
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

2022 No.

TRANSPORT

ENERGY

CLIMATE CHANGE

**The Renewable Transport Fuel Obligations (Amendment) Order
2022**

Made - - - - *****

Coming into force in accordance with article 1(2) and (3)

The Secretary of State, having consulted in accordance with section 124(4) of the Energy Act 2004(a), makes this Order in exercise of the powers conferred by sections 124(1) and (2), 125A(1), 126(1) to (3) and 192(4) of that Act.

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

Citation and commencement

1.—(1) This Order may be cited as the Renewable Transport Fuel Obligations (Amendment) Order 2022.

(2) This Order comes into force on the day after the day on which it is made, subject to paragraph (3).

(3) Article 3(3) comes into force on 1st January 2023.

Extent

2. This Order extends to the United Kingdom.

(a) 2004 c. 20 (“the 2004 Act”). Section 125A of the 2004 Act was inserted by Schedule 7 to the Climate Change Act 2008 (c. 27). Section 192(4) of the 2004 Act was amended by section 62 of the Scotland Act 2016 (c. 11) and paragraph 60 of Schedule 6 to the Wales Act 2017 (c. 4). There are other amendments to the 2004 Act, but these are not relevant.

Amendment of the Renewable Transport Fuel Obligations Order 2007

- 3.—(1) The Renewable Transport Fuel Obligations Order 2007(a) is amended as follows.
- (2) In article 2(1), after the definition of “account holder” insert—
- ““additional renewable energy” means energy from a renewable source, the generation of which is attributable to the production of a RFNBO, where that energy is or was—
- (a) generated no more than 15 minutes before or 15 minutes after the RFNBO was produced; or
 - (b) stored and released immediately before the RFNBO was produced;”.
- (3) In article 3(2D)(c), after “hydrogen” insert “, with the exception of hydrogen produced using any process for converting methane to hydrogen that does not capture and store at least 50% of the carbon produced”.
- (4) For article 4(8)(f) substitute—
- “(f) to the extent that the eligible fuel consists of RFNBO, where the energy used to produce the RFNBO—
- (i) is wholly additional renewable energy, R is to be determined by reference to the guidance produced by the Administrator under article 15(1)(m);
 - (ii) is not wholly additional renewable energy—
 - (aa) R is deemed to be the annual average percentage of electricity for the national or regional electricity grid of the country concerned which is produced from renewable sources other than biomass; or
 - (bb) where the Administrator considers that it is not appropriate to use the methodology in sub-paragraph (aa) 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.”.
- (5) For article 5(4B)(e) substitute—
- “(e) to the extent that the renewable transport fuel consists of RFNBO, where the energy used to produce the RFNBO—
- (i) is wholly additional renewable energy, RF is to be determined by reference to the guidance produced by the Administrator under article 15(1)(m);
 - (ii) is not wholly additional renewable energy—
 - (aa) RF is deemed to be the annual average percentage of electricity for the national or regional electricity grid of the country concerned which is produced from renewable sources other than biomass; or
 - (bb) where the Administrator considers that it is not appropriate to use the methodology in sub-paragraph (aa) 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.”.
- (6) After article 15(1)(m)(v) insert—
- “(vi) whether or not energy used to produce RFNBO is wholly additional renewable energy, including how the values for R and RF are to be determined for the purposes of articles 4(8)(f) and 5(4B)(e), respectively.”.

(a) S.I. 2007/3072, amended by S.I. 2009/843, 2011/493, 2011/2937, 2013/816, 2015/534, 2018/374, 2020/1541 and 2021/1420.

Transitional provision in relation to the amendments in article 3(2) and (4) to (6)

4. The amendments in article 3(2) and (4) to (6) have no effect in relation to renewable transport fuel supplied before the date on which those provisions come into force.

Transitional provision in relation to the amendment in article 3(3)

5. The amendment in article 3(3) has no effect in relation to renewable transport fuel supplied before 1st January 2023.

	<i>Name</i>
Date	Parliamentary Under Secretary of State Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

The instrument contains various amendments to the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072, “the RTFO Order”).

Article 3(2), (4) and (5) contains provision in relation to additional renewable energy. Article 3(3) makes provision in relation to hydrogen produced using methane reformation that does not involve at least 50% carbon capture and storage. Article 3(6) makes provision to require the Administrator under the RTFO Order to produce guidance in relation to additional renewable energy.

Articles 4 and 5 contain transitional provisions.

As the changes in this instrument will not affect the overall cost of the scheme, or the businesses obligated under it, it was agreed with Her Majesty’s Treasury that no cost benefit analysis was required.

No impact assessment has been prepared for this instrument. An Explanatory Memorandum is published alongside the instrument at www.legislation.gov.uk.