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## SCHEDULES

### SCHEDULE 7

#### RENEWABLE TRANSPORT FUEL OBLIGATIONS

##### *The Administrator*

2 For section 125 (the Administrator) substitute—

##### **“125 Appointment of the Administrator**

- (1) For the purposes of provision made by or under this Chapter, an RTF order may—
- (a) establish a body corporate, and
  - (b) appoint that body as the Administrator.
- (2) An RTF order may—
- (a) make provision for the appointment of members of the body;
  - (b) make provision in relation to the staffing of the body;
  - (c) make provision in relation to the expenditure of the body;
  - (d) make provision regulating the procedure of the body;
  - (e) make any other provision that the Secretary of State considers appropriate for purposes connected with the establishment and maintenance of the body.
- (3) The provision that may be made by an RTF order by virtue of this section includes, in particular, provision conferring discretions on—
- (a) the Secretary of State;
  - (b) the body itself; or
  - (c) members or staff of the body.

##### **125A General functions of the Administrator**

- (1) An RTF order may—
- (a) confer or impose powers and duties on the Administrator for purposes connected with the implementation of provision made by or under this Chapter;
  - (b) confer discretions on the Administrator in relation to the making of determinations under such an order and otherwise in relation to the Administrator's powers and duties; and
  - (c) impose duties on transport fuel suppliers for purposes connected with the Administrator's powers and duties (including, in particular, duties framed by reference to determinations made by the Administrator).

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- (2) It is the duty of the Administrator to promote the supply of renewable transport fuel whose production, supply or use—
  - (a) causes or contributes to the reduction of carbon emissions, and
  - (b) contributes to sustainable development or the protection or enhancement of the environment generally.

### **125B Functions of the Administrator: supplementary**

- (1) The powers that may be conferred on the Administrator by virtue of section 125A(1) include, in particular—
  - (a) power to require 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;
  - (b) power to impose requirements as to the form in which such information must be provided and as to the period within which it must be provided;
  - (c) power to impose charges of specified amounts on transport fuel suppliers.
- (2) The Secretary of State may give written directions to the Administrator about the exercise of any power conferred on the Administrator by virtue of subsection (1)(a) or (b).
- (3) The power to give directions under subsection (2) includes power to vary or revoke the directions.
- (4) The Administrator must comply with any directions given under that subsection.
- (5) Sums received by the Administrator by virtue of provision within subsection (1)(c)—
  - (a) where the Administrator is the Secretary of State, must be paid into the Consolidated Fund, and
  - (b) otherwise, must be used for the purpose of meeting costs incurred in carrying out the Administrator's functions.
- (6) The Secretary of State may make grants to the Administrator on such terms as the Secretary of State may determine.

### **125C Transfer of functions to new Administrator**

- (1) The Secretary of State may by order—
  - (a) appoint a person as the Administrator (“the new Administrator”) in place of a person previously so appointed by order under this Chapter (“the old Administrator”), and
  - (b) provide for the transfer of the functions of the old Administrator to the new Administrator.
- (2) Only the following persons may be appointed as the Administrator by order under this section—
  - (a) the Secretary of State;

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- (b) a body or other person established or appointed by or under any enactment to carry out other functions;
  - (c) a body corporate established by the order for appointment as the Administrator.
- (3) An order under this section that establishes a body for appointment as the Administrator may make any provision that may be made by an RTF order by virtue of section 125.
- (4) An order under this section may provide for the transfer of staff of the old Administrator, and of any property, rights or liabilities to which the old Administrator is entitled or subject, to the new Administrator and may, in particular—
  - (a) provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order;
  - (b) provide for the creation of interests in, or rights over, property transferred or retained or for the creation of new rights and liabilities;
  - (c) provide for the order to have effect in spite of anything that would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.
- (5) The order may, in particular—
  - (a) provide for anything done by or in relation to the old Administrator to have effect as if done by or in relation to the new Administrator;
  - (b) permit anything (which may include legal proceedings) which is in the process of being done by or in relation to the old Administrator when the transfer takes effect to be continued by or in relation to the new Administrator;
  - (c) provide for a reference to the old Administrator in an instrument or other document to be treated as a reference to the new Administrator;
  - (d) where the old Administrator was established by order under this Chapter, make provision for the dissolution of the old Administrator;
  - (e) make such modifications of any enactment relating to the old Administrator or the new Administrator as the Secretary of State considers appropriate for the purpose of facilitating the transfer.
- (6) An order under this section that provides for the transfer of staff of the old Administrator to the new Administrator must make provision for the Transfer of Undertakings (Protection of Employment) Regulations 2006 to apply to the transfer.
- (7) Subject to subsection (8), an order under this section is subject to the negative resolution procedure.
- (8) The power to make an order under this section is subject to the affirmative resolution procedure if the order—
  - (a) contains provision by virtue of subsection (2)(c), or
  - (b) makes any modification of an enactment contained in—
    - (i) an Act of Parliament,
    - (ii) an Act of the Scottish Parliament,

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- (iii) a Measure or Act of the National Assembly for Wales, or
- (iv) Northern Ireland legislation.”.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 86(1)(a) words renumbered as s. 86(1)(a) by [2016 c. 22 s. 211\(2\)\(a\)](#)
- s. 86(1)(b) and word inserted by [2016 c. 22 s. 211\(2\)\(b\)](#)
- s. 86(7A)(7B) inserted by [2016 c. 22 s. 211\(5\)](#)