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STATUTORY INSTRUMENTS

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**2011 No. 2937**

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

**Amendment of article 5 (determinations of amounts of transport fuel)**

7.—(1) For article 5(1), substitute—

“(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) For article 5(2)(a) and (b), substitute—

- “(a) it is for use as fuel in road vehicles,  
(b) it meets the sustainability criteria, and”.

(3) Omit article 5(3).

(4) After article 5(4), insert—

“(4A) For the purposes of discharging a person’s renewable transport fuel obligation<sup>(1)</sup> 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—

$$R_N = R_A \times (S + W)$$

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

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(1) “Renewable transport fuel obligation” is defined in section 124(1) of the Energy Act 2004.

- (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.”
- (5) For article 5(5), substitute—
  - “(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.”
- (6) For article 5(6), substitute—
  - “(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.”