
STATUTORY INSTRUMENTS

2007 No. 3072

The Renewable Transport Fuel Obligations Order 2007

PART 3

THE ADMINISTRATOR

The Administrator

6.—(1) The Office of the Renewable Fuels Agency is established as a body corporate and is appointed as the Administrator pursuant to section 125 of the 2004 Act.

(2) The Schedule (which makes provision about the Administrator) has effect.

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) any 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.

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.**—(1) The Administrator must impose a requirement on an obligated supplier to provide the Administrator with information as to—
- (a) whether the supplier has supplied any relevant hydrocarbon oil at or for delivery to places in the United Kingdom during each relevant period,
 - (b) whether the supplier has supplied any renewable transport fuel at or for delivery to places in the United Kingdom during each relevant period,
 - (c) the amount of any relevant hydrocarbon oil which has been—
 - (i) supplied by the supplier at or for delivery to places in the United Kingdom during each relevant period, or
 - (ii) received by the supplier from another transport fuel supplier at places in the United Kingdom during each relevant period; and
 - (d) the amount of any relevant renewable transport fuel which is—

- (i) for use as fuel in road vehicles (whether or not it may also be used in other vehicles), and
 - (ii) of one of the descriptions set out in article 5(3).
- (2) In paragraph (1)—
- (a) a “relevant period” means a period beginning on the 15th day of each month and ending on the 14th day of the following month during an obligation period, and
 - (b) “relevant renewable transport fuel” means renewable transport fuel which is—
 - (i) owned by the supplier at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, and supplied by the supplier at or for delivery to places in the United Kingdom during each relevant period, or
 - (ii) received by the supplier from another transport fuel supplier at places in the United Kingdom during each relevant period.
- (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 to the best of the supplier’s knowledge and belief, 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 has provided to the Administrator under this article.
- (6) 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.

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 transport fuel supplier to provide the Administrator with the information, in relation to that supplier, which is referred to in paragraph (1)(a) to (d) 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.

(4) Without prejudice to the generality of paragraph (1), the Administrator may require a transport fuel supplier (whether obligated or non-obligated) to provide the Administrator with information as to the effects on—

- (a) carbon emissions,

- (b) agriculture,
- (c) other economic activities,
- (d) sustainable development, or
- (e) the environment generally,

which are or may be associated with the production, supply or use of the renewable transport fuel which has been supplied by the supplier at or for delivery to places in the United Kingdom, and to provide that information in relation to such period during an obligation period as the Administrator notifies to the supplier for the purposes of this paragraph.

(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.

Duty to report to Parliament

14.—(1) The Administrator must—

- (a) by 31st January 2010 publish an annual report in relation to the obligation period ending on 14th April 2009, and
- (b) by 31st January in each subsequent year publish an annual report in relation to the obligation period ending on the previous 14th April.

(2) Before publishing an annual report under paragraph (1), the Administrator must send a copy of the report to the Secretary of State.

(3) As soon as reasonably practicable after the Secretary of State has received the annual report from the Administrator and the report has been published, the Secretary of State must lay a copy of the report before each House of Parliament.

(4) The report is to include details of—

- (a) the compliance by each obligated supplier with its renewable transport fuel obligation during the obligation period in question, including the extent to which that obligation has been met by the production of RTF certificates or by payments made under article 21;
- (b) the effects on—
 - (i) carbon emissions,
 - (ii) agriculture,
 - (iii) other economic activities,

- (iv) sustainable development, and
- (v) the environment generally,

which the Administrator considers, following analysis of information received under this Order from renewable transport fuel suppliers, to be associated with the production, supply or use of the renewable transport fuel which has been supplied at or for delivery to places in the United Kingdom during the obligation period;

- (c) the percentage of such fuel which was of a description specified by the Secretary of State;
 - (d) the effectiveness of the Administrator in carrying out the Administrator's duties, including the accuracy of the Administrator's activities under article 11, and the number of RTF certificates issued erroneously;
 - (e) the effectiveness of advice given by the Administrator to transport fuel suppliers, and the time taken to provide such advice;
 - (f) the effectiveness of the enforcement activities of the Administrator;
 - (g) the value for money of the Administrator;
 - (h) any calculations, analysis or other matter which is notified by the Secretary of State to the Administrator and is relevant to purposes connected with the implementation of provision made by or under Chapter 5 of Part 2 of the 2004 Act, and
 - (i) any calculations, analysis or other matter which the Administrator considers is appropriate and which is relevant to purposes connected with the implementation of provision made by or under Chapter 5 of Part 2 of the 2004 Act.
- (5) In preparing its annual report the Administrator must exclude from the report, so far as reasonably practicable—
- (a) information as to the amount of relevant hydrocarbon oil or renewable transport fuel which has been notified by a particular supplier to the Administrator under article 12(1)(c) or (d), 13(1) or (3), or 16(3)(c), and
 - (b) any other information from which that amount may be deduced.
- (6) The details of the effects referred to in paragraph (4)(b) are to be reported in relation to such fuel as supplied by individual renewable transport fuel suppliers and in relation to such fuel as supplied by renewable transport fuel suppliers generally.

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—

- (a) to report to the Secretary of State as requested on the amount of—
 - (i) renewable transport fuel, or
 - (ii) renewable transport fuel of a description specified by the Secretary of State,
 which, following analysis of information received from renewable transport fuel suppliers under article 12, 13 or 16, has been supplied at or for delivery to places in the United Kingdom during a period specified by the Secretary of State;
- (b) to report to the Secretary of State as requested on the effects on—
 - (i) carbon emissions,
 - (ii) agriculture,
 - (iii) other economic activities,
 - (iv) sustainable development, or

- (v) the environment generally,
which the Administrator considers, following analysis of information received under this Order from a renewable transport fuel supplier or from renewable transport fuel suppliers generally, to be associated, actually or on average, with the production, supply or use of the renewable transport fuel which has been supplied at or for delivery to places in the United Kingdom during a period specified by the Secretary of State;
 - (c) to report to the Secretary of State as requested on—
 - (i) the percentage of such fuel which is of a description specified by the Secretary of State;
 - (ii) the accuracy of, and amount of detail in, the information which is provided to the Administrator under article 13(4) or article 16(3)(d);
 - (d) to carry out such calculations or analysis as may be required for the purposes of providing a report referred to in sub-paragraphs (a) to (c) or for other 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;
 - (g) to verify, so far as reasonably practicable, the information supplied pursuant to article 12(1), 13(1), (3) or (4) or 16(3) by each account holder who is a transport fuel supplier;
 - (h) to process buy-out funds;
 - (i) to calculate and disburse payments under article 22, and
 - (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.
- (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 (other than the annual report referred to in article 14) 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 paragraph (1) or (2), so far as reasonably practicable—
- (a) information as to the amount of relevant hydrocarbon oil or renewable transport fuel which has been notified by a particular supplier to the Administrator under article 12(1)(c) or (d), 13(1) or (3), or 16(3)(c), and
 - (b) any other information from which that amount may be deduced.