
STATUTORY INSTRUMENTS

2011 No. 2937

**The Renewable Transport Fuel
Obligations (Amendment) Order 2011**

Transitional provisions

22. After article 24 (objections to civil penalties), insert—

“PART 7

Transitional provisions

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;
- (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 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.”