Draft Order laid before Parliament under sections 124(5) and 192(3) of the Energy Act 2004, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2020 No. 0000

TRANSPORT

ENERGY

SUSTAINABLE AND RENEWABLE FUELS

The Renewable Transport Fuel Obligations (Amendment) Order 2020

Made - - - -	***
Coming into force - -	*31st December 2020*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 124(1), 128(1), 129(3)(a) and 192(4)(a) of the Energy Act 2004(**a**) ("the 2004 Act").

The Secretary of State has consulted such persons appearing to the Secretary of State to represent persons whose interests will be affected by this Order, and such other persons, as the Secretary of State considers appropriate, as required by section 124(4) of the 2004 Act.

A draft of this Order was laid before Parliament in accordance with sections 124(5) and 192(3) of the 2004 Act and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Renewable Transport Fuel Obligations (Amendment) Order 2020 and comes into force on 31st December 2020.

Amendment of the Renewable Transport Fuel Obligations Order 2007

2.—(1) The Renewable Transport Fuel Obligations Order 2007(**b**) is amended as follows.

(2) In article 21(7) (payments)(**c**), after "*Step 4*", for "Multiply the main obligation shortfall by £0.30 ("sum B").", substitute—

(**a**) 2004 c. 20; section 128 was amended by paragraph 4 of Schedule 7 to the Climate Change Act 2008 (c. 27); section 129 was amended by paragraph 5 of Schedule 7 to the Climate Change Act 2008; section 192 was amended by section 62(16) of the Scotland Act 2016 (c. 11) and by paragraph 60(4) of Schedule 6 to the Wales Act 2017 (c. 4). There are other amendments to that section but none is relevant. For the definition of "specified" as used in sections 124, 128 and 129 see section 132(1).

(**b**) S.I. 2007/3072, amended by S.I. 2018/374; there are other amending instruments but none is relevant.

(**c**) Article 21(7) was substituted by regulation 22(6) of S.I. 2018/374.

"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").".

(3) In article 23 (civil penalties)(**a**), after paragraph (8) insert—

"(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 is £0.30.".

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This instrument amends the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072, "the RTFO Order"). It amends a step of the calculation used to determine the amount a supplier must pay to discharge any shortfall in their renewable transport fuel obligation in accordance with article 21 of the RTFO Order. The amendment increases the multiplier that will be applied to any shortfall in a supplier's main renewable transport fuel obligation (as defined in article 4(6) of the RTFO Order) from £0.30 to £0.50 for obligation periods beginning on or after 1st January 2021. This instrument also makes a consequential amendment to article 23 (civil penalties) of the RTFO Order to ensure the amount of any civil penalty payable in accordance with that article is unchanged.

An impact assessment, in the form of a cost benefit analysis, on the effect that this Order will have on the costs of business and the voluntary sector is available from the Low Carbon Fuels Division, Department for Transport, Great Minister House, 33 Horseferry Road, London, SW1P 4DR (telephone 0207 944 4138). The impact assessment is annexed to the Explanatory Memorandum which is available alongside this Order on the UK legislation website at http://www.legislation.gov.uk.

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(**a**) Article 23(8) was substituted by regulation 25(4) of S.I. 2018/374. There are other amendments to that article but none is relevant.

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