

**EXPLANATORY MEMORANDUM TO**  
**THE BIOFUEL (LABELLING) (AMENDMENT) REGULATIONS 2005**

**S.I. 2005 No. 3355**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 The purpose of this instrument is to correct some errors in the Biofuel (Labelling) Regulations 2004 (S.I. 2004/3349) (“the 2004 Regulations”). Some of these errors were noted by the Joint Committee on Statutory Instruments in their Eighth Report of Session 2004-05, and others relate to the application of those Regulations in Scotland, Northern Ireland and generally.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 The procedure for free issue of this instrument has been applied. The reason for this is that the purpose of making this instrument is to correct errors in the 2004 Regulations.
- 3.2 The provisions in regulation 2(4), (7) and (8) correct the errors noted by the Joint Committee in their Report, and incidentally improve the drafting.
- 3.3 The provisions in regulation 2(2), (3), (5) and (9) correct some drafting errors as regards some provisions relating to Scotland.
- 3.4 The provision in regulation 2(6) corrects a drafting error as regards a provision relating to Northern Ireland.
- 3.5 The provision in regulation 2(10) corrects a mistake made in paragraph 5(4)(b) of the Schedule to the 2004 Regulations. That paragraph provides for appeals against detention of a sample or records in relation to Scotland, and refers to the “High Court of Justiciary” as the court of appeal. Regulation 2(10) corrects this to the “Sheriff Principal”.

4. **Legislative Background**

- 4.1 The 2004 Regulations transpose Article 3.5 of Directive 2003/30/EC. That Directive relates to the promotion of the use of biofuels or other renewable fuels for transport.

## **5. Extent**

5.1 This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

6.1 Not applicable

## **7. Policy background**

7.1 The main objectives of Directive 2003/30/EC are to reduce life-cycle emissions of carbon dioxide from transport across Europe, and to reduce the EU's future reliance on external energy sources.

7.2 Article 3.5 of the Directive imposes a requirement that biofuel blends in excess of 5 percent should be clearly labelled at the point of sale. This is to protect consumers from unknowingly filling their vehicles with fuel that may be unsuitable for their vehicle and that could invalidate their warranty.

7.3 There is no statutory requirement to consult but there has been considerable consultation with various stakeholders, including consultation on the draft regulations.

7.4 The Government's public consultation document "Towards a UK Strategy for Biofuels" was published on 26 April 2004. The consultation was sent to nearly 100 consultees who had expressed an interest including oil producers and retailers, vehicle manufacturers, environmental groups, county councils and academics.

7.5 Nearly all the respondents wished to see clear labelling at forecourts. Many commented on the lack of understanding of biofuels amongst the public.

## **8. Impact**

8.1 A Regulatory Impact Assessment was prepared for the 2004 Regulations. A copy was placed in the library of each House of Parliament and is also available on the Department's website at:  
[http://www.dft.gov.uk/stellent/groups/dft\\_control/documents/contentservertemplate/dft\\_index.hcst?n=13671&l=2](http://www.dft.gov.uk/stellent/groups/dft_control/documents/contentservertemplate/dft_index.hcst?n=13671&l=2)

8.2 An RIA has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.3 This instrument has no impact on the public sector.

## **9. Contact**

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