
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, apart from regulations 3 and 8(3) (which come into force on 9th April 2008), come into force on 1st April 2008. They-

- (a) prescribe the purposes for which the Commissioners can determine the proportion of any substance that is biodiesel or bioblend;
- (b) amend the Hydrocarbon Oil (Mixing of Oil) Regulations 1985 as a consequence of amendments made to section 20A of the Hydrocarbon Oil Duties Act 1979 (“the Oil Act”) (mixing: adjustment of duty);
- (c) make amendments to other Regulations as a consequence of the introduction of a rebated rate of excise duty on biodiesel and bioblend used other than as fuel for road vehicles;
- (d) ^{M1}make amendments to other Regulations as a consequence of the reduction in the number of duty rates specified in section 6(1A) of the Oil Act; and
- (e) correct drafting errors in previous instruments.

Regulation 2 prescribes the purposes for which the Commissioners may determine, in such a way as they consider appropriate, the proportion of any substance that is biodiesel or bioblend;

Regulation 3 amends the Hydrocarbon Oil Regulations 1973 (S.I. 1973/1311) so that, where appropriate, they apply to bioblend and bioethanol blend.

Regulation 4 amends the Hydrocarbon Oil (Mixing of Oils) Regulations 1985 (S.I.1985/1450) so that they apply to the mixing of biodiesel, bioethanol, bioblend, bioethanol blend or hydrocarbon oil.

Regulation 5 amends the Hydrocarbon Oil Duties (Marine Voyages Reliefs) Regulations 1996 (S.I. 1996/2537) so that the relief provided for by those Regulations applies to excise duty charged on biodiesel, bioethanol, bioblend and bioethanol blend, as well as to duty charged on hydrocarbon oil.

^{M2}Regulation 6 amends the Hydrocarbon Oil (Marking) Regulations 2002 (S.I.2002/1773) so that they apply to bioblend on which a rebate is allowed under section 14B of the Oil Act.

Regulation 7 amends the Hydrocarbon Oil (Registered Dealers in Controlled Oil) Regulations 2002 (S.I. 2002/3057) so that section 23A(1) and (4) of the Oil Act (regulation of traders in controlled oil) does not apply to controlled oil that is biodiesel.

Regulation 8 amends the Biofuels and Other Fuel Substitutes (Payment of Excise Duties etc) Regulations 2004 (S.I. 2004/2065) to:

- (a) extend the references to hydrocarbon oil in specified provisions of the Oil Act that are to be construed as including references to biodiesel, bioblend and bioethanol blend;
- (b) correct a drafting error in paragraph (5) of regulation 19A (large producers);
- (c) revoke Part 8 (biodiesel used otherwise than as road fuel);
- (d) amend the particulars to be entered in the Motor Fuels Record that is required to be kept under regulation 13(1); and
- (e) make amendments following the reduction in the number of duty rates.

Regulation 9 amends the Hydrocarbon Oil Duties (Reliefs for Electricity Generation) Regulations 2005 (S.I. 2005/3320) so that the relief provided for by those Regulations applies to bioblend on which a rebate has been allowed under the Oil Act.

Changes to legislation: *There are currently no known outstanding effects for the The Hydrocarbon Oil, Biofuels and Other Fuel Substitutes (Determination of Composition of a Substance and Miscellaneous Amendments) Regulations 2008. (See end of Document for details)*

Regulation 10 amends the Hydrocarbon Oil (Registered Remote Markers) Regulations 2005 (S.I. 2005/3472) so that they apply to the remote marking of bioblend on which a rebate of duty is allowed under section 14B of the Oil Act.

Regulation 11 amends the Hydrocarbon Oil Duties (Sulphur-free Diesel) (Hydrogenation of Biomass) (Reliefs) Regulations 2006 (S.I.2006/3426) to remove references to “sulphur-free diesel”.

Regulation 12 amends the Fuel-testing Pilot Projects (Biomix Project) Regulations 2007 (S.I. 2007/314) to substitute “gas oil” for references to “ultra low sulphur diesel” and “sulphur-free diesel” and to make a consequential amendment to regulation 5 (relief).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Hydrocarbon Oil, Biofuels and Other Fuel Substitutes (Determination of Composition of a Substance and Miscellaneous Amendments) Regulations 2008.