

**201X No. XXXX**

**CONSUMER PROTECTION**

**The Biofuel (Labelling) (Amendment) Regulations 201X**

<i>Made</i>	- - - -	<i>201X</i>
<i>Laid before Parliament</i>		<i>201X</i>
<i>Coming into force</i>	- -	<i>xx xxxx 201X</i>

The Secretary of State is designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to measures relating to consumer protection.

The Secretary of State makes the following Regulations in exercise of the powers conferred by that section.

**Citation and commencement**

1. These Regulations may be cited as the Biofuel (Labelling) (Amendment) Regulations 201X and they come into force on xx xxxxxx 201X.

**Amendment of Regulations**

2. The Biofuel (Labelling) Regulations 2004<sup>(c)</sup> are amended as follows.

**Amendment of regulation 3 (labelling requirements)**

3. For regulation 3(3) substitute—

“(3) Paragraph (4) applies to the each of the following fuels—

- (a) biofuel;
- (b) any blend containing more than 10% by volume of biofuel.

(4) No person shall sell, or offer for sale, any fuel to which this paragraph applies unless the words “This fuel contains more than 10% biofuel” are prominently—

- (a) displayed on any dispensing apparatus from which such fuel is sold or offered for sale; or
- (b) printed on any delivery note relating to such fuel in any other case.”

**Amendment of Part 1 to the Schedule (provisions as to defences)**

4. In paragraph 2(1) of Part 1 to the Schedule, for “regulation 3(2) or (3)” substitute “regulation 3(2) or (4)”.

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(a) S.I. 1993/2661, to which there are amendments not relevant to these Regulations.

(b) 1972 c.68: section 2(2) to the 1972 Act was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51).

(c) S.I. 2004/3349, to which relevant amendments are made by S.I. 2009/3277.

Signed by the authority of the Secretary of State

Date

*Name*  
Minister of State  
Department for Transport

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Biofuel (Labelling) Regulations 2004 (S.I. 2004/3349) (“the 2004 Regulations”).

These Regulations transpose Article 21(1) of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources (OJ L 140, 05.06.2009, pp. 16-62) in so far as it requires biofuels, and biofuel blends containing more than 10% biofuel by volume, to be accompanied at the sales point by an indication that the biofuel content of the fuel exceeds 10%.

*Regulation 3* amends regulation 3 of the 2004 Regulations to require fuel suppliers selling biofuel, and biofuel blends containing more than 10% by volume of biofuel, to display the words “This fuel contains more than 10% biofuel” on any dispensing apparatus at the point of sale or, in any case where there is no such apparatus, to print those same words on any delivery note.

*Regulation 4* makes a consequential amendment to paragraph 2(1) of the Schedule to the 2004 Regulations. If an employee or agent contravenes the obligation which is imposed by new regulation 3(4), that will constitute an offence whether or not proceedings are taken against the relevant employer or principal.

A Transposition Note in respect of the relevant part of Directive 2009/28/EC has been laid before each House of Parliament.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Low Carbon Fuels Building Block, Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone 020 7944 2115) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website, [www.opsi.gov.uk](http://www.opsi.gov.uk). A copy of the impact assessment has been placed in the library of each House of Parliament.

A copy of the Directive referred to in this Explanatory Note may be obtained from the Office of Public Sector Information or viewed in the Official Journal of the European Union via the EUR-Lex website at <http://eur-lex.europa.eu/>.