to any transferee.
- (12) Where—
  - (a) [F70]the Administrator does not reconsider] the revocation by the date referred to in paragraph (8), or



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(b) an RTF certificate is revoked but is subsequently re-instated, the certificate is deemed to have been re-instated as at the end of the obligation period to which the certificate relates.

(13) The Administrator<sup>F71</sup>... may hold an oral hearing before making a decision on a proposed revocation or on a reconsideration of a revocation (as the case may be).

(14) A person who provides information or produces evidence to the Administrator<sup>F71</sup>...in respect of a proposed revocation or a reconsideration of a revocation must ensure that that information or evidence is accurate <sup>F72</sup>....

### Textual Amendments

- F56** Words in art. 20(1)(b) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **18(1)**
- F57** Art. 20(1)(c)-(e) substituted for art. 20(1)(c)(d) (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **18(2)**
- F58** Words in art. 20(4)(c)(i) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **18(3)**
- F59** Words in art. 20(4)(c)(ii) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **18(4)**
- F60** Words in art. 20(5) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **18(5)**
- F61** Words in art. 20(5)(b)(ii) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(9)**
- F62** Words in art. 20(6) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(9)**
- F63** Words in art. 20(7)(a) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(9)**
- F64** Words in art. 20(7)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **18(6)**
- F65** Words in art. 20(8) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(9)**
- F66** Words in art. 20(8)(b) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **18(7)**
- F67** Words in art. 20(9) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(9)**
- F68** Art. 20(10) omitted (1.4.2011) by virtue of [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(10)**
- F69** Words in art. 20(11) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(11)**
- F70** Words in art. 20(12)(a) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(12)**
- F71** Words in art. 20(13)(14) omitted (1.4.2011) by virtue of [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(13)**
- F72** Words in art. 20(14) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **18(8)**



## PART 5

### DISCHARGE OF OBLIGATION

#### Payments

**21.**—(1) As soon as reasonably practicable after the end of an obligation period, the Administrator must notify each obligated supplier of the following—

- (a) the amount of renewable transport fuel which the Administrator calculates should, in accordance with section 124(2)(b) of the 2004 Act and article 4(4), have been supplied at or for delivery to places in the United Kingdom during that obligation period, and
- (b) the number of RTF certificates being held to the credit of the supplier's RTF account which may be used as evidence for the purposes of meeting the supplier's renewable transport fuel obligation.

(2) A certificate may be produced as evidence by the supplier pursuant to this Order—

- (a) by means of an electronic submission transmitted to a website of the Administrator, which identifies the credit of a certificate in the supplier's RTF account, or
- (b) by other means, in a case where the Administrator determines that it is necessary to allow production of an RTF certificate by those means.

(3) A supplier must notify the Administrator of the number of RTF certificates held in the supplier's RTF account which are to be counted towards the discharge of the supplier's renewable transport fuel obligation for the obligation period in question, and which are to be debited accordingly from the RTF account.

(4) That notification must be given to the Administrator by the specified date referred to in article 4(3)(b).

(5) Where a supplier fails to notify the Administrator of the number of RTF certificates to be counted by the date mentioned in paragraph (4), the Administrator must deem the number to be nil.

(6) A supplier who does not wholly discharge the renewable transport fuel obligation for an obligation period by the production of evidence in accordance with paragraph (2) by the specified date referred to in article 4(3)(b) must pay to the Administrator a sum determined in accordance with paragraph (7).

(7) That sum is determined as follows.

#### *Step 1*

Calculate in litres the amount of renewable transport fuel for which the supplier was obligated to produce evidence during the obligation period in question, pursuant to section 124(2) of the 2004 Act and article 4 (“the obligated amount”).

#### *Step 2*

Calculate in litres the amount of renewable transport fuel which should have been supplied during the obligation period in question, and for which the supplier has produced RTF certificates as evidence in accordance with paragraph (2) (“the actual amount”).

#### *Step 3*

Calculate the number of litres by which the actual amount falls short of the obligated amount (“the shortfall amount”).

#### *<sup>F73</sup>Step 4*

Multiply the shortfall amount by the buy-out price (which is £0.30). The amount given by this step is the sum which the supplier is to pay to the Administrator under paragraph (6).]

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(8) For the purposes of section 128(1), the period within which the sum must be paid to the Administrator (“the buy-out payment period”) is the period beginning on the 15th April immediately following the obligation period in question and ending on [F75 10th January in the following year].

(9) Where a supplier does not pay all or any part of the sum to the Administrator by the end of the buy-out payment period—

- (a) the sum outstanding is to increase at the rate specified in paragraph (10) and the increase is to be calculated in accordance with paragraph (11), and
- (b) the increased sum is a debt due from the supplier to the Administrator until it has been paid in full.

(10) The rate for the purpose of paragraph (9)(a) is 5 percentage points above the base rate of the Bank of England as at the [F76 11th January] immediately following the buy-out payment period in question.

(11) The increase is to be calculated on a daily basis beginning on the [F76 11th January] immediately following the buy-out payment period in question, and ending on the date on which payment is received by the Administrator.

#### Textual Amendments

- F73** Words in art. 21(7) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **19(2)(a)**
- F74** Words in art. 21(7) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **19(2)(b)**
- F75** Words in art. 21(8) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **19(3)**
- F76** Words in art. 21(10)(11) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **19(4)**

#### Re-cycling of buy-out payments

22.—[F77(1) For the purposes of section 128(9) of the 2004 Act, the “transport fuel suppliers of a specified description” are any transport fuel supplier who, in relation to an obligation period in respect of which the Administrator has received the sums referred to in section 128(7)—

- (a) is an obligated supplier, or a non-obligated supplier for whom an account is maintained by the Administrator pursuant to article 7(3)(a); and
- (b) held one or more RTF certificates in an RTF account at the time they were notified to the Administrator in accordance with article 21(3) or surrendered under paragraph (2)(a) as the case may be.]

(2) Subject to paragraph (5), the system of allocation of the sums referred to in section 128(6) is as follows—

- (a) each transport fuel supplier referred to in paragraph (1) must notify the Administrator of the number of RTF certificates held in the supplier's RTF account which the supplier surrenders to the Administrator in relation to the obligation period in question;
- (b) those notifications must be given to the Administrator by the [F78 10th January] (or the next working day after [F78 10th January], if [F78 10th January] is not a working day) immediately following the obligation period in question;

- (c) where a supplier fails to notify the Administrator by that date of the number of RTF certificates to be surrendered, the Administrator must deem the number to be nil;
  - (d) the Administrator must calculate the total sums received by the Administrator pursuant to article 21(6) and (9) by the [<sup>F79</sup>10th February] (or the next working day after [<sup>F79</sup>10th February], if [<sup>F79</sup>10th February] is not a working day) (“the buy-out fund”);
  - (e) the Administrator may also include in the buy-out fund any sum received by the Administrator pursuant to article 21(6) and (9) after the [<sup>F80</sup>10th February] (or after the next working day after [<sup>F80</sup>10th February], if [<sup>F80</sup>10th February] is not a working day) (“late sum received”);
  - (f) the Administrator must allocate the buy-out fund in equal shares between each RTF certificate which is counted under article 21(3) or surrendered under sub-paragraph (a), and
  - (g) the Administrator must make the payments, as soon as reasonably practicable after the date referred to in sub-paragraph (e), to the suppliers who held those RTF certificates [<sup>F81</sup>at the time they were notified to the Administrator in accordance with article 21(3) or surrendered under sub-paragraph (a) as the case may be].
- (3) In the case of any late sum received which the Administrator does not include in the buy-out fund pursuant to paragraph (2)(e) in relation to the obligation period in question (“the principal obligation period”), the Administrator must—
- (a) allocate the sums in equal shares between each RTF certificate which is counted under article 21(3) or surrendered under paragraph (2)(a), and
  - (b) when making payments in relation to a subsequent obligation period, make the payments to the suppliers who held those RTF certificates [<sup>F82</sup>at the time they were notified to the Administrator in accordance with article 21(3) or surrendered under paragraph (2)(a) as the case may be in relation to the principal obligation period].
- (4) For the purposes of paragraphs (2) and (3), a supplier “surrenders” an RTF certificate where the supplier—
- (a) does not need the certificate to count towards the discharge of the supplier's renewable transport fuel obligation (if any) for the obligation period in question;
  - (b) notifies the Administrator that the supplier renounces any further benefit from holding the certificate, and
  - (c) claims a share of the buy-out fund for the obligation period in question,
- and the RTF certificate is debited from the supplier's RTF account accordingly.
- (5) In the circumstances set out in paragraph (6), the Administrator must make such provision as is fair and reasonable with regard to—
- (a) dealing with any sum paid by the supplier under article 21,
  - (b) allocating shares and making payments under this article, and
  - (c) any other matter requiring to be dealt with pending and following the final disposal of the court proceedings.
- (6) The circumstances referred to are where—
- (a) an RTF certificate held by a supplier is revoked,
  - (b) by way of court proceedings the supplier challenges the decision to revoke, and
  - (c) the court proceedings have not been finally disposed of by the [<sup>F83</sup>15th November] immediately following the obligation period in question.

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### Textual Amendments

- F77** Art. 22(1) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **20(1)**
- F78** Words in art. 22(2)(b) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **20(2)**
- F79** Words in art. 22(2)(d) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **20(3)**
- F80** Words in art. 22(2)(e) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **20(4)**
- F81** Words in art. 22(2)(g) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **20(5)**
- F82** Words in art. 22(3)(b) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **20(6)**
- F83** Words in art. 22(6)(c) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **20(7)**

## PART 6

### IMPOSITION OF CIVIL PENALTIES

#### Civil penalties

**23.**—(1) The following provisions are designated for the purposes of section 129 of the 2004 Act: articles 7(2) and (6), 8(3), [F84 12(4) and (7)], 13(5) and (7), 16(4), [F85 16B(1) to (3),] 20(14) and 21(6).

(2) A supplier is liable to a civil penalty if that supplier contravenes article 7(2) or 21(6).

[F86(2A) A supplier is liable to a civil penalty if that supplier or other person fails to submit a verifier’s report as required by article 16B(1) to (3).]

[F87(3) A supplier or other person is liable to a civil penalty if at the time that supplier or other person provides the information or produces the evidence (as the case may be) referred to in article 7(6), 8(3), 12(4) or (7), 13(5) or (7), 16(4) or 20(14)—

- (a) that supplier or other person has not taken reasonable steps to ensure that the information or evidence is accurate, or
- (b) that supplier or other person has taken reasonable steps to ensure that the information or evidence is accurate, but the condition set out in paragraph (4) or (5) is subsequently satisfied.]

(4) In the case of article 7(6) or 8(3), the condition is that the supplier or other person has subsequently—

- (a) become aware that the information or evidence may be inaccurate but has not informed the Administrator of that fact within [F88 twenty] working days of so becoming aware,
- (b) been informed by the Administrator that the information or evidence may be inaccurate but has not investigated and remedied the inaccuracy within such period as may reasonably be allowed by the Administrator, or
- (c) become aware (other than by being informed by the Administrator) that the information or evidence may be inaccurate but has not investigated and remedied the inaccuracy within such period as may reasonably be allowed by the Administrator.

(5) In the case of article [F89]12(4) or (7)], 13(5) or (7), 16(4) or 20(14), the condition is that the supplier or other person has subsequently, but on or before [F90]the 16th November] immediately following the obligation period in question—

- (a) become aware that the information or evidence may be inaccurate, but has not informed the Administrator of that fact within [F91]twenty] working days of so becoming aware,
- (b) been informed by the Administrator that the information or evidence may be inaccurate, but has not investigated and remedied the inaccuracy within such period as may reasonably be allowed by the Administrator, or
- (c) become aware (other than by being informed by the Administrator) that the information or evidence may be inaccurate, but has not investigated and remedied the inaccuracy within such period as may reasonably be allowed by the Administrator.

(6) For the purposes of section 129(2) of the 2004 Act, a civil penalty notice must be given by written notice to the defaulter.

(7) For the purposes of section 129(3)(a), “the specified amount” is—

- (a) in the case of an account holder who has gained, or attempted to gain, one or more RTF certificates by contravening a provision referred to in paragraph (1), an amount equivalent to twice the value of the RTF certificates which the account holder has gained, or attempted to gain, and
- (b) in any other case, £50,000.

(8) In paragraph (7)(a), the value of an RTF certificate is equivalent to the buy-out price, as [F92]defined in] article 21(7), for the obligation period in respect of which the RTF certificate is issued or would have been issued.

(9) For the purposes of section 129(3)(b), the turnover of the specified business of the defaulter is the applicable turnover for the business year preceding the date of the civil penalty notice.

(10) Where the business year preceding the date of the civil penalty notice does not equal 12 months, the turnover is the amount which bears the same proportion to the applicable turnover during that business year as 12 months does to the period of that business year.

(11) Where there is no preceding business year, the turnover is the applicable turnover of the defaulter for the period of 12 months ending on the last day of the month preceding the month in which the date of the civil penalty notice falls.

(12) Where in the application of paragraph (11) the defaulter has applicable turnover for a period of less than 12 months, the turnover is the amount which bears the same proportion to the applicable turnover during the period for which the defaulter has applicable turnover as 12 months does to that period.

[F93](12A) Where a defaulter does not pay all or any part of the penalty to the Administrator by the date before which the civil penalty must be paid—

- (a) the sum outstanding is to increase at the rate specified in paragraph (12B) and the increase is to be calculated in accordance with paragraph (12C); and
- (b) the increased sum is a debt due from the defaulter to the Administrator until it has been paid in full.

(12B) The rate for the purposes of paragraph (12A) is 5 percentage points above the base rate of the Bank of England as at the date before which the civil penalty must be paid to the Administrator.

(12C) The increase is to be calculated on a daily basis beginning on the date before which the civil penalty must be paid to the Administrator, and ending on the date on which payment is received by the Administrator.]

(13) In this article—

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“applicable turnover” means the amounts, ascertained in conformity with normal accounting practice in the United Kingdom, which are—

- (a) derived by the defaulter from the supply of [<sup>F94</sup>petrol, diesel and renewable] transport fuel at or for delivery to places in the United Kingdom, and
- (b) computed on an accruals basis so that those amounts relating to the period for which the turnover is being determined are taken into account, without regard to the date of invoice or receipt of payment,

after deduction of trade discounts, value added tax and any other taxes based on such amounts;

“business year” means a period of more than six months in respect of which a defaulter publishes accounts or, if no such accounts have been published for the period, prepares accounts; and

“date of the civil penalty notice” means the date on which the Administrator gives notice under section 129(2) of the 2004 Act.

#### Textual Amendments

- F84** Words in art. 23(1) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(1)(a)**
- F85** Words in art. 23(1) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(1)(b)**
- F86** Art. 23(2A) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(2)**
- F87** Art. 23(3) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(3)**
- F88** Word in art. 23(4)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(4)**
- F89** Words in art. 23(5) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(5)(a)**
- F90** Words in art. 23(5) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(5)(b)**
- F91** Word in art. 23(5)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(4)**
- F92** Words in art. 23(8) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(6)**
- F93** Art. 23(12A)-(12C) inserted (9.4.2013) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2013 \(S.I. 2013/816\)](#), arts. 1(1), **12**
- F94** Words in art. 23(13) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(7)**

#### Objections to civil penalties

**24.**—(1) For the purposes of section 130(2)(b) of the 2004 Act, the manner in which the notice of objection must be given to the Administrator is—

- (a) by delivering it to the Administrator,
- (b) by leaving it at the address of the Administrator, or
- (c) by sending it by post to the Administrator at that address,

and “delivering” includes transmitting by means of an electronic communications network, or by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

(2) For the purposes of section 130(2)(b), the period within which the notice must be given is a period of 28 days beginning on the day immediately after the day on which the civil penalty notice is given.

(3) For the purposes of section 130(5), the manner in which the notification of the outcome of the Administrator's consideration must be given is—

- (a) by delivering it to the objector,
- (b) by leaving it at the objector's proper address, or
- (c) by sending it by post to the objector at that address,

and “delivering” includes transmitting by means of an electronic communications network, or by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

(4) Section 193(3) to (7) of the 2004 Act applies in relation to the giving or sending of the notification to the objector under paragraph (3).

(5) For the purposes of section 130(5), the period before the end of which the notification must be given is a period of 28 days beginning on the day immediately after the day on which the notice of objection is given to the Administrator.

## [<sup>F95</sup>PART 7

### Transitional provisions

#### Textual Amendments

**F95** Pt. 7 inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011](#) (S.I. 2011/2937), arts. 1, **22**

#### Transitional provisions

**25.** This Part applies to fuel supplied at or for delivery to places in the United Kingdom before the day on which the 2011 Order comes into force.

#### Determination of the specified amount

**26.—**(1) For the purposes of calculating the volume of the relevant hydrocarbon oil which a supplier has supplied at or for delivery to places in the United Kingdom during the period beginning with 15th April 2011 and ending with the day before the 2011 Order comes into force under article 4(5)(a), relevant hydrocarbon oil supplied by the supplier before the day the 2011 Order comes into force is not to be taken into account unless that fuel is—

- (a) fossil fuel; and
- (b) within paragraph (2).

(2) Relevant hydrocarbon oil is within this paragraph if it is of one of the following descriptions—

- (a) hydrocarbon oil which is chargeable to the duty of excise on hydrocarbon oil under section 6 of the 1979 Act, other than the renewable diesel component in hydrocarbon oil comprising a mixture of heavy oil which is not renewable diesel and heavy oil which is renewable diesel;

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- (b) the heavy oil component in bioblend, where a duty of excise is chargeable in relation to that bioblend under the 1979 Act, other than any renewable diesel component which is included in the heavy oil component;
- (c) the hydrocarbon oil component in bioethanol blend, where a duty of excise is chargeable in relation to that bioethanol blend under the 1979 Act.

### **Discharging a renewable transport fuel obligation**

**27.**—(1) For the purposes of discharging a person’s renewable transport fuel obligation for the obligation period beginning with 15th April 2011, article 5(2) to (7) does not apply to renewable transport fuel supplied by that person before the day the 2011 Order comes into force.

(2) An amount of renewable transport fuel supplied by a person at or for delivery to places in the United Kingdom on or after 15th April 2011 but before the day on which the 2011 Order comes into force counts towards discharging that person’s renewable transport fuel obligation for the obligation period beginning with 15th April 2011 if—

- (a) it is for use as fuel in road vehicles (whether or not it may also be used in other vehicles);
- (b) it is of one of the following descriptions—
  - (i) biodiesel in relation to which a duty of excise is chargeable under the 1979 Act;
  - (ii) the biodiesel component in bioblend, where a duty of excise is chargeable in relation to that bioblend under the 1979 Act;
  - (iii) bioethanol in relation to which a duty of excise is chargeable under the 1979 Act;
  - (iv) the bioethanol component of bioethanol blend, where a duty of excise is chargeable in relation to that bioethanol blend under the 1979 Act;
  - (v) natural road fuel gas—
    - (aa) in relation to which a duty of excise is chargeable under the 1979 Act; and
    - (bb) which is produced wholly from biomass;
  - (vi) biobutanol in relation to which a duty of excise is chargeable under the 1979 Act;
  - (vii) renewable diesel in relation to which a duty of excise is chargeable under the 1979 Act;
  - (viii) the renewable diesel component in bioblend which contains renewable diesel, being bioblend in relation to which a duty of excise is chargeable under the 1979 Act; or
  - (ix) the renewable diesel component in hydrocarbon oil, being hydrocarbon oil—
    - (aa) comprising a mixture of heavy oil which is not renewable diesel and heavy oil which is renewable diesel, and
    - (bb) in relation to which a duty of excise is chargeable under the 1979 Act;
- (c) that person owns the fuel at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect.

(3) Where the biodiesel component referred to in paragraph (2)(b)(ii), or the bioethanol component referred to in paragraph (2)(b)(iv), is counted towards discharging a person’s renewable transport fuel obligation, the amount of that component must be measured by its volume.

### **Information from obligated suppliers**

**28.**—(1) In respect of any period ending before the day on which the 2011 Order comes into force the reference in article 12(1) to “must” is to be read as “may”.



(2) The Administrator must impose a requirement on an obligated supplier to provide the Administrator with information as to—

- (a) the amount of any relevant hydrocarbon oil which—
  - (i) is fossil fuel;
  - (ii) is within article 26(2); and
  - (iii) has been—
    - (aa) supplied by the supplier at or for delivery to places in the United Kingdom during each relevant period, or
    - (bb) received by the supplier from another transport fuel supplier at places in the United Kingdom during each relevant period;
- (b) the amount of any renewable transport fuel supplied by that supplier at or for delivery to places in the United Kingdom which—
  - (i) is for use as fuel in road vehicles (whether or not it may also be used in other vehicles);
  - (ii) is of one of the descriptions set out in article 27(2)(b); and
  - (iii) meets one of the conditions set out in paragraph (3) in respect of each relevant period.

(3) The conditions are that the fuel is—

- (a) owned by the supplier at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, and supplied by the supplier at or for delivery to places in the United Kingdom during the relevant period in question; or
- (b) received by the supplier from another transport fuel supplier at places in the United Kingdom during the relevant period in question.

(4) In paragraphs (2)(a)(iii), (b)(iii) and (3), a “relevant period” means a period beginning with the 15th day of each month before the month in which the 2011 Order comes into force and ending with the 14th day of the following month during an obligation period.

(5) An obligated supplier must comply with any requirement imposed on it under paragraph (2).

(6) Paragraphs (3) to (7) of article 12 apply to information required by the Administrator pursuant to paragraph (2) in the same way that they apply to information required by the Administrator pursuant to article 12(1).

(7) The references to article 12, or to paragraphs or sub-paragraphs of article 12, in articles 15(1)(g), 20(1)(c) and 23(1), (3) and (5) also include a reference to paragraph (5) of this article.

### **Application for RTF certificates**

**29.** Where a transport fuel supplier applies for an RTF certificate in respect of renewable transport fuel supplied by that supplier before the day on which the 2011 Order comes into force—

- (a) the conditions in article 16(3)(b), (c), (d), (e) and (ea) do not apply;
- (b) before an RTF certificate may be issued in respect of that fuel—
  - (i) the supplier must have provided the Administrator with the information required by the Administrator pursuant to article 28(2);
  - (ii) the Administrator must be satisfied that the information provided by the supplier pursuant to article 28(5)—
    - (aa) is accurate, and
    - (bb) has been provided in such form, using such methodology and within such period as the Administrator notifies for the purposes of article 12(3), or

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failing such notification, as the Administrator notifies for the purposes of this paragraph;

- (c) the declaration made pursuant to article 16(2)(a)—
  - (i) need not confirm the matters specified in article 16(2)(a)(ii);
  - (ii) need not refer to the information referred to in article 16(3)(b), (c) or (d);
  - (iii) must confirm that the information provided by the supplier pursuant to article 28(5) is accurate.

### **Issue of RTF certificates**

**30.**—(1) Where the requirements of article 16(1), (2)(a)(i) and (b) and (3)(a), (f) and (g) and article 29(b) and (c) have been met, the Administrator must issue an RTF certificate to a transport fuel supplier for each litre of renewable transport fuel which is—

- (a) for use as fuel in road vehicles (whether or not it may also be used in other vehicles),
- (b) of one of the descriptions set out in article 27(2)(b),
- (c) owned by the supplier at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, and
- (d) supplied by the supplier at or for delivery to places in the United Kingdom during the period beginning with 15th April 2011 and ending with the day before the 2011 Order comes into force.

(2) Paragraphs (2), (3)(a) and (4) to (6) of article 17 apply in respect of RTF certificates issued under paragraph (1) of this article as they apply in respect of RTF certificates issued under article 17(1).

(3) Article 17(1) does not require an RTF certificate to be issued to a transport fuel supplier in respect of fuel supplied by that supplier during the period beginning with 15th April 2011 and ending with the day before the 2011 Order comes into force.

(4) Article 17(3)(b) does not apply to an RTF certificate to be issued to a transport fuel supplier in respect of fuel supplied by that supplier during the period beginning with 15th April 2011 and ending with the day before the 2011 Order comes into force.]

Signed by authority of the Secretary of State for Transport

Department for Transport

*Jim Fitzpatrick*  
Parliamentary Under Secretary of State

## [F96] SCHEDULE

Article 2

### SUSTAINABILITY CRITERIA

#### Textual Amendments

**F96** Sch. inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, 23

#### Interpretation

1. In this Schedule—

“chain of installations” means, in respect of any consignment of renewable transport fuel, all of the processing installations the use of which leads to a material modification from any of the relevant feedstock to the finished fuel. It does not include installations solely used for the collection, transportation or storage of the feedstocks;

“emissions from land-use change” means the annualised emissions from land-use change attributable to the renewable transport fuel as calculated in accordance with paragraph 7 of part C of Annex V to the directive;

“fossil element” means, in respect of an amount of renewable transport fuel, the part of that fuel, or of the material used to produce that fuel, which is or derives from fossil fuel;

“GHG” means greenhouse gas;

“low emissions area” means an area listed in a report submitted in accordance with article 19(2) of the directive as an area in which the typical GHG emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading ‘Disaggregated default values for cultivation’ in part D of Annex V to the directive;

“nature protection area” means an area which is designated by law or the relevant competent authority for nature protection purposes;

“new chain of installations” means a chain of installations in respect of which production of renewable transport fuel in one or more of the installations begins on or after 1st January 2017;

“old chain of installations” means a chain of installations in respect of which production of renewable transport fuel in at least one of the installations was taking place on 23rd January 2008;

“primary forest” means forest and other wooded land of native species where, at any point in time in or after January 2008, there has been no clearly visible indication of human activity and the ecological processes have not been significantly disturbed;

“relevant biofuel production pathway” means the biofuel production pathway applicable to the renewable transport fuel in question or, where that renewable transport fuel is partially renewable transport fuel, the biofuel production pathway applicable to the part from relevant feedstocks of that renewable transport fuel;

“relevant forest” means land spanning more than one hectare with trees higher than five metres and a canopy cover of between 10% and 30% or trees able to reach those thresholds in situ;

“relevant land” means the land from which the relevant raw material was obtained;

“relevant nature protection purposes” means the nature protection purposes, if any, for which the relevant land was designated as a nature protection area;

“relevant raw material” means the raw material from which the renewable transport fuel was produced;

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“renewable element” means, in respect of an amount of renewable transport fuel, the part of that fuel, or of the material used to produce that fuel, which is or derives from a sustainable feedstock;

“excluded land” means—

- (a) primary forest;
- (b) land that is covered with or saturated by water permanently or for a significant part of the year;
- (c) land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30% or trees able to reach those thresholds in situ;

and subject to these, expressions which are also used in the directive have the same meaning which they bear in that directive.

### **Compliance with the sustainability criteria**

2.—(1) Subject to sub-paragraph (2), an amount of renewable transport fuel meets the sustainability criteria if—

- (a) it meets the GHG emission saving threshold established in accordance with paragraph 3; and
- (b) all relevant feedstocks from which it was produced meet the land criteria referred to in paragraph 7.

(2) An amount of renewable transport fuel which is produced from wastes or residues other than residues from agriculture, aquaculture, fisheries or forestry meets the sustainability criteria if it meets the GHG emission saving threshold, whether or not it meets the land criteria.

### **Greenhouse gas emission saving threshold**

3.—(1) Subject to sub-paragraph (2), an amount of renewable transport fuel meets the GHG emission saving threshold if the GHG emission saving from its use is equal to or greater than the minimum GHG emission saving applicable to that fuel as specified in paragraph 4.

(2) If the renewable transport fuel is produced partly from raw materials other than sustainable feedstocks, the minimum GHG emission saving for the purposes of this Schedule applies only to the volume of that fuel which is—

- (a) attributable to sustainable feedstocks; or
- (b) produced from wastes or residues other than residues from agriculture, aquaculture, fisheries or forestry.

(3) The GHG emission saving from the use of an amount of renewable transport fuel is the greater of—

- (a) where applicable, the default value determined in accordance with paragraph 5; and
- (b) the actual value determined in accordance with paragraph 6.

### **Minimum emission saving**

4.—(1) For the purposes of this Schedule, the “minimum GHG emission saving” is—

- (a) in respect of renewable transport fuel supplied before 1st April 2013—
  - (i) where the fuel is produced in an old chain of installations, nil;
  - (ii) in any other case, 35%;

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- (b) in respect of renewable transport fuel supplied on or after 1st April 2013 but before 1st January 2017, 35%;
- (c) in respect of renewable transport fuel supplied on or after 1st January 2017 but before 1st January 2018, 50%;
- (d) in respect of renewable transport fuel supplied on or after 1st January 2018—
  - (i) where the fuel is produced in a new chain of installations, 60%;
  - (ii) in any other case, 50%.

(2) In this paragraph “supplied” means “supplied at or for delivery to places in the United Kingdom”.

### **Default value**

5.—(1) The default value referred to in paragraph 3(3)(a) is determined as follows.

(2) Where in parts A and B of Annex V to the directive, a value is specified for a default GHG emission saving for the relevant biofuel production pathway, the default value is equal to that specified value provided that—

- (a) the emissions from land-use change are equal to or less than zero; and
- (b) if the relevant biofuel production pathway is listed in part A of Annex V to the directive, the condition specified in sub-paragraph (3) is satisfied.

(3) The condition referred to in sub-paragraph (2)(b) and paragraph 6(4) is that the raw materials from which the renewable transport fuel was produced were—

- (a) cultivated outside the European Union;
- (b) cultivated in a low emissions area; or
- (c) wastes or residues other than residues from agriculture, aquaculture, fisheries or forestry.

(4) Otherwise an actual value determined in accordance with paragraph 6 must be used.

### **Actual value**

6.—(1) The actual value referred to in paragraph 3(3)(b) is determined as follows.

(2) The actual value is the percentage GHG emission saving from the use of the renewable transport fuel which percentage is obtained by multiplying the result of the calculation set out at paragraph 4 of part C of Annex V to the directive by 100.

(3) Where in parts D and E of Annex V to the directive a default GHG emissions value is specified in respect of a variable in the formula set out in paragraph 1 of part C of Annex V to the directive, that GHG emissions value may be used in determining the GHG emission saving from the use of the renewable transport fuel for the purposes of sub-paragraph (2).

(4) But a default value for emissions from cultivation specified in part D of Annex V to the directive may only be used where the condition specified in paragraph 5(3) is satisfied.

### **Land criteria**

7. A relevant feedstock meets the land criteria if—

- (a) it was not obtained from land falling within any of the categories specified in paragraph 8(1); or
- (b) the exception set out in paragraph 9 applies.

8.—(1) The categories referred to in paragraph 7(a) are—

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- (a) primary forest,
  - (b) nature protection areas,
  - (c) land which was formerly wetland or forest,
  - (d) land which was peatland at any time in January 2008.
- (2) For the purposes of sub-paragraph (1)(c), land shall formerly have been wetland or forest if it—
- (a) fell within a category specified in sub-paragraph (3) at any time in January 2008; and
  - (b) did not fall within that category when the raw material was obtained from it.
- (3) The categories referred to in sub-paragraph (2)(a) are—
- (a) land that is covered with or saturated by water permanently or for a significant part of the year;
  - (b) land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 10% or trees able to reach those thresholds in situ.
- 9.—**(1) The exception referred to in paragraph 7(b) applies if—
- (a) the relevant land is not excluded land;
  - (b) the relevant land falls within one or more of the categories specified in sub-paragraph (2);
  - (c) the evidence specified in sub-paragraph (3) is provided to the Administrator in respect of each of those categories within which the relevant land falls; and
  - (d) any requirement imposed under sub-paragraph (4) in respect of the provision of that evidence is complied with.
- (2) The categories referred to in sub-paragraph (1)(b) are—
- (a) nature protection areas;
  - (b) relevant forest;
  - (c) land that was peatland at any time in January 2008.
- (3) The evidence referred to in sub-paragraph (1)(c) is—
- (a) in respect of land within a nature protection area, evidence that the production of the relevant raw material did not interfere with the relevant nature protection purposes;
  - (b) in respect of relevant forest, evidence that the GHG emission saving from the use of the renewable transport fuel, as calculated in accordance with part C of Annex V to the directive, is equal to or greater than the minimum GHG emission saving applicable to the fuel at the time when it is used, as set out in paragraph 4; and
  - (c) in respect of land which was peatland at any time in January 2008, evidence that the cultivation and harvesting of the relevant raw material did not involve the drainage of previously undrained soil.
- (4) The Administrator may impose requirements as to—
- (a) the form in which the evidence referred to in sub-paragraph (1)(c) must be provided;
  - (b) the methodology to be used in compiling and providing that evidence; and
  - (c) the period within which that evidence must be provided.]

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order implements Chapter 5 of Part 2 of the Energy Act 2004, and imposes on transport fuel suppliers who supply relevant hydrocarbon oil in the United Kingdom an obligation to produce evidence that a certain amount of renewable transport fuel has been supplied in the United Kingdom (the “RTF obligation”) (*Part 2*).

*Part 3* of the Order provides for the establishment of a new body corporate as the Administrator, and this is to be known as the Office of the Renewable Fuels Agency (*article 6*). *The Schedule* makes provision about the Office as regards its constitution, staff, proceedings, money, accounts and audit, duty to give information to the Secretary of State, and any conflicts of interest. *Part 3* also makes provision about the Administrator establishing and maintaining accounts for transport fuel suppliers (*articles 7 to 11*), and making an annual report to the Secretary of State which is then to be laid before Parliament (*article 14*). It also confers powers and imposes duties on the Administrator as regards requiring information from suppliers (*articles 12 and 13*) and other matters (*article 15*).

*Part 4* provides for the issue of RTF (renewable transport fuel) certificates to suppliers who are subject to an RTF obligation, and to other suppliers who are not so obligated. These certificates can then be produced as evidence that the obligation has been discharged. Certificates may also be transferred (*article 18*) or revoked (*article 20*).

*Part 5* provides for the discharge of an RTF obligation by payment in cases where a supplier has not wholly discharged the obligation by producing sufficient RTF certificates. *Article 22* makes provision for the re-cycling of buy-out payments to certain transport fuel suppliers.

*Part 6* provides for a person who contravenes certain provisions to be liable to a civil penalty. It also provides for the process of objecting to a civil penalty (*article 24*). Section 131 of the Energy Act 2004 provides for appeals to be made to the High Court (in England and Wales or Northern Ireland) or the Court of Session (in Scotland) where a person disputes a liability to a penalty or claims that the penalty is too high.

An Impact Assessment has been prepared and copies can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the Library of each House of Parliament. A copy may also be accessed on the OPSI website [www.opsi.gov.uk](http://www.opsi.gov.uk).

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