
STATUTORY INSTRUMENTS

2011 No. 493

**TRANSPORT
ENERGY**

SUSTAINABLE AND RENEWABLE FUELS

**The Office of the Renewable Fuels Agency
(Dissolution and Transfer of Functions) Order 2011**

<i>Made</i>	- - - -	<i>22nd February 2011</i>
<i>Laid before Parliament</i>		<i>24th February 2011</i>
<i>Coming into force</i>		
<i>Articles 1 and 6</i>		<i>18th March 2011</i>
<i>Remainder</i>		<i>1st April 2011</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 125C(1), (4), (5) and (6) of the Energy Act 2004⁽¹⁾.

Citation and commencement

1.—(1) This Order may be cited as the Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011.

(2) This article and article 6 come into force on 18th March 2011.

(3) Articles 2, 3, 4, 5 and 7 come into force on 1st April 2011.

Interpretation

2. In this Order, “the RFA” means the Office of the Renewable Fuels Agency.

Dissolution of the RFA

3. The RFA is dissolved.

(1) 2004 c.20; section 125C was inserted by the Climate Change Act 2008, section 78 and paragraphs 1 and 2 of Schedule 7.

Transfer of functions

4. The functions of the RFA are transferred to the Secretary of State.

Transfer of property, rights and liabilities

- 5.—(1) The property, rights and liabilities of the RFA are transferred to the Secretary of State.
 - (2) The transfer referred to in paragraph (1) has effect in spite of anything that would prevent or restrict the transfer of that property and those rights and liabilities otherwise than by this Order.
 - (3) Anything done by or in relation to the RFA has effect as if done by or in relation to the Secretary of State.
 - (4) Anything (including legal proceedings) which is in the process of being done by or in relation to the RFA immediately before its dissolution may be continued by or in relation to the Secretary of State.
 - (5) References to the RFA in any instrument or other document have effect as references to the Secretary of State.
 - (6) Paragraph (1) does not apply to rights and liabilities under contracts of employment.

Transfer of employees

6. The Transfer of Undertakings (Protection of Employment) Regulations 2006⁽²⁾ have effect as if the transfer under article 4 is a relevant transfer for the purposes of those Regulations.

Amendment of the Renewable Transport Fuel Obligations Order 2007

- 7.—(1) The Renewable Transport Fuel Obligations Order 2007⁽³⁾ is amended as follows.
 - (2) Omit the definition of “Chief Executive” in article 2(1).
 - (3) For article 6, substitute—

“The Administrator

 6. The Secretary of State is appointed as the Administrator.”
 - (4) Omit article 14(2) and (4)(c) and (h).
 - (5) For article 14(3), substitute—

“(3) The Administrator must lay a copy of the report before each House of Parliament.”
 - (6) Omit article 15(1)(a) to (c).
 - (7) For article 15(1)(d), substitute—

“(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;”.
 - (8) In article 15(3), for “paragraph (1) or (2)” substitute “paragraph (2)(b)”.
 - (9) In article 20(5)(b)(ii), (6), (7)(a), (8) and (9), for “the Chief Executive” substitute “the Administrator”.
 - (10) Omit article 20(10).
 - (11) In article 20(11), for “the decision of the Chief Executive or other member” substitute “its decision”.

(2) S.I. 2006/246, amended by S.I. 2009/592, 2010/93.

(3) S.I. 2007/3072, to which there are amendments not relevant to this Order.

(12) In article 20(12)(a), for “neither the Chief Executive nor another member reconsiders” substitute “the Administrator does not reconsider”.

(13) In article 20(13) and (14), omit “, Chief Executive or other member”.

(14) Omit the Schedule.

22nd February 2011

Philip Hammond
Secretary of State
Department for Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order dissolves the Office of the Renewable Fuels Agency (“the RFA”) and transfers its functions to the Secretary of State (*articles 3 and 4*).

Article 5 of the Order transfers the property, rights and liabilities of the RFA to the Secretary of State, except rights and liabilities under contracts of employment.

Article 6 provides for the Transfer of Undertakings (Protection of Employment) Regulations 2006 to apply to the transfer of the RFA’s functions.

Article 7 makes amendments to the Renewable Transport Fuel Obligations Order 2007 which are consequent upon the transfer.