
STATUTORY INSTRUMENTS

2007 No. 3072

**TRANSPORT
ENERGY**

SUSTAINABLE AND RENEWABLE FUELS

The Renewable Transport Fuel Obligations Order 2007

Made - - - - *25th October 2007*

Coming into force - - *26th October 2007*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 124 to 130, 132(1), 132(4) and 192(4)(c) of the Energy Act 2004^{M1}.

A draft of this Order was laid before Parliament in accordance with sections 124(5) and 192(3) of that Act and approved by a resolution of each House of Parliament.

In accordance with section 124(4) of that Act, before making this Order the Secretary of State has consulted with such persons appearing to her to represent persons whose interests will be affected by the Order, and such other persons, as she considers appropriate.

Marginal Citations

M1 [2004 c.20](#).

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. This Order may be cited as the Renewable Transport Fuel Obligations Order 2007 and comes into force on the day after the day on which it is made.

[F1]Review

1A.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in this Order; and

- (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before 15th April 2023.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- ^{F2}(4)
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this article must, in particular—
 - (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate; and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this article, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).]

<p>F1 Art. 1A inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, 6</p> <p>F2 Art. 1A(4) omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, 4 (with art. 16)</p>
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Interpretation

- 2.—(1) In this Order—
- “the 1979 Act” means the Hydrocarbon Oil Duties Act 1979 ^{M2};
 - “the 2004 Act” means the Energy Act 2004;
 - ^{F3}
 - [^{F4}“the 2012 Regulations” means the Motor Fuel (Road Vehicle and Mobile Machinery) Greenhouse Gas Emissions Reporting Regulations 2012;]
 - “account holder” has the meaning given in article 7(8);
 - [^{F5}“additional sustainability information” means the information specified in the guidance published by the Administrator under article 15(1)(m);]
 - [^{F4}“assessment time” means—
 - (a) in relation to renewable aviation turbine fuel that is attributable to relevant feedstocks, the time at which a refinery certificate of quality is issued which certifies, in accordance with standard 1530 (as revised or re-issued from time to time) of the Energy Institute and the Joint Inspection Group, that the fuel meets one of the standards set out in article 3(1B)(d);
 - (b) in relation to renewable hydrogen that is attributable to relevant feedstocks, the time at which [^{F6}it is sold to a] customer;
 - (c) in relation to gaseous renewable transport fuel [^{F7}, not falling within sub-paragraph (b),] that is attributable to relevant feedstocks and which is to be used only in non-road transports, the time at which the fuel is set aside for such use;

- (d) in relation to fuel, other than fossil fuel for use in aircraft, which does not fall within subparagraph (a), [^{F8}(b), (c) or (e)], the time at which the requirement under the 1979 Act to pay the duty of excise with which that fuel is chargeable took effect;
- (e) [^{F9}in relation to a maritime RFNBO, the time at which the RFNBO is dispensed for use in a ship;]

F10

F11

“connected person” means, in relation to a transport fuel supplier, a person connected to the supplier within the meaning of [^{F12}section 1122 of the Corporation Tax Act 2010];

F13

[^{F4}“dedicated energy crops” means crops which—

- (a) consist of—
 - (i) non-food cellulosic material; or
 - (ii) ligno-cellulosic material, except saw logs and veneer logs;
- (b) are grown for the purpose of being used as fuel or energy;
- (c) are not a residue (including processing residues and residues from agriculture, aquaculture, fisheries or forestry) or a waste; and
- (d) would not normally be used for food or feed;]

[^{F4}“development fuel RTF certificate” means an RTF certificate which derives from renewable transport fuel made from development fuel and which is specified as such in accordance with article 17(2A);]

[^{F4}“development fuel target” has the meaning given in article 4(5);]

F14

[^{F15}“forest biomass” means biomass produced from forestry;]

[^{F15}“forest criteria” means the criteria set out in Schedule 3;]

[^{F15}“GHG” means greenhouse gas;]

[^{F4}“GHG credit” has the meaning given in the 2012 Regulations;]

[^{F16}“ISAE 3000” means the International Standard on Assurance Engagements 3000 promulgated by the International Federation of Accountants;]

[^{F4}“issue of an additional RTF certificate” means the issue of an additional RTF certificate for each whole litre of fuel under article 17A;]

[^{F17}“land criteria” means the criteria set out in Schedule 2;]

[^{F4}“ligno-cellulosic material” means material composed of lignin, cellulose and hemicellulose, such as biomass sourced from forests, woody energy crops and forest-based industries’ residues and wastes;]

[^{F4}“main obligation” has the meaning given in article 4(6);]

[^{F16}“the Motor Fuel Regulations” means the Motor Fuel (Composition and Content) Regulations 1999;]

[^{F4}“non-food cellulosic material” means feedstocks which are mainly composed of cellulose and hemicellulose, having a lower lignin content than ligno-cellulosic material, including (among other things)—

- (a) food and feed crop residues, such as straw, stover, husks and shells;
- (b) grassy energy crops with a low starch content, such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops;
- (c) industrial residues, including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted; and
- (d) material from biowaste;]

“non-obligated supplier” means a transport fuel supplier other than one upon whom a renewable transport fuel obligation is imposed under article 4;

[^{F4}“non-road transports” means—

- (a) non-road mobile machinery;
- (b) inland waterway vessels which do not normally operate at sea;
- (c) recreational craft which do not normally operate at sea;
- (d) tractors;
- (e) [^{F18}any train not falling within sub-paragraph (a);]
- (f) [^{F18}any mode of transport that would fall within sub-paragraph (a) but for the fact it is not fitted with an engine within a category set out in paragraph 1 of Article 4 of Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery;]

[^{F16}“notional volume” means, in relation to an amount of renewable transport fuel, the notional volume of that amount of renewable transport fuel determined in accordance with article 5(4A) [^{F19}and, where that notional volume expressed in litres includes a fraction of a litre, rounded up or rounded down to the nearest whole litre (rounding up where the fraction is 0.5 litres or above)];]

“obligation period” has the meaning given in article 4(3)(a);

“obligated supplier” means a transport fuel supplier upon whom a renewable transport fuel obligation is imposed under article 4;

[^{F4}“processing residue”, in relation to a production process, means a substance—

- (a) that is not the end product sought directly from the process;
- (b) the production of which is not a primary aim of the process; and
- (c) in respect of which the process has not been deliberately modified in order to produce it;]

[^{F4}“relevant crops” means starch-rich crops, sugars, oil crops and main crops, where “starch-rich crops” include—

- (a) cereals (regardless of whether only the grains are used or the whole plant);
- (b) tubers and root crops, including potatoes, Jerusalem artichokes, sweet potatoes, cassava and yams; and
- (c) corm crops, including taro and cocoyam,

but [^{F20}dedicated energy crops] are not relevant crops;]

[^{F4}“relevant crop RTF certificate” means an RTF certificate which derives from renewable transport fuel made from relevant crops and which is specified as such in accordance with article 17(2A);]

[^{F21}“relevant feedstock” means—

- (a) processing residues of biological origin;
- (b) products of biological origin, including relevant crops and dedicated energy crops;
- (c) renewable sources other than biomass used to produce RFNBO;
- (d) residues from agriculture, aquaculture, fisheries or forestry;
- (e) wastes of biological origin;]

[^{F22}“renewable energy obligation” means a scheme, including a scheme under which such requirements may be fulfilled by using RTF certificates or certificates equivalent to RTF certificates, requiring—

- (a) energy producers to include a given share of energy from renewable sources in their production;
- (b) energy suppliers to include a given share of energy from renewable sources in their supply; or
- (c) energy consumers to include a given share of energy from renewable sources in their consumption;]

[^{F4}“residues from agriculture, aquaculture, fisheries or forestry” means residues that are directly generated by agriculture, aquaculture, fisheries or forestry, but not including residues from related industries or processing;]

“road vehicle” means a vehicle constructed or adapted for use on roads, but does not include any vehicle which is an excepted vehicle within the meaning given by the 1979 Act ^{M3};

“RTF account” means an account which is established pursuant to article 7; and

[^{F23}“ship” includes every description of vessel used in navigation, other than non-road transports;

“soil carbon criteria” means the criteria in paragraph 2(2) of Schedule 1;

“support scheme” means any instrument, scheme or mechanism applied by an EEA state, a group of EEA states or the United Kingdom, that promotes the use of energy from renewable sources by—

- (a) reducing the cost of that energy;
- (b) increasing the price at which that energy can be sold; or
- (c) increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased,

and for this purpose “instrument, scheme or mechanism” includes investment aid, tax exemptions or reductions, tax refunds, renewable energy obligations, and direct price schemes including feed-in tariffs and sliding or fixed premium payments;]

[^{F16}“sustainability criteria” means the criteria set out in [^{F24}Schedule 1];]

[^{F25}“sustainable feedstock” means a relevant feedstock, which—

- (a) to the extent that it consists of material other than forest biomass, residues from agriculture or wastes from agriculture, meets the land criteria;
- (b) to the extent that it consists of forest biomass, meets the forest criteria;
- (c) to the extent that it consists of residues from agriculture or wastes from agriculture, meets the land criteria and the soil carbon criteria;]

^{F26}

[^{F4}“type of RTF certificate” means the specification as to the type of renewable transport fuel to which an RTF certificate relates in accordance with article 17(2A);]

[^{F16}“verifier’s assurance report” means a report which meets the requirements of article 16A;]

[^{F4}“waste” means any substance or object which the holder discards, or intends or is required to discard, but does not include any substance or object that has been intentionally modified or contaminated for the purpose of transforming it into a waste;]

“working day” means any day other than—

- (a) Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 ^{M4} in any part of the United Kingdom.

(2) For the purposes of this Order and of section 132(4) of the 2004 Act, “biomass” means the biodegradable portion of—

- [^{F27}(a) processing residue;
- (b) products;
- (c) residues from agriculture, aquaculture, fisheries or forestry; or
- (d) waste.]

[^{F28}(3) For the purposes of this Order, an inland waterway vessel or a recreational craft which does not normally operate at sea is to be treated as such only if it does not normally operate beyond the limits of waters in—

- (a) category A;
- (b) category B; and
- (c) category C, excluding tidal rivers and estuaries,

where categories A, B and C have the meanings given to them in Merchant Shipping Notice [^{F29}1837(M) Amendment 2] issued by the Maritime and Coastguard Agency as revised or re-issued from time to time.]

[^{F30}(4) For the purposes of this Order—

- (a) references to a type of fuel as being “renewable” are references to fuel of that type which meets the definition of “renewable transport fuel”;
- (b) references to the “renewable transport fuel obligation” include the development fuel target and the main obligation.]

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| F3 | Words in art. 2(1) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 7(2)(a) |
| F4 | Words in art. 2(1) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 7(2)(g) |
| F5 | Words in art. 2(1) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 5(a) (with art. 16) |
| F6 | Words in art. 2(1) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 5(b)(i) (with art. 16) |
| F7 | Words in art. 2(1) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 5(b)(ii) (with art. 16) |
| F8 | Words in art. 2(1) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 5(b)(iii) (with art. 16) |
| F9 | Words in art. 2(1) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 5(b)(iv) (with art. 16) |
| F10 | Words in art. 2(1) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 7(2)(b) |

- F11** Words in art. 2(1) omitted (1.4.2011) by virtue of The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(2)**
- F12** Words in art. 2(1) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **3(1)**
- F13** Words in art. 2(1) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **7(2)(c)**
- F14** Words in art. 2(1) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **7(2)(d)**
- F15** Words in art. 2(1) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **5(c)** (with art. 16)
- F16** Words in art. 2(1) inserted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **3(2)**
- F17** Words in art. 2(1) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **5(d)** (with art. 16)
- F18** Words in art. 2(1) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **5(e)** (with art. 16)
- F19** Words in art. 2(1) inserted (15.4.2015) by The Renewable Transport Fuel Obligations (Amendment) Order 2015 (S.I. 2015/534), arts. 1, **3**
- F20** Words in art. 2(1) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **5(f)** (with art. 16)
- F21** Words in art. 2(1) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **7(2)(e)**
- F22** Words in art. 2(1) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **5(g)** (with art. 16)
- F23** Words in art. 2(1) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **5(h)** (with art. 16)
- F24** Words in art. 2(1) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **5(i)** (with art. 16)
- F25** Words in art. 2(1) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **5(j)** (with art. 16)
- F26** Words in art. 2(1) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **7(2)(f)**
- F27** Art. 2(2)(a)-(d) substituted for art. 2(2)(a)(b) (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **7(3)**
- F28** Art. 2(3) inserted (15.4.2013) by The Renewable Transport Fuel Obligations (Amendment) Order 2013 (S.I. 2013/816), arts. 1(2), **3**
- F29** Words in art. 2(3) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **7(4)**
- F30** Art. 2(4) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **7(5)**

Marginal Citations

- M2** 1979 c.5.
- M3** Schedule 1 to the 1979 Act sets out the meaning of “excepted vehicle”; Schedule 1 to the 1979 Act was substituted by the Finance Act 1995 (c.4), **section 8(2)** and (3), and was amended by the Finance Act 2000 (c.17), sections 9, 156, **Schedule 40**, Part 1(1), and S.I. 2007/93.
- M4** 1971(c.80).

Definitions of fuels and fuel products

3.—(1) The following paragraphs of this article define the various descriptions of fuels and fuel products referred to in this Order.

[^{F31}(1A) “Aviation gasoline” means “aviation gasoline” within the meaning given in section 1(3D) of the 1979 Act which meets one of the following standards—

- (a) ASTM International standard D910 (as revised or re-issued from time to time);
- (b) Ministry of Defence standard 91-90 (as revised or re-issued from time to time); or
- (c) a standard that is equivalent to either of the standards mentioned in sub-paragraphs (a) and (b).

(1B) “Aviation turbine fuel” means fuel—

- (a) which consists of heavy oil;
- (b) of which more than 50 per cent by volume distils at a temperature of 240 degrees centigrade;
- (c) which is to be used as fuel for aircraft; and
- (d) which meets one of the following standards—
 - (i) ASTM International standard D1655 (as revised or re-issued from time to time);
 - (ii) Ministry of Defence standard 91-91 (as revised or re-issued from time to time); or
 - (iii) a standard that is equivalent to either of the standards mentioned in paragraphs (i) and (ii).]

(2) “Bioblend”, “biodiesel”, “bioethanol” and “bioethanol blend” have the same meaning as in the 1979 Act ^{M5}.

[^{F32}(2A) “Biobutanol” means a liquid consisting of butanol produced wholly from biomass and capable of being used for the same purposes as light oil.]

[^{F33}(2B) “Diesel” has the meaning given to “diesel fuel” in regulation 2 of the Motor Fuel Regulations.]

[^{F34}(2C) “Development fuel” means a renewable transport fuel which consists of—

- (a) biofuel which—
 - (i) is eligible for the issue of an additional RTF certificate under article 17A(3) to (5);
 - (ii) is not made from segregated oils or segregated fats, including used cooking oils and tallow; and
 - (iii) consists of a type of renewable transport fuel specified in paragraph (2D); or
- (b) RFNBO which consists of a type of renewable transport fuel specified in paragraph (2D).

(2D) For the purposes of paragraph (2C), the specified types of renewable transport fuel are—

- (a) aviation gasoline;
- (b) aviation turbine fuel;
- (c) hydrogen;
- (d) substitute natural gas;
- (e) fuel that can be blended and have a renewable fraction at rates of at least 25% by volume in the final blend, whilst still meeting the applicable fuel standards listed in BS EN: 228 (for petrol, as revised or re-issued from time to time) or BS EN: 590 (for diesel, as revised or re-issued from time to time).]

(3) “Fossil fuel” means coal, substances produced directly or indirectly from coal, lignite, natural gas, crude liquid petroleum, or petroleum products.

[^{F35}(3A) “Gas oil” has the same meaning as in regulation 2 of the Motor Fuel Regulations.]

(4) “Heavy oil” has the same meaning as in the 1979 Act ^{M6}.

[^{F36}(5) “Hydrocarbon oil” means any hydrocarbon fuel which, at 15 degrees C and under a pressure of 101,325 Pa, is a liquid or a gas.]

[^{F37}(5A) “Light oil” has the same meaning as in the 1979 Act.]

[^{F38}(5B) “Low sulphur gas oil” means any gas oil—

[^{F39}(a) which is for use in non-road transports; and]

(b) the sulphur content of which does not exceed the level specified in regulation 5B(1)(b) of the Motor Fuel Regulations.]

[^{F40}(5C) “Maritime RFNBO” means a RFNBO that is for use in ships.]

(6) “Natural road fuel gas” has the same meaning as in the 1979 Act ^{M7}.

(7) “Natural gas” means any gas derived from natural strata.

[^{F41}(7A) “Partially renewable transport fuel” means renewable transport fuel other than wholly renewable transport fuel.

(7B) “Petrol” has the same meaning as in regulation 2 of the Motor Fuel Regulations.]

(8) “Petroleum products” means the following substances produced directly or indirectly from crude, that is to say, fuels, lubricants, bitumen, wax, industrial spirits and any wide-range substance (meaning a substance whose final boiling point at normal atmospheric pressure is more than 50°C higher than its initial boiling point).

^{F42}(9)

[^{F43}(10) “Relevant fuel” means hydrocarbon oil [^{F44}, renewable hydrogen or a compound derived from renewable hydrogen] which—

(a) is or was owned by the supplier at the assessment time;

(b) is for use in aircraft, non-road transports or road vehicles [^{F45}, or is a maritime RFNBO]; and

(c) falls within one of the following categories—

(i) petrol;

(ii) diesel;

(iii) gas oil;

(iv) renewable transport fuel,

but does not include detergents, cetane improvers, lubricity improvers, viscosity improvers, oxidation inhibitors, gum inhibitors, anti-corrosive preparations and similar substances intended for use as fuel additives.]

[^{F46}(10A) “Renewable diesel” means heavy oil—

(a) which is produced wholly from biomass or waste cooking oil or a combination of biomass and waste cooking oil,

(b) the ester content of which does not exceed 0.0005% by weight or is nil, and

(c) the sulphur content of which does not exceed 0.005% by weight or is nil.]

[^{F47}(10B) “RFNBO” means liquid or gaseous renewable fuel of non-biological origin—

(a) which is used in transport;

(b) the energy content of which comes from renewable sources other than biomass; and

(c) which is not made from—

(i) biofuels; or

(ii) a carbon source that has been generated for the purpose of converting it into a fuel for use in transport.

(10C) “Substitute natural gas” means renewable methane produced from the product of gasification or pyrolysis, where—

(a) “gasification” means the substoichiometric oxidation or steam reformation of a substance to produce a gaseous mixture containing at least two of the following—

- (i) oxides of carbon;
- (ii) methane;
- (iii) hydrogen;

(b) “pyrolysis” means the thermal degradation of a substance in the absence of an oxidising agent (other than that which forms part of the substance itself) to produce char and at least one or both of gas and liquid.]

[^{F48}(11) “Wholly renewable transport fuel” means renewable transport fuel which is produced wholly from a relevant feedstock.

(12) For the purposes of paragraph (d) of the definition of “renewable transport fuel” in section 132(1) of the 2004 Act, solid, liquid or gaseous fuel which—

- (a) is produced wholly or partly from a relevant feedstock, and
- (b) does not fall within paragraph (a), (b) or (c) of that definition,

is designated as renewable transport fuel.]

^{F49}(13)

^{F49}(14)

F31	Art. 3(1A)(1B) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 8(2)
F32	Art. 3(2A) inserted (15.4.2009) by The Renewable Transport Fuel Obligations (Amendment) Order 2009 (S.I. 2009/843) , arts. 1, 3(2)
F33	Art. 3(2B) inserted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 4(1)
F34	Art. 3(2C)(2D) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 8(3)
F35	Art. 3(3A) inserted (15.4.2013) by The Renewable Transport Fuel Obligations (Amendment) Order 2013 (S.I. 2013/816) , arts. 1(2), 4
F36	Art. 3(5) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 4(2)
F37	Art. 3(5A) inserted (15.4.2009) by The Renewable Transport Fuel Obligations (Amendment) Order 2009 (S.I. 2009/843) , arts. 1, 3(3)
F38	Art. 3(5B) inserted (15.4.2013) by The Renewable Transport Fuel Obligations (Amendment) Order 2013 (S.I. 2013/816) , arts. 1(2), 5
F39	Art. 3(5B)(a) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 8(4)
F40	Art. 3(5C) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 6(2) (with art. 16)
F41	Art. 3(7A)(7B) inserted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 4(3)
F42	Art. 3(9) omitted (15.4.2009) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2009 (S.I. 2009/843) , arts. 1, 3(4)
F43	Art. 3(10) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 8(5)

- F44** Words in art. 3(10) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **6(3)(a)** (with art. 16)
- F45** Words in art. 3(10)(b) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **6(3)(b)** (with art. 16)
- F46** Art. 3(10A) inserted (15.4.2009) by The Renewable Transport Fuel Obligations (Amendment) Order 2009 (S.I. 2009/843), arts. 1, **3(6)**
- F47** Art. 3(10B)(10C) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **8(6)**
- F48** Art. 3(11)(12) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **4(5)**
- F49** Art. 3(13)(14) omitted (15.12.2011) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **4(6)**

Marginal Citations

- M5** The expression “bioblend” is defined in section 6AB(2) of the 1979 Act, as inserted by the Finance Act 2002 (c.23), section 5(1) and (4); “biodiesel” is defined in section 2AA(1) of the 1979 Act, as inserted by the Finance Act 2002, section 5(1) and (2); “bioethanol” is defined in section 2AB(1) of the 1979 Act, as inserted by the Finance Act 2004 (c.12), section 10(1); and “bioethanol blend” is defined in section 6AE of the 1979 Act, as inserted by the Finance Act 2004, section 10(3).
- M6** The expression “heavy oil” is defined in section 1(4) of the 1979 Act.
- M7** The expression “natural road fuel gas” is defined in section 5(2) of the 1979 Act, as inserted by the Finance Act 2004 (c.12), section 6(1).

PART 2

RENEWABLE TRANSPORT FUEL OBLIGATIONS

The renewable transport fuel obligation

4.—(1) A renewable transport fuel obligation is imposed on every transport fuel supplier who in a specified period—

[^{F50}(a) owns relevant fuel; and]

(b) supplies that [^{F51}fuel] at or for delivery to places in the United Kingdom.

(2) But this obligation does not apply to a transport fuel supplier who, in a specified period, supplies less than 450,000 litres in total of the [^{F52}fuel] (a “non-obligated supplier”).

(3) For the purposes of section 124(2) of the 2004 Act and this Order—

[^{F53}(a) a “specified period” means—

(i) a period beginning on 15th April in any year before 2018 and ending on the following 14th April;

(ii) the period beginning on 15th April 2018 and ending on 31st December 2018;

(iii) a period beginning on 1st January in any year after 2018 and ending on the following 31st December,

and any such period is referred to in this Order as an “obligation period”;

(b) the “specified date” means—

(i) in respect of any obligation period which ends on 14th April in a year, 29th November of that year (or the next working day after 29th November if 29th November is not a working day);

- (ii) in respect of an obligation period which ends on 31st December in a year, 15th September of the following year (or the next working day after 15th September if 15th September is not a working day); and]
- (c) the evidence which is required is one or more RTF certificates issued by the Administrator in accordance with this Order.

[^{F54}(4) For the purposes of section 124(2) of the 2004 Act and this Order, the “specified amount” of renewable transport fuel for an obligated supplier in an obligation period is the sum of—

- (a) the development fuel target for that supplier for that period; and
- (b) the main obligation for that supplier for that period.

(5) The supplier’s “development fuel target” for an obligation period within column 1 of the table in paragraph (6C) is the amount of development fuel equal to the percentage of the supplier’s obligated amount for that period set out in the corresponding entry in column 2 of the table.

(6) The supplier’s “main obligation” for an obligation period within column 1 of the table in paragraph (6C) is the amount of renewable transport fuel equal to the percentage of the supplier’s obligated amount for that period set out in the corresponding entry in column 3 of the table.

(6A) Development fuel supplied by the supplier during an obligation period which exceeds the amount of that supplier’s development fuel target for that period may count towards the supplier’s main obligation for that period.

(6B) The obligated amount for an obligation period is determined as follows—

- (a) calculate the notional amount of relevant fuel which the supplier has supplied at, or for delivery to, places in the United Kingdom during the obligation period (see paragraph (7)); and
- (b) if the notional amount is less than 10 million litres, deduct the first 450,000 litres of that amount.

(6C) The table is as follows—

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Obligation period or periods</i>	<i>% which, when applied to the obligated amount, gives the development fuel target</i>	<i>% which, when applied to the obligated amount, gives the main obligation</i>
[^{F55} 1st January to 31st December 2021]	[^{F55} 0.556%]	[^{F55} 10.679%]
[^{F55} 1st January to 31st December 2022]	[^{F55} 0.908%]	[^{F55} 12.599%]
[^{F55} 1st January to 31st December 2023]	[^{F55} 1.142%]	[^{F55} 13.078%]
[^{F55} 1st January to 31st December 2024]	[^{F55} 1.379%]	[^{F55} 13.563%]
[^{F55} 1st January to 31st December 2025]	[^{F55} 1.619%]	[^{F55} 14.054%]
[^{F55} 1st January to 31st December 2026]	[^{F55} 1.863%]	[^{F55} 14.552%]

(1)	(2)	(3)
<i>Obligation period or periods</i>	<i>% which, when applied to the obligated amount, gives the development fuel target</i>	<i>% which, when applied to the obligated amount, gives the main obligation</i>
[^{F55} 1st January to 31st December 2027]	[^{F55} 2.109%]	[^{F55} 15.056%]
[^{F55} 1st January to 31st December 2028]	[^{F55} 2.358%]	[^{F55} 15.566%]
[^{F55} 1st January to 31st December 2029]	[^{F55} 2.611%]	[^{F55} 16.083%]
[^{F55} 1st January to 31st December 2030]	[^{F55} 2.867%]	[^{F55} 16.607%]
[^{F55} 1st January to 31st December 2031]	[^{F55} 3.127%]	[^{F55} 17.138%]
[^{F55} 1st January to 31st December 2032, and subsequent obligation periods]	[^{F55} 3.390%]	[^{F55} 17.676%]

[^{F56}(7) For the purposes of paragraph (6B), the “notional amount” of relevant fuel which the supplier has supplied at, or for delivery to, places in the United Kingdom during an obligation period is determined in accordance with the following formula—

$$FN = HA - \left(E \times R \times \frac{S}{T} \right)$$

where—

- FN is the notional amount of relevant fuel;
- HA is the total volume of relevant fuel which was, during that period—
 - (a) owned by the supplier; and
 - (b) supplied at, or for delivery to, places in the United Kingdom;
- E is the volume of eligible fuel;
- R is the percentage of E which is attributable to relevant feedstock;
- S is the volume of E which meets the sustainability criteria;
- T is the volume of E which is attributable to relevant feedstock.]

[^{F57}(8) For the purposes of paragraph (7)—

- (a) “the [^{F58}eligible fuel]” means the renewable transport fuel which—
 - (i) the supplier supplied at or for delivery to places in the United Kingdom during the period in question;
 - [^{F59}(ii) is for use in aircraft, non-road transports or road vehicles [^{F60}, or is a maritime RFNBO]; and]
 - [^{F61}(iii)]
 - [^{F62}(iv) was owned by the supplier at the assessment time;]

- (b) to the extent that the [^{F58}eligible fuel] is ^{F63}...ethyl-tertiary-butyl-ether, [^{F64}R] is deemed to be 47% in respect of that portion of the [^{F58}eligible fuel];
- (c) to the extent that the [^{F58}eligible fuel] is ^{F65}...methyl-tertiary-butyl-ether, [^{F64}R] is deemed to be 36% in respect of that portion of the [^{F58}eligible fuel]; ^{F66} ...
- (d) to the extent that the [^{F58}eligible fuel] is fatty-acid-methyl-ester derived from relevant feedstocks and methanol derived from fossil fuel, [^{F64}R] is deemed to be 100% in respect of that portion of the [^{F58}eligible fuel]; ^{F67} ...
- [to the extent that the [^{F58}eligible fuel] is hydrotreated vegetable oil derived from relevant feedstocks and thermochemically treated with hydrogen derived from a non-biological origin, [^{F64}R] is deemed to be 100% in respect of that portion of the [^{F58}eligible fuel]] [^{F69}; and]
- [to the extent that the eligible fuel consists of RFNBO—
- ^{F70}(f) (i) where the process energy used to produce the RFNBO is electricity that is entirely taken from the national electricity grid of the country in which the RFNBO is or was produced, R is deemed to be the annual average percentage of electricity for that country's national grid which is produced from renewable sources other than biomass; or
- (ii) if the Administrator considers that it is not appropriate to use the methodology in paragraph (i) to determine the value for R, R is to be determined in accordance with such other methodology as the Administrator may consider appropriate in a particular case,
- in respect of that portion of the eligible fuel.]
- [^{F71}(9) For the purposes of this article—
- (a) except where sub-paragraph (b), (c) [^{F72}, (d) or (e)] applies, one kilogram of gaseous relevant fuel must be treated as equivalent to one litre of liquid relevant fuel;
- (b) where the gaseous relevant fuel is renewable methane, including substitute natural gas, one kilogram of that fuel must be treated as equivalent to 1.90 litres of liquid relevant fuel;
- (c) where the gaseous relevant fuel is renewable butane, renewable propane or a combination of renewable butane and renewable propane, one kilogram of that fuel must be treated as equivalent to 1.75 litres of liquid relevant fuel;
- (d) where the gaseous relevant fuel is renewable hydrogen, one kilogram of that fuel must be treated as equivalent to 4.58 litres of liquid relevant fuel;
- [^{F73}(e) where the relevant fuel is a maritime RFNBO in the form of ammonia, one kilogram of that fuel must be treated as equivalent to 0.66 litres of liquid relevant fuel;
- (f) where the relevant fuel is a maritime RFNBO in the form of methanol, one litre of that fuel must be treated as equivalent to 0.70 litres of liquid relevant fuel.]]]

F50	Art. 4(1)(a) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 9(2)(a)
F51	Word in art. 4(1)(b) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 9(2)(b)
F52	Word in art. 4(2) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 9(3)
F53	Art. 4(3)(a)(b) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 9(4)

- F54** Art. 4(4)-(6C) substituted for art. 4(4)-(6) (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(5)**
- F55** Art. 4(6C) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **7(2)** (with art. 16)
- F56** Art. 4(7) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(6)**
- F57** Art. 4(5)-(9) inserted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **5(3)**
- F58** Words in art. 4(8) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(a)**
- F59** Art. 4(8)(a)(ii) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(c)(i)**
- F60** Words in art. 4(8)(a)(ii) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **7(3)** (with art. 16)
- F61** Art. 4(8)(a)(iii) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(c)(ii)**
- F62** Art. 4(8)(a)(iv) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(c)(iii)**
- F63** Word in art. 4(8)(b) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(d)**
- F64** Word in art. 4(8) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(b)**
- F65** Word in art. 4(8)(c) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(e)**
- F66** Word in art. 4(8) omitted (15.4.2015) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2015 (S.I. 2015/534), arts. 1, **4(1)**
- F67** Word in art. 4(8)(d) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(f)**
- F68** Art. 4(8)(e) and word inserted (15.4.2015) by The Renewable Transport Fuel Obligations (Amendment) Order 2015 (S.I. 2015/534), arts. 1, **4(2)**
- F69** Word in art. 4(8)(e) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(g)**
- F70** Art. 4(8)(f) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(7)(h)**
- F71** Art. 4(9) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **9(8)**
- F72** Words in art. 4(9)(a) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **7(4)(a)** (with art. 16)
- F73** Art. 4(9)(e)(f) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **7(4)(b)** (with art. 16)

Duty of the Secretary of State in respect of the directive

^{F74}**4A.**

- F74** Art. 4A revoked (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **10**

Determinations of amounts of transport fuel

5.—^{F75}(1) Where, in relation to an amount of transport fuel, it is shown that a person owns the fuel at the ^{F76}assessment time], it is to be presumed—

(a) that that amount of fuel is supplied by that person at or for delivery to places in the United Kingdom at that time; and

^{F77}(b) that such of that fuel as is petrol, diesel, low sulphur gas oil or renewable transport fuel is, or was, relevant fuel.]

(1A) The presumption in paragraph (1)(a) is to be displaced only if the Administrator is satisfied that the fuel will not be supplied at or for delivery to places in the United Kingdom.

(1B) The presumption in paragraph (1)(b) is to be displaced only if the Administrator is satisfied that the fuel is not ^{F78}relevant fuel].]

^{F79}(2)

^{F80}(2A) In relation to fuel ^{F81}at its assessment time], an amount of renewable transport fuel only counts towards the discharging of a person’s renewable transport fuel obligation for an obligation period if—

^{F82}(a) it is for use in aircraft, non-road transports or road vehicles ^{F83}, or is a maritime RFNBO]; and]

(b) it meets the sustainability criteria, ^{F84}...

^{F85}(c)

^{F86}(3)

^{F87}(4)

^{F88}(4A) For the purpose of discharging a person’s renewable fuel transport obligation or of issuing RTF certificates, the volume of an amount of renewable transport fuel is deemed to be the notional volume determined in accordance with the following formula—

$$RN = RA \times RF \times \left(\frac{D + S}{T} \right)$$

where—

RN is the notional volume;

RA is the total volume of renewable transport fuel which was, during the obligation period—

(a) owned by the supplier at the assessment time; and

(b) supplied at, or for delivery to, places in the United Kingdom;

RF is the percentage of RA which is attributable to relevant feedstock;

D is the volume of RA which is eligible for the issue of an additional RTF certificate (see article 17A);

S is the volume of RA which meets the sustainability criteria;

T is the volume of RA which is attributable to relevant feedstock.]

^{F89}(4B) For the purposes of paragraph (4A)—

(a) to the extent that the renewable transport fuel is ^{F90}...ethyl-tertiary-butyl-ether, ^{F91}RF] 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 ^{F92}...methyl-tertiary-butyl-ether, [^{F91}RF] is deemed to be 36% in respect of that portion of the renewable transport fuel; ^{F93}...
- (c) to the extent that the renewable transport fuel is fatty-acid-methyl-ester derived from relevant feedstocks and methanol derived from fossil fuel, [^{F91}RF] is deemed to be 100% in respect of that portion of the renewable transport fuel; ^{F94}...
- [to the extent that the renewable transport fuel is hydrotreated vegetable oil derived from ^{F95}(d) relevant feedstocks and thermochemically treated with hydrogen derived from a non-biological origin, [^{F91}RF] is deemed to be 100% in respect of that portion of the renewable transport fuel]; [^{F96}and]
- [to the extent that the renewable transport fuel consists of RFNBO—
^{F97}(e) (i) where the process energy used to produce the RFNBO is electricity that is entirely taken from the national electricity grid of the country in which the RFNBO is or was produced, RF is deemed to be the annual average percentage of electricity for that country's national grid which is produced from renewable sources other than biomass; or
(ii) if the Administrator considers that it is not appropriate to use the methodology in paragraph (i) to determine the value for RF, RF is to be determined in accordance with such other methodology as the Administrator may consider appropriate in a particular case,
in respect of that portion of the renewable transport fuel.]]
- [^{F98}(5) For the purposes of this article—
 - (a) except where sub-paragraph (b), (c) [^{F99}, (d) or (e)] applies, one kilogram of gaseous renewable transport fuel must be treated as equivalent to one litre of liquid renewable transport fuel;
 - (b) where the gaseous renewable transport fuel is renewable methane, including substitute natural gas, one kilogram of that fuel must be treated as equivalent to 1.90 litres of liquid renewable transport fuel;
 - (c) where the gaseous renewable transport fuel is renewable butane, renewable propane or a combination of renewable butane and renewable propane, one kilogram of that fuel must be treated as equivalent to 1.75 litres of liquid renewable transport fuel;
 - (d) where the gaseous renewable transport fuel is renewable hydrogen, one kilogram of that fuel must be treated as equivalent to 4.58 litres of liquid renewable transport fuel;
 - [^{F100}(e) where the renewable transport fuel is a maritime RFNBO in the form of ammonia, one kilogram of that fuel must be treated as equivalent to 0.66 litres of liquid renewable transport fuel;
 - (f) where the renewable transport fuel is a maritime RFNBO in the form of methanol, one litre of that fuel must be treated as equivalent to 0.70 litres of liquid renewable transport fuel.]]
- [^{F101}(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 [^{F102}transport] 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.]

- F75** Art. 5(1)-(1B) substituted for art. 5(1) (15.4.2013) by The Renewable Transport Fuel Obligations (Amendment) Order 2013 (S.I. 2013/816), arts. 1(2), **9**
- F76** Words in art. 5(1) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(2)(a)**
- F77** Art. 5(1)(b) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(2)(b)**
- F78** Words in art. 5(1B) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(3)**
- F79** Art. 5(2) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(4)**
- F80** Art. 5(2)(2A) substituted for art. 5(2) (15.4.2013) by The Renewable Transport Fuel Obligations (Amendment) Order 2013 (S.I. 2013/816), arts. 1(2), **10**
- F81** Words in art. 5(2A) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(5)(a)**
- F82** Art. 5(2A)(a) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(5)(b)**
- F83** Words in art. 5(2A)(a) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **8(2)** (with art. 16)
- F84** Word in art. 5(2A)(b) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(5)(c)**
- F85** Art. 5(2A)(c) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(5)(d)**
- F86** Art. 5(3) omitted (15.12.2011) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **7(3)**
- F87** Art. 5(4) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(6)**
- F88** Art. 5(4A) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(7)**
- F89** Art. 5(4A)(4B) inserted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **7(4)**
- F90** Word in art. 5(4B)(a) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(8)(b)**
- F91** Word in art. 5(4B) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(8)(a)**
- F92** Word in art. 5(4B)(b) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(8)(c)**
- F93** Word in art. 5(4B) omitted (15.4.2015) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2015 (S.I. 2015/534), arts. 1, **5(1)**
- F94** Word in art. 5(4B)(c) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(8)(d)**
- F95** Art. 5(4B)(d) and word inserted (15.4.2015) by The Renewable Transport Fuel Obligations (Amendment) Order 2015 (S.I. 2015/534), arts. 1, **5(2)**
- F96** Word in art. 5(4B)(d) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(8)(e)**
- F97** Art. 5(4B)(e) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(8)(f)**
- F98** Art. 5(5) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **11(9)**
- F99** Words in art. 5(5)(a) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **8(3)(a)** (with art. 16)
- F100** Art. 5(5)(e)(f) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **8(3)(b)** (with art. 16)

F101 Art. 5(6) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **7(6)**

F102 Word in art. 5(6)(a) inserted (1.1.2022) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2021 \(S.I. 2021/1420\)](#), arts. 1, **8(4)** (with art. 16)

PART 3

THE ADMINISTRATOR

[^{F103}The Administrator

6. The Secretary of State is appointed as the Administrator.]

F103 Art. 6 substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(3)**

Establishment of RTF Accounts

7.—(1) The Administrator must establish and maintain an account, in which the balance of RTF certificates held and other matters are to be recorded, for each person who—

- (a) is, or is likely to become, subject to a renewable transport fuel obligation,
- (b) applies for an account, and
- (c) satisfies the Administrator that the person is a transport fuel supplier.

(2) A person must apply for an account under paragraph (1) not later than the end of the period of 28 days beginning on the date on which the person becomes an obligated supplier.

(3) The Administrator may establish and maintain an account for each of the following who applies for an account—

- (a) any transport fuel supplier who is not, and is not likely to become, subject to a renewable transport fuel obligation, and
- (b) any other person who intends to trade or invest in RTF certificates.

(4) The Administrator may not establish an account for a supplier or other person referred to in paragraph (3) unless the Administrator is satisfied that the supplier or other person—

- (a) has good reason to hold an account, and
- (b) has consented to allowing the Administrator such access to premises (other than a dwelling), computers, records, or documents, as the Administrator may require in order to verify information given by the supplier or other person.

(5) A supplier or other person who applies for an account under this article must provide such information or produce such evidence (or both) to the Administrator as the latter may reasonably request in order to satisfy the Administrator that—

- (a) in the case of an application under paragraph (1), the person is a transport fuel supplier, or
- (b) in the case of an application under paragraph (3), the supplier or other person has good reason to hold an account and has consented to access as referred to in paragraph (4)(b).

(6) A supplier or other person who applies for an account under this article must ensure that the information provided or evidence produced is accurate to the best of the supplier's or other person's knowledge and belief.

(7) The Administrator may reject any application under this article if the Administrator reasonably believes that—

- (a) the information provided to the Administrator under this article is inaccurate or incomplete, or
- (b) in the case of an application under paragraph (3), the supplier or other person does not have good reason to hold an account or has not consented to access as referred to in paragraph (4)(b).

(8) An “account holder” is a supplier or other person for whom the Administrator establishes an account pursuant to this article.

(9) The accounts referred to in this article must be established and maintained in electronic form or in such other form as the Administrator determines is appropriate (or in both forms).

Power of the Administrator to require further information or evidence

8.—(1) Where the Administrator has reason to believe that an account holder for whom an account has been established pursuant to paragraph (1) of article 7—

- (a) is not subject, and is not likely to become subject, to a renewable transport fuel obligation, or
- (b) does not have good reason to hold an account,

the Administrator may require the account holder to provide such information or produce such evidence (or both) to the Administrator as may be necessary for the Administrator to become satisfied as to whether the account holder is subject, or is likely to become subject, to the renewable transport fuel obligation, or has good reason to hold an account, as the case may be.

(2) Where the Administrator has reason to believe that an account holder for whom an account has been established pursuant to paragraph (3) of article 7 does not have good reason to hold an account, the Administrator may require the account holder to provide such information or produce such evidence (or both) to the Administrator as may be necessary for the Administrator to become satisfied that the account holder does have good reason to hold an account.

(3) An account holder must—

- (a) provide the information or produce the evidence required under this article, and
- (b) ensure that the information provided or evidence produced is accurate to the best of the account holder's knowledge or belief.

Closures of accounts

9.—(1) This article applies in the case of an account holder who is a supplier or other person referred to in paragraph (3) of article 7.

(2) The Administrator must close the account of such an account holder where—

- (a) the Administrator—
 - (i) is no longer satisfied that the account holder meets the criterion set out in paragraph (4)(a) of that article, or
 - (ii) is satisfied that the account holder has withdrawn the consent which was given under paragraph (4)(b) of that article; and
- (b) [^{F104}all] certificates standing to the credit of the account have been revoked or otherwise may no longer be produced as evidence pursuant to section 124(2) of the 2004 Act.

(3) The Administrator may close the account of such an account holder where, in the immediately preceding period of 36 months—

- (a) no RTF certificate has been issued to the account holder, or
- (b) no RTF certificate has been credited to the account of the account holder.

F104 Word in art. 9(2)(b) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, 12

Managing accounts

10. Subject to the provisions in this Part, the Administrator may manage accounts, including amending details of accounts, and consolidating the accounts of account holders, as the Administrator thinks fit.

Processing of information and evidence

11.—(1) The Administrator must—

- (a) record and retain information submitted for the purpose of—
 - (i) establishing that a transport fuel supplier is, or reasonably expects to be, subject to a renewable transport fuel obligation, or
 - (ii) calculating the amount of renewable transport fuel for which a transport fuel supplier is required to produce evidence under article 4(3)(c),
- (b) record and retain information which is submitted by an account holder in support of an application for an RTF certificate,
- (c) record each RTF certificate which is issued, and
- (d) correct any error which is discovered in information stored by the Administrator in relation to an account.

(2) The period for which the Administrator must retain any information pursuant to paragraph (1) is such period as the Administrator considers is reasonable, but it must not be a period of less than ten years beginning on the date of receipt of the information.

(3) The Administrator may record and retain, for purposes connected with the carrying out of the Administrator's functions, such other information as the Administrator thinks fit.

Duty to require information from obligated suppliers

12.—^{F105}(1) The Administrator must, by the specified date referred to in article 4(3)(b), impose a requirement on an obligated supplier, and on any non-obligated supplier who applies for RTF certificates, to provide the Administrator with—

- (a) information as to—
 - (i) whether the supplier has supplied any ^{F106}relevant fuel] at or for delivery to places in the United Kingdom during each relevant period;
 - (ii) whether the supplier has supplied any renewable transport fuel at or for delivery to places in the United Kingdom during each relevant period;
 - (iii) the amount of any ^{F107}relevant fuel] which has been supplied by the supplier at or for delivery to places in the United Kingdom, or received by the supplier from another transport fuel supplier at places in the United Kingdom, during each relevant period;
 - (iv) the types of any ^{F108}relevant fuel (including, where applicable, the type of development fuel)] supplied or received as described in paragraph (iii) during each relevant period and, in respect of each type—

- (aa) the volume supplied;
 - (bb) the energy content; and
 - (cc) in the case of partially renewable transport fuel, the volume attributable to relevant feedstocks;
 - (v) the compliance of any renewable transport fuel supplied, but excluding the volume of such fuel which is not attributable to relevant feedstocks, with the sustainability criteria;
 - [^{F109}(vi) the volume of any renewable transport fuel supplied which—
 - (aa) meets the sustainability criteria;
 - (bb) is eligible for the issue of an additional RTF certificate;]
 - (b) the additional sustainability information in respect of any renewable transport fuel supplied, but excluding the volume of such fuel which is not attributable to relevant feedstocks[^{F110}; and]
 - [^{F111}(c) in the case of development fuel, evidence of the fact that the fuel meets the definition of development fuel.]
- (2) In paragraph (1) a “relevant period” means such period as the Administrator may notify to the obligated supplier for the purposes of that paragraph or, in the absence of such notice, a period during an obligation period in respect of which information has not been provided by the supplier under this article and which—
- (a) begins with 15th December and ends with the 31st December immediately following,
 - (b) begins with 1st January and ends with the 14th January immediately following, or
 - (c) begins with the 15th day of any month other than December and ends with the 14th day of the immediately following month.]
- (3) The Administrator must impose requirements as to—
- (a) the form in which the information must be provided,
 - (b) the methodology to be used in calculating and providing the information, and
 - (c) the period within which it must be provided.
- (4) The supplier must provide the information required under this article and ensure that it is—
- (a) accurate ^{F112}..., and
 - (b) provided in such form, and using such methodology, and within such period, as the Administrator requires.
- (5) The Administrator may require a transport fuel supplier to produce such evidence as the Administrator may determine is necessary in order to substantiate information which the supplier [^{F113}is to provide or] has provided to the Administrator under this article [^{F114}(also see paragraph (8))].
- [^{F115}(6) The Administrator may impose requirements as to—
- (a) the form in which the evidence must be produced,
 - (b) the methodology to be used in compiling and producing the evidence, and
 - (c) the period within which the evidence must be produced.]
- [^{F116}(7) Where the Administrator imposes a requirement under this article on a transport fuel supplier to produce evidence, the supplier must produce that evidence and ensure that it is—
- (a) accurate; and
 - (b) produced in such form, and using such methodology, and within such period, as the Administrator requires.]

[^{F117}(8) The power of the Administrator to require a transport fuel supplier to produce evidence under paragraph (5) includes the power to require the supplier to produce a verifier’s assurance report.]

- F105** Art. 12(1)(2) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **8(1)**
- F106** Words in art. 12(1)(a)(i) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(2)(a)**
- F107** Words in art. 12(1)(a)(iii) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(2)(b)**
- F108** Words in art. 12(1)(a)(iv) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(2)(c)**
- F109** Art. 12(1)(a)(vi) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(2)(d)**
- F110** Words in art. 12(1)(b) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(3)**
- F111** Art. 12(1)(c) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(4)**
- F112** Words in art. 12(4)(a) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **8(2)**
- F113** Words in art. 12(5) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(5)(a)**
- F114** Words in art. 12(5) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(5)(b)**
- F115** Art. 12(6) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **8(3)**
- F116** Art. 12(7) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **8(4)**
- F117** Art. 12(8) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **13(6)**

Power to require information

13.—(1) The Administrator may impose a requirement on 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.

(2) The Administrator may impose requirements as to—

- (a) the form in which the information must be provided,
- (b) the methodology to be used in calculating and providing the information, and
- (c) the period within which it must be provided.

(3) Without prejudice to the generality of paragraph (1), the Administrator may require a non-obligated ^{F118}... supplier to provide the Administrator with the information, in relation to that supplier, which is referred to in [^{F119}paragraph (1)] of article 12; and references in that paragraph to the “relevant period” are to be treated as references to such period during an obligation period as the Administrator notifies to the supplier for the purposes of this paragraph.

^{F120}(4)

(5) Where the Administrator imposes a requirement under this article on a transport fuel supplier to provide information, the supplier must provide that information and ensure that it is—

- (a) accurate to the best of the supplier's knowledge and belief, and

- (b) provided—
- (i) in such form,
 - (ii) using such methodology,
 - (iii) within such period, and
 - (iv) in relation to such period,
- as the Administrator requires.

(6) The Administrator may require a transport fuel supplier to produce such evidence as the Administrator may determine is necessary in order to substantiate information which the supplier has provided to the Administrator under this article.

- (7) A transport fuel supplier must—
- (a) produce such evidence where so required, and
 - (b) ensure that that evidence is accurate to the best of the supplier's knowledge and belief.

- F118** Words in art. 13(3) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **9(a)**
- F119** Words in art. 13(3) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **9(b)**
- F120** Art. 13(4) omitted (15.4.2015) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2015 \(S.I. 2015/534\)](#), arts. 1, **6**

^{F121}Mass balance system

13A.—(1) A supplier must use a mass balance system in accordance with this article for the purposes of producing any information which the supplier is required to provide in pursuance of articles 12(4) and (7), and 13(5) and (7).

(2) In using a mass balance system, and notwithstanding articles 12(4)(a) and 7(a), and 13(5)(a) and (7)(b), a supplier may report that the relevant feedstock or fuel has sustainability characteristics other than its actual sustainability characteristics if the condition in paragraph (3) is met.

(3) That condition is that none of the relevant feedstock or fuel which is subject to that mass balance system is reported to have sustainability characteristics other than those attributed to it by that system.

(4) In this article, “report” means report under articles 12(4) and (7), and 13(5) and (7), and “reported” is to be construed accordingly.

- (5) A mass balance system is a system which—
- (a) allows amounts of relevant feedstock or fuel with different sustainability characteristics to be mixed (“the mixture”);
 - (b) provides for the sustainability characteristics of amounts added to the mixture to be attributed to other amounts withdrawn from the mixture; and
 - (c) requires the sustainability characteristics attributed to the sum of the amounts withdrawn from the mixture to be the same, and in the same quantities, as the sustainability characteristics attributed to the sum of the amounts added to the mixture.

(6) For the purposes of paragraphs (2) to (5), the sustainability characteristics of relevant feedstock or fuel include—

- (a) its type;
- (b) its place of origin; and

- (c) any other matter relevant to its compliance with the sustainability criteria.]

F121 Art. 13A inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **10**

Duty to report to Parliament

^{F122}**14.**

F122 Art. 14 omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **11**

Other powers and duties conferred and imposed on the Administrator

15.—(1) In addition to the duties imposed upon the Administrator elsewhere in this Order, the Administrator has the following duties—

^{F123}(a)

^{F123}(b)

^{F123}(c)

[^{F124}(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;]

(e) to publicise the renewable transport fuel obligation so as to secure that it is brought to the attention of all transport fuel suppliers who are or may be subject to the renewable transport fuel obligation;

(f) where an RTF certificate is transferred between account holders, to record that fact in the relevant accounts;

[^{F125}(g) where an account holder who is a transport fuel supplier has supplied information as to volumes of fuel supplied by that supplier pursuant to article 12(1)(a)(i) to (iv) and (vi), to verify that information so far as reasonably practicable;]

^{F126}(h)

^{F127}(i)

(j) to ensure, so far as reasonably practicable, that there is no obligated supplier who, having failed to produce the evidence required to discharge fully the renewable transport fuel obligation for an obligation period, is failing to pay the sum due under article 21;

[^{F128}(k) to consider applications for RTF certificates also as applications for GHG credits under the 2012 Regulations;

(l) to award GHG credits in accordance with the 2012 Regulations at the same time as the award of any RTF certificates under this Order;]

[^{F129}(m) to publish guidance explaining—

(i) the information that constitutes additional sustainability information;

(ii) how the Administrator is to be satisfied that the soil carbon criteria are met;

(iii) for the purposes of paragraph 3 of Schedule 1, how the GHG emission saving from the use of an amount of renewable transport fuel is to be determined and, in particular, how default values and actual values are to be determined in relation to an amount of renewable transport fuel;

- (iv) how the Administrator is to be satisfied that the land criteria are met;
- (v) how the Administrator is to be satisfied that the forest criteria are met.]

(2) In addition to the powers conferred upon the Administrator elsewhere in this Order, the Administrator has power—

- (a) to take reasonable steps to promote good working relationships with transport fuel suppliers and others having an interest in the implementation of provision made by or under Chapter 5 of Part 2 of the 2004 Act, and
- (b) to publish such reports ^{F130}...and guidance as the Administrator thinks fit for purposes connected with the implementation of provision made by or under that Chapter.

(3) But the Administrator must exclude from any reports referred to in [^{F131}paragraph (2)(b)], so far as reasonably practicable—

- [^{F132}(a) information as to the amount of [^{F133}relevant fuel] which has been notified by a particular supplier to the Administrator; and]
- (b) any other information from which that amount may be deduced.

- F123** Art. 15(1)(a)-(c) omitted (1.4.2011) by virtue of [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(6)**
- F124** Art. 15(1)(d) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(7)**
- F125** Art. 15(1)(g) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **12(1)**
- F126** Art. 15(1)(h) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **12(2)**
- F127** Art. 15(1)(i) omitted (15.4.2018) by virtue of [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **14(2)**
- F128** Art. 15(1)(k)(l) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **14(3)**
- F129** Art. 15(1)(m) inserted (1.1.2022) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2021 \(S.I. 2021/1420\)](#), arts. 1, **9** (with art. 16)
- F130** Words in art. 15(2)(b) omitted (15.12.2011) by virtue of [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **12(3)**
- F131** Words in art. 15(3) substituted (1.4.2011) by [The Office of the Renewable Fuels Agency \(Dissolution and Transfer of Functions\) Order 2011 \(S.I. 2011/493\)](#), arts. 1(3), **7(8)**
- F132** Art. 15(3)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **12(4)**
- F133** Words in art. 15(3)(a) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **14(4)**

PART 4

RTF CERTIFICATES

Application for RTF certificates

- 16.—(1) The manner in which an application for an RTF certificate is to be made is—
- (a) in electronic form, through a website of the Administrator, or

- (b) in another manner, in a case where the Administrator determines that it is necessary to allow an application in that manner.
 - (2) The evidence which must be included in the application is—
 - [^{F134}(a) a declaration from an individual nominated by the transport fuel supplier which confirms that—
 - (i) the information submitted in the application and referred to in paragraph (3)(b) ^{F135} ... is accurate;
 - [^{F136}(ii) the renewable transport fuel, or a chemical precursor to it, has not already been, and will not be, counted under a support scheme, or a United Kingdom renewable energy obligation other than the renewable transport fuel obligation of the supplier (but see paragraph (6)); and]]
 - (b) such other evidence as the Administrator may reasonably determine is necessary, and in such form as the Administrator may reasonably determine is appropriate, in order to substantiate the information provided by the supplier in relation to the renewable transport fuel.
 - (3) For the purposes of section 127(3)(c) of the 2004 Act, the other conditions which must be satisfied for the issue of an RTF certificate are that—
 - (a) the supplier has an RTF account;
 - [^{F137}(b) the supplier has provided the Administrator with the information required by the Administrator pursuant to article 12(1)(a) [^{F138}and (c)];]
 - [^{F139}(c) the supplier has provided the Administrator with a verifier’s assurance report in respect of information relating to the compliance of the renewable transport fuel with the sustainability criteria which has been submitted in the application or is contained in the information referred to in sub-paragraph (b);]
 - ^{F140}(d)
 - (e) the Administrator is satisfied [^{F141}so far as is reasonably practicable] that the information provided by the supplier under [^{F142}sub-paragraph (b)] fulfils the criteria set out in paragraph (5),
 - [^{F143}(ea) the Administrator is satisfied that the renewable transport fuel, or a chemical precursor to it, has not already been, and will not be, counted under a support scheme, or a United Kingdom renewable energy obligation other than the renewable transport fuel obligation of the supplier (but see paragraph (6));]
 - (f) any duty of excise payable on the renewable transport fuel has been paid, and
 - [^{F144}(g) the supplier makes the application for the RTF certificate—
 - (i) in respect of an obligation period which ends on 14th April in a year, by 12th August of that year (or the next working day after 12th August, if 12th August is not a working day);
 - (ii) in respect of an obligation period which ends on 31st December in a year, by 12th May of the following year (or the next working day after 12th May, if 12th May is not a working day),or such later date as the Administrator may notify to the supplier for the purposes of this sub-paragraph; and
 - (h) the Administrator is satisfied that, at the assessment time, the supplier owns or owned the fuel in respect of which the application for an RTF certificate is made.]
- [^{F145}(3A) For the purposes of this article, “the renewable transport fuel” is the renewable transport fuel in respect of which the RTF certificate has been applied for.]

(4) The person who makes the declaration referred to in paragraph (2)(a) must ensure that the information submitted in the application is accurate^{F146}....

(5) The criteria referred to in paragraph (3)(e) are that the information—

- (a) is accurate, and
- (b) has been provided—
 - (i) in such form,
 - (ii) using such methodology, and
 - (iii) within such period,

as the Administrator notifies for the purposes of article 12(3) or 13(2), as the case may be, or failing such notification, as the Administrator notifies for the purposes of this paragraph.

[^{F147}(6) Nothing in paragraphs (2)(a)(ii) or (3)(ea) applies to support schemes in the form of—

- (a) investment aid benefitting the production plant in which the renewable transport fuel was produced, whether situated in the United Kingdom or elsewhere; or
- (b) the reduction in any duty payable in the United Kingdom under the 1979 Act.]

F134	Art. 16(2)(a) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 13(1)
F135	Words in art. 16(2)(a)(i) omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 15(2)
F136	Art. 16(2)(a)(ii) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 10(2) (with art. 16)
F137	Art. 16(3)(b) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 13(2)
F138	Words in art. 16(3)(b) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 15(4)(a)
F139	Art. 16(3)(c) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 13(3)
F140	Art. 16(3)(d) omitted (15.4.2015) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2015 (S.I. 2015/534) , arts. 1, 7(a)
F141	Words in art. 16(3)(e) inserted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 13(4)(a)
F142	Words in art. 16(3)(e) substituted (15.4.2015) by The Renewable Transport Fuel Obligations (Amendment) Order 2015 (S.I. 2015/534) , arts. 1, 7(b)
F143	Art. 16(3)(ea) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 10(3) (with art. 16)
F144	Art. 16(3)(g)(h) substituted for art. 16(3)(g) (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 15(4)(c)
F145	Art. 16(3A) inserted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 13(7)
F146	Words in art. 16(4) omitted (15.12.2011) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 13(8)
F147	Art. 16(6) inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 10(4) (with art. 16)

[^{F148}Verifier's assurance procedures and reports

16A.—(1) [^{F149}Subject to paragraph (3), a] verifier's assurance report must—

- (a) confirm that the assurance procedures used in the preparation of the report—

- (i) met the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard; and
 - (ii) were undertaken by a person with appropriate expertise who is not the supplier or a connected person of the supplier;
 - (b) be prepared by a person with appropriate expertise who is not the supplier or a connected person of the supplier and in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard;
 - (c) consider whether the relevant systems used to collate and report information relating to the compliance of renewable transport fuel with the sustainability criteria are likely to produce relevant data which is reasonably accurate and reliable and whether there are controls in place to help protect against material misstatements due to fraud or error;
 - (d) where the verifier intends to use as evidence work performed by the supplier or another party, consider the frequency and methodology of sampling used by that party and the robustness of the relevant data; and
 - (e) state whether anything has come to the verifier’s attention to indicate that—
 - (i) the relevant data has not been prepared in accordance with any guidance produced by the Administrator under article 15(2)(b); and
 - (ii) the information provided by the supplier under article 12 or 13 in respect of the renewable transport fuel covered by the application is not accurate.
- (2) In paragraph (1)—
- “relevant data” means—
- (a) the information referred to in paragraph (1)(c); and
 - (b) any other information or data on which that information is based;
- “relevant systems” means the systems by which the relevant data were produced;
- “sampling” means sampling for the purposes of obtaining or checking the relevant data.

[^{F150}(3) If the Administrator requires a transport fuel supplier to produce a verifier’s assurance report under article 12(5) (also see article 12(8)), then paragraph (1) has effect as if for “limited assurance engagements”, in both places where the words occur, there were substituted “limited assurance engagements or, if the Administrator requires, reasonable assurance engagements”.]

- F148** Arts. 16A, 16B inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, 14
- F149** Words in art. 16A(1) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, 16(2)
- F150** Art. 16A(3) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, 16(3)

Annual verifier’s report on additional sustainability information

16B.—(1) A transport fuel supplier which has made an application for RTF certificates in respect of renewable transport fuel supplied during an obligation period must submit a report which meets the requirements of paragraph (1) of article 16A as modified in accordance with paragraph (2).

(2) For the purposes of paragraph (1), article 16A is to have effect as if, in paragraph (1)(c), for “information relating to the compliance of renewable transport fuel with the sustainability criteria” there were substituted “additional sustainability information”.

- [^{F151}(3) The report referred to in paragraph (1) must be submitted to the Administrator—
- (a) in respect of an obligation period which ends on 14th April in a year, by 12th August of that year (or the next working day after 12th August, if 12th August is not a working day);
 - (b) in respect of an obligation period which ends on 31st December in a year, by 12th May of the following year (or the next working day after 12th May, if 12th May is not a working day),
or such later date as the Administrator may notify to the supplier for the purposes of this paragraph.]
- (4) A report submitted under paragraph (1) need not confirm matters already confirmed by a verifier’s assurance report submitted to the Administrator.]

F148 Arts. 16A, 16B inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **14**

F151 Art. 16B(3) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **17**

Issue of RTF certificates

17.—[^{F152}(1) Where each of the requirements in article 16(1) to (3) has been met, the Administrator must issue an RTF certificate to a transport fuel supplier for each whole litre of the renewable transport fuel, as defined in article 16(3A), which—

- [^{F153}(a) is for use in aircraft, non-road transports or road vehicles [^{F154}, or is a maritime RFNBO].]
- (b) meets the sustainability criteria,
- (c) is owned by the supplier at the [^{F155}assessment time], and
- (d) is supplied by the supplier at or for delivery to places in the United Kingdom during an obligation period.]

[^{F156}(1A) For the purposes of paragraph (1) the volume of an amount of renewable transport fuel is deemed to be the notional volume of that fuel determined in accordance with article 5(4A).]

(2) An RTF certificate must be issued as soon as reasonably practicable after an application for it has been made in accordance with article 16.

[^{F157}(2A) Each RTF certificate must specify which of the following types of renewable transport fuel the certificate relates to—

- (a) renewable transport fuel derived from relevant crops;
- (b) development fuel;
- (c) renewable transport fuel of a type not falling within sub-paragraph (a) or (b).]

[^{F158}(3) For the purposes of section 127(2)(d) of the 2004 Act, “the other specified facts” are—

- (a) that the supplier has notified the Administrator of each of the matters listed in section 127(2)(a) to (c); ^{F159}...

^{F160}(b)]

(4) For the purposes of this Order, the Administrator issues an RTF certificate to a supplier by recording the credit of an RTF certificate in the RTF account of the supplier.

(5) As soon as reasonably practicable after issuing an RTF certificate, the Administrator must notify the supplier of the issue of the certificate, and of the date and time of issue.

(6) As soon as reasonably practicable after receiving a request for the information from an account holder, the Administrator must inform the account holder of the number of RTF certificates (if any) held to the credit of that account holder's RTF account, and of the date and time of issue of those certificates.

- F152** Art. 17(1) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **15(1)**
- F153** Art. 17(1)(a) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **18(2)**
- F154** Words in art. 17(1)(a) inserted (1.1.2022) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2021 \(S.I. 2021/1420\)](#), arts. 1, **11** (with art. 16)
- F155** Words in art. 17(1)(c) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **18(3)**
- F156** Art. 17(1A) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **15(2)**
- F157** Art. 17(2A) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **18(4)**
- F158** Art. 17(3) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **15(3)**
- F159** Word in art. 17(3)(a) omitted (15.4.2018) by virtue of [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **18(5)(a)**
- F160** Art. 17(3)(b) omitted (15.4.2018) by virtue of [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **18(5)(b)**

[^{F161}Issue of an additional RTF certificate

17A.—(1) This article applies if—

- (a) a transport fuel supplier applies under this Order for an RTF certificate in respect of—
- (i) RFNBO;
 - (ii) renewable transport fuel which is made from dedicated energy crops; or
 - (iii) renewable transport fuel which is made from one of the following—
 - (aa) processing residue;
 - (bb) residues from agriculture, aquaculture, fisheries or forestry;
 - (cc) waste; and

(b) the fuel described in sub-paragraph (a) qualifies under article 17 for the issue of an RTF certificate for each whole litre of that fuel.

(2) If this article applies in relation to a fuel of a type falling within paragraph (1)(a)(i) or (ii), the Administrator must issue to the supplier an additional RTF certificate in respect of each whole litre of that fuel.

(3) If this article applies in relation to a fuel of a type falling within paragraph (1)(a)(iii), the Administrator must decide whether the fuel produces one or more of the effects described in section 126(4) of the 2004 Act.

(4) If the Administrator decides under paragraph (3) that the fuel produces one or more of those effects, the Administrator must then decide whether, based on that effect (or those effects), to issue to the supplier an additional RTF certificate in respect of each whole litre of that fuel.

(5) When making a decision under paragraph (4), the Administrator must consider any alternative uses and alternative disposal outcomes which could have been adopted or used for the relevant residue or waste.]

F161 Art. 17A inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **19**

Transfers of RTF certificates

18.—(1) A transfer of an RTF certificate may be made between any persons who are account holders.

(2) Such a transfer is not effective unless—

- (a) the transferor notifies the Administrator of the following details of the transfer—
 - (i) the name and account number of the account holder to whom the certificate is transferred,
 - (ii) the date of the transfer (“the notified date”), and
 - (iii) the obligation period in respect of which the certificate was issued;
- (b) the transferor so notifies the Administrator—
 - (i) through a website of the Administrator, or
 - (ii) in another manner, in a case where the Administrator determines that it is necessary to allow notification in that manner;
- (c) the transferor so notifies the Administrator—
 - (i) on the date of the transfer, or
 - (ii) before the date of the transfer, in which case the notification must be within the period of one month ending immediately before the date of the transfer;
- (d) the transfer relates to not more than one transferee;
- (e) the RTF certificate is held to the credit of the transferor's account at the date and time of the transfer, and
- (f) the Administrator is satisfied that, at the date of the transfer, there is no reason to consider the revocation of the certificate under article 20.

(3) Where—

- (a) a transfer relates to some (but not all) of the RTF certificates held by a transferor on the date of the transfer, and
- (b) the RTF certificates held by the transferor on that date were not all issued at the same date and time,

it is to be presumed, [^{F162}unless the transferor notifies the Administrator otherwise at the same time as notifying the Administrator of the details of the transfer in accordance with paragraph (2)(a)], that the transfer relates to the certificates which were issued at the earlier dates and times.

(4) In the event of there being an insufficient number of certificates held to the credit of a transferor's account on the notified date to transfer certificates to two or more transferees, the Administrator must give priority to the transfer which was first notified to the Administrator.

(5) For the purposes of this Order, the Administrator transfers an RTF certificate from one account holder (“the transferor”) to another account holder (“the transferee”) by recording a debit of an RTF certificate in the transferor's RTF account and a credit of an RTF certificate in the RTF account of the transferee.

F162 Words in art. 18(3) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **16**

[^{F163}Use of RTF certificates in later obligation periods

19.—(1) A development fuel RTF certificate may count in relation to the discharge of no more than the following percentage of a transport fuel supplier’s development fuel target in the next obligation period—

- (a) if the obligation period stated in the certificate is that beginning on 15th April 2018, 100%;
- (b) if the obligation period stated in the certificate is that beginning on 1st January 2019, 0%;
- (c) if the obligation period stated in the certificate is any other obligation period beginning after 31st December 2019, 25%.

(2) Subject to paragraph (3), any RTF certificate may count in relation to the discharge of no more than the following percentage of a transport fuel supplier’s main obligation in the next obligation period—

- (a) if the obligation period stated in the certificate is that beginning on 1st January 2019, 0%;
- (b) if the obligation period stated in the certificate is any other obligation period beginning on or after 15th April 2017, 25%.

(3) The maximum amount of relevant crop RTF certificates which may count in relation to the discharge of a supplier’s main obligation in the next obligation period is the number of such certificates which corresponds with 25% of the amount calculated under article 21A for that period.

(4) If, as a result of this article, an RTF certificate “may count” in relation to the discharge of any part of a transport fuel supplier’s renewal transport fuel obligation in the next obligation period, the production of the certificate by the supplier to the Administrator counts as evidence that the amount of renewable transport fuel stated in the certificate was supplied by the supplier at, or for delivery to, places in the United Kingdom during that period.

(5) For the purposes of this article, any RTF certificate issued in relation to renewable transport fuel supplied in the obligation period beginning on 1st January 2019 is to be treated as if it were issued in relation to such fuel supplied in the obligation period beginning on 1st January 2020 (and, accordingly, as if the obligation period stated in the certificate were that beginning on 1st January 2020).

(6) In this article “next obligation period”, in relation to an RTF certificate, means the obligation period immediately following the obligation period stated in the RTF certificate.]

F163 Art. 19 substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, 20

Revocation of an RTF certificate

20.—(1) Subject to the following paragraphs, the Administrator may revoke an RTF certificate where the Administrator is satisfied that—

- (a) the declaration provided in relation to that certificate pursuant to article 16(2)(a) is false,
- (b) the certificate was issued as a consequence of any fraudulent behaviour, statement or undertaking on the part of [^{F164}the transport fuel supplier to whom it was issued, any connected person or any person who has produced a verifier’s assurance report],
- [^{F165}(c) the information provided to the Administrator in relation to the certificate pursuant to article [^{F166}12(1)] was materially inaccurate,
- (d) the evidence provided in relation to the information referred to in sub-paragraph (c) was insufficient to substantiate it, or
- (e) the verifier’s assurance report was materially inaccurate.]

(2) Before revoking an RTF certificate, the Administrator must give notice in writing to the transport fuel supplier to whom the certificate was issued and, where the certificate has been transferred to another person to whose credit the certificate is held (a “transferee”), to that other person.

(3) The notice must state—

- (a) that the Administrator is proposing to revoke the RTF certificate,
- (b) the grounds for the proposed revocation,
- (c) that the supplier and any transferee may make representations in writing to the Administrator in relation to the proposed revocation, and
- (d) that any such representations must be made within such period as the Administrator specifies, not being a period of less than 14 days beginning on the date of receipt of the notice.

(4) The Administrator—

- (a) must consider any representations which are made under paragraph (3) and are relevant to the proposed revocation,
- (b) must decide whether to revoke the RTF certificate, but
- (c) may not revoke the certificate—

(i) within a period of 28 days beginning on the date of the [F¹⁶⁷ notice, and]

[F¹⁶⁸(ii) later than the revocation date in paragraph (4A).]

[F¹⁶⁹(4A) For the purposes of paragraph (4), the “revocation date” is—

- (a) in respect of an obligation period which ends on 14th April in a year, 16th October of that year (or the next working day after 16th October, if 16th October is not a working day);
- (b) in respect of an obligation period which ends on 31st December in a year, 16th July of the following year (or the next working day after 16th July, if 16th July is not a working day).]

(5) Where the Administrator revokes an RTF certificate, the Administrator must, within a period of seven days beginning on the date of revocation, but in any event not later than [F¹⁷⁰the applicable date in paragraph (5A)]—

- (a) give notice in writing of such revocation to the supplier to whom the certificate was issued, and to any transferee, and
- (b) state in that notice—
 - (i) the grounds for the revocation,
 - (ii) that the supplier or any transferee (or both) may apply to [F¹⁷¹the Administrator] by notice in writing to reconsider the revocation, and
 - (iii) the requirements about that notice which are set out in paragraph (7).

[F¹⁷²(5A) For the purposes of paragraph (5), the “applicable date” is—

- (a) in respect of an obligation period which ends on 14th April in a year, 23rd October of that year (or the next working day after 23rd October, if 23rd October is not a working day);
- (b) in respect of an obligation period which ends on 31st December in a year, 23rd July of the following year (or the next working day after 23rd July, if 23rd July is not a working day).]

(6) Where the Administrator revokes an RTF certificate, the supplier to whom the certificate was issued or any transferee (or both) may apply to [F¹⁷³the Administrator] by notice in writing to reconsider the revocation.

(7) Such notice must—

- (a) be given to ^{F174}the Administrator] within a period of 14 days beginning on the date of receipt of the notice of revocation, but in any event not later than ^{F175}the notice giving date in paragraph (7A)],
- (b) set out the grounds for reconsidering the revocation, and
- (c) contain any representations which the supplier or transferee (as the case may be) wishes to make in relation to the reconsideration of the revocation.

^{F176}(7A) For the purposes of paragraph (7)(a), the “notice giving date” is—

- (a) in respect of an obligation period which ends on 14th April in a year, 6th November of that year (or the next working day after 6th November, if 6th November is not a working day);
- (b) in respect of an obligation period which ends on 31st December in a year, 6th August of the following year (or the next working day after 6th August, if 6th August is not a working day).]

(8) ^{F177}The Administrator] must—

- (a) consider any representations which the supplier or transferee has made under paragraph (7), and
- (b) reconsider the revocation not later than ^{F178}the reconsideration date in paragraph (8A)].

^{F179}(8A) For the purposes of paragraph (8)(b), the “reconsideration date” is—

- (a) in respect of an obligation period which ends on 14th April in a year, 15th November of that year (or the next working day after 15th November, if 15th November is not a working day);
- (b) in respect of an obligation period which ends on 31st December in a year, 15th August of the following year (or the next working day after 15th August, if 15th August is not a working day).]

(9) On reconsidering the revocation, ^{F180}the Administrator] must—

- (a) re-instate the RTF certificate, or
- (b) confirm the revocation of the certificate on the grounds referred to in paragraph (5)(b)(i) or on other grounds.

^{F181}(10)

(11) The Administrator must give notice in writing of ^{F182}its decision] and, in the case of a confirmation of a revocation of an RTF certificate, of the grounds for that revocation, to the supplier to whom the certificate was issued, and to any transferee.

(12) Where—

- (a) ^{F183}the Administrator does not reconsider] the revocation by the date referred to in paragraph (8), or
- (b) an RTF certificate is revoked but is subsequently re-instated,

the certificate is deemed to have been re-instated as at the end of the obligation period to which the certificate relates.

(13) The Administrator^{F184}... may hold an oral hearing before making a decision on a proposed revocation or on a reconsideration of a revocation (as the case may be).

(14) A person who provides information or produces evidence to the Administrator^{F184}...in respect of a proposed revocation or a reconsideration of a revocation must ensure that that information or evidence is accurate ^{F185}....

- F164** Words in art. 20(1)(b) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **18(1)**
- F165** Art. 20(1)(c)-(e) substituted for art. 20(1)(c)(d) (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **18(2)**
- F166** Word in art. 20(1)(c) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(2)**
- F167** Words in art. 20(4)(c)(i) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **18(3)**
- F168** Art. 20(4)(c)(ii) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(3)**
- F169** Art. 20(4A) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(4)**
- F170** Words in art. 20(5) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(5)**
- F171** Words in art. 20(5)(b)(ii) substituted (1.4.2011) by The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(9)**
- F172** Art. 20(5A) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(6)**
- F173** Words in art. 20(6) substituted (1.4.2011) by The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(9)**
- F174** Words in art. 20(7)(a) substituted (1.4.2011) by The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(9)**
- F175** Words in art. 20(7)(a) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(7)**
- F176** Art. 20(7A) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(8)**
- F177** Words in art. 20(8) substituted (1.4.2011) by The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(9)**
- F178** Words in art. 20(8)(b) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(9)**
- F179** Art. 20(8A) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **21(10)**
- F180** Words in art. 20(9) substituted (1.4.2011) by The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(9)**
- F181** Art. 20(10) omitted (1.4.2011) by virtue of The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(10)**
- F182** Words in art. 20(11) substituted (1.4.2011) by The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(11)**
- F183** Words in art. 20(12)(a) substituted (1.4.2011) by The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(12)**
- F184** Words in art. 20(13)(14) omitted (1.4.2011) by virtue of The Office of the Renewable Fuels Agency (Dissolution and Transfer of Functions) Order 2011 (S.I. 2011/493), arts. 1(3), **7(13)**
- F185** Words in art. 20(14) omitted (15.12.2011) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, **18(8)**

PART 5

DISCHARGE OF OBLIGATION

Payments

21.—(1) As soon as reasonably practicable after the end of an obligation period, the Administrator must notify each obligated supplier of the following—

- (a) the amount of renewable transport fuel which the Administrator calculates should, in accordance with section 124(2)(b) of the 2004 Act and article 4(4), have been supplied at or for delivery to places in the United Kingdom during that obligation period, and
- (b) the number of [^{F186}each type of RTF certificate] being held to the credit of the supplier's RTF account[^{F187}, and the number of each type of RTF certificate] which may be used as evidence for the purposes of meeting the supplier's renewable transport fuel obligation.

[^{F188}(1A) For the purposes of paragraph (1)(b), the maximum number of relevant crop RTF certificates which may be used to meet (or towards meeting) the supplier's renewable transport fuel obligation may not exceed the number of such certificates which corresponds with the amount calculated under article 21A.]

(2) A certificate may be produced as evidence by the supplier pursuant to this Order—

- (a) by means of an electronic submission transmitted to a website of the Administrator, which identifies the credit of a certificate in the supplier's RTF account, or
- (b) by other means, in a case where the Administrator determines that it is necessary to allow production of an RTF certificate by those means.

(3) A supplier must notify the Administrator of the number [^{F189}and type] of RTF certificates held in the supplier's RTF account which are to be counted towards the discharge of the supplier's renewable transport fuel obligation for the obligation period in question, and which are to be debited accordingly from the RTF account.

(4) That notification must be given to the Administrator by the specified date referred to in article 4(3)(b).

(5) Where a supplier fails to notify the Administrator of the number of RTF certificates to be counted by the date mentioned in paragraph (4), the Administrator must deem the number to be nil.

(6) A supplier who does not wholly discharge the renewable transport fuel obligation for an obligation period by the production of evidence in accordance with paragraph (2) by the specified date referred to in article 4(3)(b) must pay to the Administrator a sum [^{F190}(the “buy-out amount”)] determined in accordance with paragraph (7).

[^{F191}(7) The “buy-out amount” is determined as follows—

Step 1

Calculate in litres—

- (a) the amount (“the DF only amount”) of development fuel in respect of which the supplier has produced development fuel RTF certificates as evidence (in accordance with paragraph (2)) in relation to the supplier's development fuel target during the obligation period in question; and
- (b) the amount (“the any RTF amount”) of renewable transport fuel of any type in respect of which the supplier has produced RTF certificates (of any type) as evidence (in accordance with paragraph (2)) in relation to the supplier's main obligation during the obligation period in question.

Step 2

Calculate the number of litres (if any) by which—

- (a) the DF only amount falls short of the amount needed to meet the supplier’s development fuel target (“the development fuel target shortfall”); and
- (b) the any RTF amount falls short of the amount needed to meet the supplier’s main obligation (“the main obligation shortfall”).

Step 3

Multiply the development fuel target shortfall by £0.80 (“sum A”).

Step 4

[^{F192}Multiply the main obligation shortfall by—

- (a) in the case of a main obligation shortfall arising in respect of an obligation period ending on or before 31st December 2020, £0.30;
 - (b) in any other case, £0.50,
- (“sum B”).]

Step 5

Add sum A and sum B to produce the buy-out amount.]

[^{F193}(8) For the purposes of section 128(1) of the 2004 Act and this Order, the period within which the buy-out amount, calculated under paragraph (7), must be paid to the Administrator (the “buy-out payment period”) is—

- (a) in respect of an obligation period which ends on 14th April in a year, the period beginning on 15th April of that year and ending on 10th January in the following year;
- (b) in respect of an obligation period which ends on 31st December in a year, the period beginning on 1st January of the following year and ending on 26th October of that following year.]

[^{F194}(9) Where a supplier does not pay all of the buy-out amount to the Administrator before the end of the buy-out payment period—

- (a) the unpaid buy-out amount carries interest at the rate specified in paragraph (10), and is to be calculated in accordance with paragraph (11); and
- (b) the unpaid buy-out amount, and any unpaid interest, is a debt due from the supplier to the Administrator until it has been paid in full.]

(10) The rate for the purpose of paragraph (9)(a) is 5 percentage points above the base rate of the Bank of England as at the [^{F195}day immediately after the last day of] the buy-out payment period in question.

(11) The increase is to be calculated on a daily basis beginning on the [^{F196}day immediately after the last day of] the buy-out payment period in question, and ending on the date on which payment is received by the Administrator.

F186 Words in art. 21(1)(b) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **22(2)(a)**

F187 Words in art. 21(1)(b) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **22(2)(b)**

F188 Art. 21(1A) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **22(3)**

F189 Words in art. 21(3) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **22(4)**

- F190** Words in art. 21(6) inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **22(5)**
- F191** Art. 21(7) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **22(6)**
- F192** Words in art. 21(7) substituted (31.12.2020) by The Renewable Transport Fuel Obligations (Amendment) Order 2020 (S.I. 2020/1541), arts. 1, **2(2)**
- F193** Art. 21(8) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **22(7)**
- F194** Art. 21(9) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **22(8)**
- F195** Words in art. 21(10) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **22(9)**
- F196** Words in art. 21(11) substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, **22(10)**

[^{F197}Calculation of maximum amount of relevant crop renewable transport fuel that may count towards meeting the obligation

21A. The maximum amount of renewable transport fuel derived from relevant crops which may be used to meet an obligated supplier's renewable transport fuel obligation in an obligation period listed in column (1) of the following table is the amount of such fuel which equates to the percentage, listed in the corresponding entry in column (2), of the total volume of relevant fuel supplied by the supplier in relation to the obligation period—

<i>(1) Obligation period</i>	<i>(2) Percentage of total volume of relevant fuel supplied</i>
<i>15th April to 31st December 2018</i>	<i>4.00%</i>
<i>1st January to 31st December 2019</i>	<i>4.00%</i>
<i>1st January to 31st December 2020</i>	<i>4.00%</i>
<i>1st January to 31st December 2021</i>	<i>3.83%</i>
<i>1st January to 31st December 2022</i>	<i>3.67%</i>
<i>1st January to 31st December 2023</i>	<i>3.50%</i>
<i>1st January to 31st December 2024</i>	<i>3.33%</i>
<i>1st January to 31st December 2025</i>	<i>3.17%</i>
<i>1st January to 31st December 2026</i>	<i>3.00%</i>
<i>1st January to 31st December 2027</i>	<i>2.83%</i>
<i>1st January to 31st December 2028</i>	<i>2.67%</i>
<i>1st January to 31st December 2029</i>	<i>2.50%</i>
<i>1st January to 31st December 2030</i>	<i>2.33%</i>
<i>1st January to 31st December 2031</i>	<i>2.17%</i>
<i>1st January to 31st December 2032, and subsequent obligation periods</i>	<i>2.00%]</i>

F197 Art. 21A inserted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, 23

[F198] Re-cycling of buy-out payments

22.—[F199] (1) For the purposes of section 128(9) of the 2004 Act, the “transport fuel suppliers of a specified description” are any transport fuel supplier who, in relation to an obligation period in respect of which the Administrator has received the sums referred to in section 128(7)—

- (a) is an obligated supplier, or a non-obligated supplier for whom an account is maintained by the Administrator pursuant to article 7(3)(a); and
- (b) held one or more RTF certificates in an RTF account at the time they were notified to the Administrator in accordance with article 21(3) or surrendered under paragraph (2)(a) as the case may be.]

(2) Subject to paragraph (5), the system of allocation of the sums referred to in section 128(6) is as follows—

- (a) each transport fuel supplier referred to in paragraph (1) must notify the Administrator of the number of RTF certificates held in the supplier's RTF account which the supplier surrenders to the Administrator in relation to the obligation period in question;
- (b) those notifications must be given to the Administrator by the [F200]10th January] (or the next working day after [F200]10th January], if [F200]10th January] is not a working day) immediately following the obligation period in question;
- (c) where a supplier fails to notify the Administrator by that date of the number of RTF certificates to be surrendered, the Administrator must deem the number to be nil;
- (d) the Administrator must calculate the total sums received by the Administrator pursuant to article 21(6) and (9) by the [F201]10th February] (or the next working day after [F201]10th February], if [F201]10th February] is not a working day) (“the buy-out fund”);
- (e) the Administrator may also include in the buy-out fund any sum received by the Administrator pursuant to article 21(6) and (9) after the [F202]10th February] (or after the next working day after [F202]10th February], if [F202]10th February] is not a working day) (“late sum received”);
- (f) the Administrator must allocate the buy-out fund in equal shares between each RTF certificate which is counted under article 21(3) or surrendered under sub-paragraph (a), and
- (g) the Administrator must make the payments, as soon as reasonably practicable after the date referred to in sub-paragraph (e), to the suppliers who held those RTF certificates [F203]at the time they were notified to the Administrator in accordance with article 21(3) or surrendered under sub-paragraph (a) as the case may be].

(3) In the case of any late sum received which the Administrator does not include in the buy-out fund pursuant to paragraph (2)(e) in relation to the obligation period in question (“the principal obligation period”), the Administrator must—

- (a) allocate the sums in equal shares between each RTF certificate which is counted under article 21(3) or surrendered under paragraph (2)(a), and
- (b) when making payments in relation to a subsequent obligation period, make the payments to the suppliers who held those RTF certificates [F204]at the time they were notified to the Administrator in accordance with article 21(3) or surrendered under paragraph (2)(a) as the case may be in relation to the principal obligation period].

(4) For the purposes of paragraphs (2) and (3), a supplier “surrenders” an RTF certificate where the supplier—

- (a) does not need the certificate to count towards the discharge of the supplier's renewable transport fuel obligation (if any) for the obligation period in question;
- (b) notifies the Administrator that the supplier renounces any further benefit from holding the certificate, and
- (c) claims a share of the buy-out fund for the obligation period in question,

and the RTF certificate is debited from the supplier's RTF account accordingly.

(5) In the circumstances set out in paragraph (6), the Administrator must make such provision as is fair and reasonable with regard to—

- (a) dealing with any sum paid by the supplier under article 21,
- (b) allocating shares and making payments under this article, and
- (c) any other matter requiring to be dealt with pending and following the final disposal of the court proceedings.

(6) The circumstances referred to are where—

- (a) an RTF certificate held by a supplier is revoked,
- (b) by way of court proceedings the supplier challenges the decision to revoke, and
- (c) the court proceedings have not been finally disposed of by the [^{F205}15th November] immediately following the obligation period in question.]

<p>F198 Art. 22 revoked (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374), regs. 1, 24 (subject to a saving in relation to any obligation period ending on or before 14.4.2017)</p> <p>F199 Art. 22(1) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, 20(1)</p> <p>F200 Words in art. 22(2)(b) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, 20(2)</p> <p>F201 Words in art. 22(2)(d) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, 20(3)</p> <p>F202 Words in art. 22(2)(e) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, 20(4)</p> <p>F203 Words in art. 22(2)(g) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, 20(5)</p> <p>F204 Words in art. 22(3)(b) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, 20(6)</p> <p>F205 Words in art. 22(6)(c) substituted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937), arts. 1, 20(7)</p>
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PART 6

IMPOSITION OF CIVIL PENALTIES

Civil penalties

23.—(1) The following provisions are designated for the purposes of section 129 of the 2004 Act: articles 7(2) and (6), 8(3), [^{F206}12(4) and (7)], 13(5) and (7), 16(4), [^{F207}16B(1) to (3),] 20(14) and 21(6).

(2) A supplier is liable to a civil penalty if that supplier contravenes article 7(2) or 21(6).

[^{F208}(2A) A supplier is liable to a civil penalty if that supplier or other person fails to submit a verifier’s report as required by article 16B(1) to (3).]

[^{F209}(3) A supplier or other person is liable to a civil penalty if at the time that supplier or other person provides the information or produces the evidence (as the case may be) referred to in article 7(6), 8(3), 12(4) or (7), 13(5) or (7), 16(4) or 20(14)—

- (a) that supplier or other person has not taken reasonable steps to ensure that the information or evidence is accurate, or
- (b) that supplier or other person has taken reasonable steps to ensure that the information or evidence is accurate, but the condition set out in paragraph (4) or (5) is subsequently satisfied.]

(4) In the case of article 7(6) or 8(3), the condition is that the supplier or other person has subsequently—

- (a) become aware that the information or evidence may be inaccurate but has not informed the Administrator of that fact within [^{F210}twenty] working days of so becoming aware,
- (b) been informed by the Administrator that the information or evidence may be inaccurate but has not investigated and remedied the inaccuracy within such period as may reasonably be allowed by the Administrator, or
- (c) become aware (other than by being informed by the Administrator) that the information or evidence may be inaccurate but has not investigated and remedied the inaccuracy within such period as may reasonably be allowed by the Administrator.

(5) In the case of article [^{F211}12(4) or (7)], 13(5) or (7), 16(4) or 20(14), the condition is that the supplier or other person has subsequently, but on or before [^{F212}the applicable date in paragraph (5A)]—

- (a) become aware that the information or evidence may be inaccurate, but has not informed the Administrator of that fact within [^{F213}twenty] working days of so becoming aware,
- (b) been informed by the Administrator that the information or evidence may be inaccurate, but has not investigated and remedied the inaccuracy within such period as may reasonably be allowed by the Administrator, or
- (c) become aware (other than by being informed by the Administrator) that the information or evidence may be inaccurate, but has not investigated and remedied the inaccuracy within such period as may reasonably be allowed by the Administrator.

[^{F214}(5A) For the purposes of paragraph (5), the “applicable date” is—

- (a) in respect of an obligation period which ends on 14th April in a year, 16th November of that year (or the next working day after 16th November, if 16th November is not a working day);
- (b) in respect of an obligation period which ends on 31st December in a year, 16th August of the following year (or the next working day after 16th August, if 16th August is not a working day).]

(6) For the purposes of section 129(2) of the 2004 Act, a civil penalty notice must be given by written notice to the defaulter.

(7) For the purposes of section 129(3)(a), “the specified amount” is—

- (a) in the case of an account holder who has gained, or attempted to gain, one or more RTF certificates by contravening a provision referred to in paragraph (1), an amount equivalent to twice the value of the RTF certificates which the account holder has gained, or attempted to gain, and

(b) in any other case, £50,000.

[^{F215}(8) For the purposes of paragraph (7)(a), the value of an RTF certificate is an amount equal to the amount that would be payable, in respect of the fuel to which the certificate relates, if that fuel were to fall within the development fuel target shortfall or the main obligation shortfall under article 21(7).]

[^{F216}(8A) In order to establish the value of an RTF certificate in accordance with paragraph (8), were the fuel to which it relates to fall within the main obligation shortfall under paragraph (7) of article 21, the multiplier for the purpose of calculating sum B referred to in *Step 4* of that paragraph [^{F217}is—

- (a) where it relates to an application for an RTF certificate made on or before 31st December 2021, £0.30;
- (b) where it relates to an application for an RTF certificate made on or after 1st January 2022, £0.50].]

(9) For the purposes of section 129(3)(b), the turnover of the specified business of the defaulter is the applicable turnover for the business year preceding the date of the civil penalty notice.

(10) Where the business year preceding the date of the civil penalty notice does not equal 12 months, the turnover is the amount which bears the same proportion to the applicable turnover during that business year as 12 months does to the period of that business year.

(11) Where there is no preceding business year, the turnover is the applicable turnover of the defaulter for the period of 12 months ending on the last day of the month preceding the month in which the date of the civil penalty notice falls.

(12) Where in the application of paragraph (11) the defaulter has applicable turnover for a period of less than 12 months, the turnover is the amount which bears the same proportion to the applicable turnover during the period for which the defaulter has applicable turnover as 12 months does to that period.

[^{F218}(12A) Where a defaulter does not pay all or any part of the penalty to the Administrator by the date before which the civil penalty must be paid—

- (a) the sum outstanding is to increase at the rate specified in paragraph (12B) and the increase is to be calculated in accordance with paragraph (12C); and
- (b) the increased sum is a debt due from the defaulter to the Administrator until it has been paid in full.

(12B) The rate for the purposes of paragraph (12A) is 5 percentage points above the base rate of the Bank of England as at the date before which the civil penalty must be paid to the Administrator.

(12C) The increase is to be calculated on a daily basis beginning on the date before which the civil penalty must be paid to the Administrator, and ending on the date on which payment is received by the Administrator.]

(13) In this article—

“applicable turnover” means the amounts, ascertained in conformity with normal accounting practice in the United Kingdom, which are—

- (a) derived by the defaulter from the supply of [^{F219}petrol, diesel and renewable] transport fuel at or for delivery to places in the United Kingdom, and
- (b) computed on an accruals basis so that those amounts relating to the period for which the turnover is being determined are taken into account, without regard to the date of invoice or receipt of payment,

after deduction of trade discounts, value added tax and any other taxes based on such amounts;

“business year” means a period of more than six months in respect of which a defaulter publishes accounts or, if no such accounts have been published for the period, prepares accounts; and

“date of the civil penalty notice” means the date on which the Administrator gives notice under section 129(2) of the 2004 Act.

- F206** Words in art. 23(1) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(1)(a)**
- F207** Words in art. 23(1) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(1)(b)**
- F208** Art. 23(2A) inserted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(2)**
- F209** Art. 23(3) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(3)**
- F210** Word in art. 23(4)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(4)**
- F211** Words in art. 23(5) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(5)(a)**
- F212** Words in art. 23(5) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **25(2)**
- F213** Word in art. 23(5)(a) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(4)**
- F214** Art. 23(5A) inserted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **25(3)**
- F215** Art. 23(8) substituted (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **25(4)**
- F216** Art. 23(8A) inserted (31.12.2020) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2020 \(S.I. 2020/1541\)](#), arts. 1, **2(3)**
- F217** Words in art. 23(8A) substituted (1.1.2022) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2021 \(S.I. 2021/1420\)](#), arts. 1, **12** (with art. 16)
- F218** Art. 23(12A)-(12C) inserted (9.4.2013) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2013 \(S.I. 2013/816\)](#), arts. 1(1), **12**
- F219** Words in art. 23(13) substituted (15.12.2011) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2011 \(S.I. 2011/2937\)](#), arts. 1, **21(7)**

Objections to civil penalties

24.—(1) For the purposes of section 130(2)(b) of the 2004 Act, the manner in which the notice of objection must be given to the Administrator is—

- (a) by delivering it to the Administrator,
- (b) by leaving it at the address of the Administrator, or
- (c) by sending it by post to the Administrator at that address,

and “delivering” includes transmitting by means of an electronic communications network, or by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

(2) For the purposes of section 130(2)(b), the period within which the notice must be given is a period of 28 days beginning on the day immediately after the day on which the civil penalty notice is given.

(3) For the purposes of section 130(5), the manner in which the notification of the outcome of the Administrator's consideration must be given is—

- (a) by delivering it to the objector,
- (b) by leaving it at the objector's proper address, or
- (c) by sending it by post to the objector at that address,

and “delivering” includes transmitting by means of an electronic communications network, or by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

(4) Section 193(3) to (7) of the 2004 Act applies in relation to the giving or sending of the notification to the objector under paragraph (3).

(5) For the purposes of section 130(5), the period before the end of which the notification must be given is a period of 28 days beginning on the day immediately after the day on which the notice of objection is given to the Administrator.

F220 PART 7

Transitional provisions

F220 Pt. 7 revoked (15.4.2018) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, 26

Transitional provisions

25.

Determination of the specified amount

26.

Discharging a renewable transport fuel obligation

27.

Information from obligated suppliers

28.

Application for RTF certificates

29.

Issue of RTF certificates

30.

Signed by authority of the Secretary of State for Transport

Department for Transport

Jim Fitzpatrick
Parliamentary Under Secretary of State

[^{F221}SCHEDULE [^{F222}1]

Article 2

SUSTAINABILITY CRITERIA

F221	Sch. inserted (15.12.2011) by The Renewable Transport Fuel Obligations (Amendment) Order 2011 (S.I. 2011/2937) , arts. 1, 23
F222	Sch. 1 renumbered (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 13(2) (with art. 16)

Interpretation

1. In this Schedule—

“chain of installations” means, in respect of any consignment of renewable transport fuel, all of the processing installations the use of which leads to a material modification from any of the relevant feedstock to the finished fuel. It does not include installations solely used for the collection, transportation or storage of the feedstocks;

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“new chain of installations” means a chain of installations in respect of which production of renewable transport fuel in one or more of the installations [^{F228}began after 5th October 2015];

“old chain of installations” means a chain of installations in respect of which production of renewable transport fuel in at least one of the installations was taking place on [^{F229}or before 5th October 2015];

^{F230}

F223	Words in Sch. para. 1 omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 27(2)(a)
F224	Words in Sch. para. 1 omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 27(2)(c)
F225	Words in Sch. 1 para. 1 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 13(3)(a) (with art. 16)
F226	Words in Sch. para. 1 omitted (15.4.2018) by virtue of The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 27(2)(d)
F227	Words in Sch. 1 para. 1 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 13(3)(b) (with art. 16)
F228	Words in Sch. para. 1 substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 27(2)(e)
F229	Words in Sch. para. 1 substituted (15.4.2018) by The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 (S.I. 2018/374) , regs. 1, 27(2)(f)
F230	Words in Sch. 1 para. 1 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420) , arts. 1, 13(3)(c) (with art. 16)

Compliance with the sustainability criteria

[^{F231}2.—(1) To the extent that renewable transport fuel was produced from a feedstock listed in column (2) of the table below, that feedstock meets the sustainability criteria if it meets the conditions specified, in relation to the feedstock concerned, in column (3) of the table.

<i>(1) Entry number</i>	<i>(2) Feedstock</i>	<i>(3) Conditions that the feedstock must meet in order to meet the sustainability criteria</i>
1	Forest biomass, including residues from forestry or wastes from forestry	The GHG emission saving threshold and the forest criteria
2	Residues, including processing residues, which are not residues from agriculture, aquaculture, fisheries or forestry	The GHG emission saving threshold
3	Wastes, which are not wastes from agriculture, aquaculture, fisheries or forestry	The GHG emission saving threshold
4	Residues from agriculture or wastes from agriculture	The GHG emission saving threshold, the land criteria and the soil carbon criteria
5	Renewable energy of non-biomass origin	The GHG emission saving threshold
6	Any feedstock not falling within entries 1 to 5 above	The GHG emission saving threshold and the land criteria

(2) A relevant feedstock meets the soil carbon criteria if the renewable transport fuel supplier provides evidence, by reference to the guidance published by the Administrator under article 15(1) (m), that satisfies the Administrator that adequate monitoring or management plans are in place for the land concerned which address the impacts on soil quality and soil carbon of the harvesting of the relevant feedstock from that land.

(3) In the table, “GHG emission saving threshold” means the threshold established in accordance with paragraph 3.]

F231 Sch. 1 para. 2 substituted (1.1.2022) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2021 \(S.I. 2021/1420\)](#), arts. 1, **13(4)** (with art. 16)

Greenhouse gas emission saving threshold

3.—(1) Subject to sub-paragraph (2), an amount of renewable transport fuel meets the GHG emission saving threshold if the GHG emission saving from its use is equal to or greater than the minimum GHG emission saving applicable to that fuel as specified in paragraph 4.

(2) If the renewable transport fuel is produced partly from raw materials other than sustainable feedstocks, the minimum GHG emission saving for the purposes of this Schedule applies only to the volume of that fuel which^{F232} ...—

(a) [^{F233}is] attributable to sustainable feedstocks; ^{F234} ...

- [^{F235}(b) is produced from residues (including processing residues) which are not residues from agriculture, aquaculture, fisheries or forestry;
- (c) is produced from wastes which are not residues from agriculture, aquaculture, fisheries or forestry; or
- (d) consists of RFNBO.]
- (3) The GHG emission saving from the use of an amount of renewable transport fuel [^{F236}of a type falling within sub-paragraph (2)] is the greater of—
- (a) where applicable, the default value determined [^{F237}by reference to the guidance published by the Administrator under article 15(1)(m)]; and
- (b) the actual value determined [^{F238}by reference to the guidance published by the Administrator under article 15(1)(m)].
- [^{F239}(4) The GHG emission saving from the use of an amount of renewable transport fuel which consists of RFNBO is determined by reference to [^{F240}the guidance published by the Administrator under article 15(1)(m)].]

- F232** Word in Sch. para. 3(2) omitted by virtue of [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **27(4)(a)**
- F233** Word in Sch. para. 3(2)(a) inserted by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **27(4)(b)(i)**
- F234** Word in Sch. para. 3(2)(a) omitted by virtue of [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **27(4)(b)(ii)**
- F235** Sch. para. 3(2)(b)-(d) substituted for Sch. para. 3(2)(b) by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **27(4)(c)**
- F236** Words in Sch. para. 3(3) inserted by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **27(4)(d)**
- F237** Words in Sch. 1 para. 3(3)(a) substituted (1.1.2022) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2021 \(S.I. 2021/1420\)](#), arts. 1, **13(5)(a)(i)** (with art. 16)
- F238** Words in Sch. 1 para. 3(3)(b) substituted (1.1.2022) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2021 \(S.I. 2021/1420\)](#), arts. 1, **13(5)(a)(ii)** (with art. 16)
- F239** Sch. para. 3(4) inserted by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **27(4)(e)**
- F240** Words in Sch. 1 para. 3(4) substituted (1.1.2022) by [The Renewable Transport Fuel Obligations \(Amendment\) Order 2021 \(S.I. 2021/1420\)](#), arts. 1, **13(5)(b)** (with art. 16)

Minimum emission saving

- [^{F241}4. For the purposes of this Schedule, the “minimum GHG emission saving”, in relation to renewable transport fuel supplied at, or for delivery to, places in the United Kingdom, is—
- [^{F242}(a) where the renewable transport fuel is not RFNBO—
- (i) if the fuel is produced in an old chain of installations, 55%;
- (ii) if the fuel is produced in a new chain of installations, 65%;
- (b) where the renewable transport fuel is RFNBO, 65%.]]

- F241** Sch. para. 4 substituted by [The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018 \(S.I. 2018/374\)](#), regs. 1, **27(5)**

F242 Sch. 1 paras. 4(a)(b) substituted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **13(6)** (with art. 16)

Default value

^{F243}**5.**

F243 Sch. paras. 5-9 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **13(7)** (with art. 16)

Actual value

^{F243}**6.**

F243 Sch. paras. 5-9 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **13(7)** (with art. 16)

Land criteria

^{F243}**7.**

F243 Sch. paras. 5-9 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **13(7)** (with art. 16)

^{F243}**8.**

F243 Sch. paras. 5-9 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **13(7)** (with art. 16)

^{F243}**9.**]

F243 Sch. paras. 5-9 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **13(7)** (with art. 16)

F243 Sch. paras. 5-9 omitted (1.1.2022) by virtue of The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **13(7)** (with art. 16)

[^{F244}SCHEDULE 2

Article 2(1)

Land criteria

F244 Schs. 2, 3 inserted (1.1.2022) by The Renewable Transport Fuel Obligations (Amendment) Order 2021 (S.I. 2021/1420), arts. 1, **14** (with art. 16)

Meeting the land criteria

1. A relevant feedstock meets the land criteria if the renewable transport fuel supplier provides evidence, by reference to the guidance published by the Administrator under article 15(1)(m), that satisfies the Administrator that the relevant feedstock was not obtained from land of a description falling within paragraphs 2 to 4, subject to the exceptions set out in those paragraphs.

Prohibited land categories

2. Land with a high biodiversity value that had one of the following statuses in or after January 2008, whether or not the land continues to have that status—

- (a) primary forest or other wooded land of native species, where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed;
- (b) land not falling within sub-paragraph (a) which is, or which has been identified as, highly biodiverse forest or other wooded land that is species-rich and not degraded, unless—
 - (i) the land is designated for nature protection purposes; and
 - (ii) evidence is provided that satisfies the Administrator that the production of the relevant feedstock did not interfere with the purposes for which the land is designated for nature protection purposes;
- (c) land not falling within sub-paragraphs (a) or (b) which is designated for nature protection purposes, including for the protection of rare, threatened or endangered ecosystems or species, unless evidence is provided that satisfies the Administrator that the production of the relevant feedstock did not interfere with the purposes for which the land is designated for nature protection purposes;
- (d) highly biodiverse grassland spanning more than one hectare that is—
 - (i) natural grassland that would remain as grassland and that maintains its natural species composition and ecological characteristics and processes in the absence of human intervention; or
 - (ii) non-natural grassland that would cease to be grassland in the absence of human intervention and that is species-rich and not degraded and which has been identified as being highly biodiverse, unless evidence is provided that satisfies the Administrator that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

3.—(1) Land with high-carbon stock that had one of the following statuses at any time in January 2008 and which no longer has that status—

- (a) wetlands, where the land is covered with, or saturated by, water permanently or for a significant part of the year;
- (b) continuously forested areas spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30%, or trees able to reach those thresholds in situ;
- (c) land spanning more than one hectare with trees higher than five metres and a canopy cover of between 10% and 30%, or trees able to reach those thresholds in situ, unless evidence is provided that satisfies the Administrator that the GHG emission saving from the use of the renewable transport fuel concerned is equal to or greater than the minimum GHG emission saving applicable to the fuel at the time when it is used, as set out in Schedule 1.

(2) But this paragraph does not apply if, at the time the relevant feedstock was harvested, the land concerned had the same status as it had in January 2008.

4. Land that was peatland at any time in January 2008, unless evidence is provided that satisfies the Administrator that the cultivation and harvesting of the raw material concerned did not involve drainage of previously undrained soil.]

[^{F244}SCHEDULE 3

Article 2(1)

Forest criteria

Meeting the forest criteria

1. Forest biomass meets the forest criteria if the renewable transport fuel supplier provides evidence, by reference to the guidance published by the Administrator under article 15(1)(m), that satisfies the Administrator that the requirements in paragraphs 2 and 3 are met, subject to the exceptions set out in those paragraphs.

Legal framework

2.—(1) The country in which the forest biomass was harvested has in place a legal framework, including monitoring and enforcement systems, to ensure that—

- (a) the forest biomass has been harvested in accordance with applicable laws;
- (b) the area of harvesting of the forest biomass is subject to forest regeneration, and for this purpose “forest regeneration” means the re-establishment of a forest stand by natural or artificial means following the removal of the previous stand by felling or as a result of natural causes, including fire or storm;
- (c) the forest biomass has not been harvested from wetlands, peatlands or from a protected area, unless—
 - (i) the land is designated for nature protection purposes; and
 - (ii) the production of the relevant feedstock did not interfere with the purposes for which the land is designated for nature protection purposes;
- (d) the harvesting of the forest biomass has been carried out with consideration for the maintenance of, and with the aim of minimising any decline in, soil quality and biodiversity; and
- (e) the harvesting of the forest biomass has been carried out in a manner that maintains or improves the long-term production capacity of the forest from which it was harvested.

(2) But if evidence is not available to demonstrate that the legal framework described in sub-paragraph (1) is in place in the country concerned, then the Administrator must be satisfied that management systems at the forest sourcing area level were in place in that country to ensure that the conditions in sub-paragraph (1)(a) to (e) were met.

(3) In this Schedule, “sourcing area” means the geographically defined area from which the forest biomass is sourced, from which reliable and independent information is available to show that the conditions in sub-paragraph (1)(a) to (e) were met, and where conditions are sufficiently homogeneous to evaluate the risk of the sustainability and legality characteristics of the forest biomass.

Land-use, land-use change and forestry

3.—(1) The country or regional economic integration organisation of origin of the forest biomass is a party to the 2015 Paris Agreement adopted under the United Nations Framework Convention on Climate Change and—

- (a) has submitted a nationally determined contribution (“NDC”) to the United Nations Framework Convention on Climate Change, covering emissions and removals from agriculture, forestry and land use which ensures that changes in carbon stock associated with forest biomass harvest are counted towards the country’s commitment to reduce or limit GHG emissions as specified in the NDC; or
- (b) has laws in place, which are applicable in the area of the harvesting, and which regulate the harvesting of forest biomass, to conserve and enhance carbon stocks and sinks, and which require that evidence is provided to show that reported land-use, land-use change and forestry-sector emissions do not exceed removals.

(2) But if evidence is not available to demonstrate that the requirement in sub-paragraph (1) is satisfied, then the Administrator must be satisfied that management systems were in place at the forest sourcing area level to ensure that carbon stocks and sink levels in the forest are maintained or increased over the long-term.]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements Chapter 5 of Part 2 of the Energy Act 2004, and imposes on transport fuel suppliers who supply relevant hydrocarbon oil in the United Kingdom an obligation to produce evidence that a certain amount of renewable transport fuel has been supplied in the United Kingdom (the “RTF obligation”) (*Part 2*).

Part 3 of the Order provides for the establishment of a new body corporate as the Administrator, and this is to be known as the Office of the Renewable Fuels Agency (*article 6*). *The Schedule* makes provision about the Office as regards its constitution, staff, proceedings, money, accounts and audit, duty to give information to the Secretary of State, and any conflicts of interest. *Part 3* also makes provision about the Administrator establishing and maintaining accounts for transport fuel suppliers (*articles 7 to 11*), and making an annual report to the Secretary of State which is then to be laid before Parliament (*article 14*). It also confers powers and imposes duties on the Administrator as regards requiring information from suppliers (*articles 12 and 13*) and other matters (*article 15*).

Part 4 provides for the issue of RTF (renewable transport fuel) certificates to suppliers who are subject to an RTF obligation, and to other suppliers who are not so obligated. These certificates can then be produced as evidence that the obligation has been discharged. Certificates may also be transferred (*article 18*) or revoked (*article 20*).

Part 5 provides for the discharge of an RTF obligation by payment in cases where a supplier has not wholly discharged the obligation by producing sufficient RTF certificates. *Article 22* makes provision for the re-cycling of buy-out payments to certain transport fuel suppliers.

Part 6 provides for a person who contravenes certain provisions to be liable to a civil penalty. It also provides for the process of objecting to a civil penalty (*article 24*). Section 131 of the Energy Act 2004 provides for appeals to be made to the High Court (in England and Wales or Northern

Ireland) or the Court of Session (in Scotland) where a person disputes a liability to a penalty or claims that the penalty is too high.

An Impact Assessment has been prepared and copies can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. A copy has been placed in the Library of each House of Parliament. A copy may also be accessed on the OPSI website www.opsi.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Renewable Transport Fuel Obligations Order 2007.