

**EXPLANATORY MEMORANDUM TO**  
**THE SMOKE CONTROL AREAS (EXEMPTED FIREPLACES) (WALES)**  
**ORDER 2008**

This explanatory memorandum has been prepared by the Department for Environment, Sustainability and Housing and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

**(i) Description**

This Order revokes and replaces with amendments the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2006 (S.I. 2006/2980) (W.271). This Order allows the use (subject to strict conditions) of a number of wood burning boilers and stoves capable of smokeless operation within smoke control areas. These fireplaces do not burn the fuels generally authorised for use in such areas, and consequently have been assessed and are considered to be capable of meeting, or have met, the requirements of BS PD 6434.

**(ii) Matters of special interest to the Subordinate Legislation Committee**

None.

**(iii) Legislative Background**

The power enabling this Instrument to be made is contained in Section 21 and Section 62 of the Clean Air Act 1993.

The SI follows the negative resolution procedure.

**(iv) Purpose and intended effect of the legislation**

Section 18 of the Clean Air Act 1993 enables local authorities to declare the whole or part of their area as a smoke control area by making a "smoke control order". In Wales there are currently four partial smoke control areas in Flintshire, Newport, Swansea and Wrexham. Section 20 of the Act places a general prohibition on the emission of smoke in smoke control areas. However, anyone burning fuel in a smoke control area can avoid contravention of the Act by either using an authorised fuel (not relevant here), or by using an "exempted fireplace". "Fireplace" is defined by the Clean Air Act 1993 as including any open or closed stoves or furnaces as well as grates. Section 21 of the Act enables exemptions to be made, by order, of classes of fireplaces from the prohibition of smoke emissions if they are capable of burning fuels without producing any smoke or substantial quantities of smoke.

It follows from this that a person using an exempted fireplace can be confident (so long as they comply with any conditions of use imposed by the order) that they will not contravene the Clean Air Act 1993. It is not automatically unlawful

to use a non-exempted fireplace in a smoke control area, but anyone doing so is at risk of prosecution if it emits any smoke. This means that, in practice, coal, oil and wood cannot be used as fuel in a smoke control area unless burnt on an exempted fireplace. The power to exempt is devolved to the Welsh Ministers.

Following the specified tests by the Welsh Assembly Government's preferred testing centre, AEA Energy & Environment; it is proposed to add the following classes of fireplaces to those which are already exempted :

<b>Classes of Fireplaces</b>	<b>Conditions</b>
Binder wood fired boiler models RRK 22-49 (49 kW output) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria	<ol style="list-style-type: none"> <li>1. The manufacturers' and Wood Energy Limited's instructions 'Binder Equipment Installation, Commissioning and Maintenance' dated 17 May 2005, reference WELBinderManualrev0.doc, revision 0</li> <li>2. no fuel shall be used other than wood chips or wood pellets, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
The Binder wood fired boiler models RRK 80-175 (75-149 Kw output) with cyclone models ZA 80-175 manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria	<ol style="list-style-type: none"> <li>1. The manufacturers' and Wood Energy Limited's instructions 'Binder Equipment Installation, commissioning and Maintenance' dated 17 May 2005, reference WELBinderManualrev0.doc, revision 0</li> <li>2. no fuel shall be used other than wood chips or wood pellets, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
The Binder wood fired boiler model RRK 130-250 (185-230 kW output) RRK 200-350 (250-300 Kw output) RRK 400-600 (350-500 Kw output) and RRK 640-850 (650-840 Kw output) with cyclone model type ZA manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria	<ol style="list-style-type: none"> <li>1. The manufacturers' and Wood Energy Limited's instructions 'Binder Equipment Installation, Commissioning and Maintenance' dated 17 May 2005, reference WELBinderManualrev0.doc, revision 0.</li> <li>2. no fuel shall be used other than wood chips or wood pellets, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain</li> </ol>

	halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Binder wood fired boiler model RRK 1000 (1200 Kw output) with multi cyclone model MZA manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria	<ol style="list-style-type: none"> <li>1. The manufacturer's and Wood Energy Limited's instructions 'Binder Equipment Installation, Commissioning and Maintenance' dated 17 May 2005, reference WELBinderManualrev0.doc, revision 0.</li> <li>2. no fuel shall be used other than wood chips or wood pellets, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
Biomatic 220 and 250 fitted with Zyklovent 220-250 cyclone separator manufactured by HERZ Armaturen Ges.m.b.H, Geschäftsbereich HERZ, Feuerungstechnik, A-8272 Sebersdorf 138, Austria.	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated April 2005, reference Bedienungsanleitung Englisch v2.0 doc.</li> <li>2. No fuel shall be used other than wood chips, wood pellets, or planed wood shavings, but excluding any such pellets, chips or shavings (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
Biomatic 300, 350, 400 and 500 fitted with Zyklovent 300-500 cyclone separator manufactured by HERZ Armaturen Ges.m.b.H, Geschäftsbereich HERZ, Feuerungstechnik, A-8272 Sebersdorf 138, Austria.	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated April 2005, reference Bedienungsanleitung Englisch v2.0 doc.</li> <li>2. No fuel shall be used other than wood chips, wood pellets, or planed wood shavings, but excluding any such pellets, chips or shavings (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
The Clearview Pioneer 400, Solution 400 and Pioneer Oven wood burning stoves fitted with a tamperproof mechanical stop on	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions "Operating Instructions Clearview Vision/Vision</li> </ol>

<p>the air slide/damper manufactured by Clearview Stoves of More Works, Bishops Castle, Shropshire, SY9 5HH.</p>	<p>Inset/Pioneer &amp; Solution" dated 1st July 2006, reference V1/42, stamped and signed "Smoke Control".</p> <p><b>2.</b> No fuel shall be used other than air-dried wood logs, but excluding any such logs (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Dunsley Yorkshire Stove, manufactured by Dunsley Heat Limited.</p>	<ol style="list-style-type: none"> <li>1. The manufacturer's instructions dated 5 August 1998, reference A/22160 as amended by those dated 4 December 2004, reference D13.</li> <li>2. no fuel shall be used other than untreated dry wood, peat or peat briquettes with, in either case, less than 25 % moisture, Union Coal Briketts, manufactured by Rheinbraun AG of Germany comprising lignite compressed into briquettes of approx. 15cm in length with square ends and with a sulphur content not exceeding 1% of the total weight, CPL wildfire, manufactured by Coal Products Ltd., Immingham, which comprise bituminous coal with a volatile content of 32-36% 9 as to approx. 96% of the total weight) and a cold cure resin binder 9as to the remaining weight) are manufactured from those constituents by a process involving roll pressing, have an average weight of either 80-90 grams or 160-170 grams, and have a sulphur content not exceeding 1.8% of the total weight.</li> </ol>
<p>The Dunsley Yorkshire Multifuel Stove manufactured by Dunsley Heat Limited.</p>	<ol style="list-style-type: none"> <li>1. The manufacturer's instructions dated 5 August 1998, reference A/22160 as amended by those dated 4 December 2004, reference D13.</li> <li>2. no fuel shall be used other than untreated dry wood, peat or peat briquettes with, in either case, less than 25 % moisture, Union Coal Briketts, manufactured by Rheinbraun AG of Germany comprising lignite compressed into briquettes of approx. 15cm in length with square ends and with a sulphur content not exceeding 1% of the total weight, CPL wildfire, manufactured by Coal Products Ltd., Immingham, which comprise bituminous</li> </ol>

	<p>coal with a volatile content of 32-36% (as to approx. 96% of the total weight) and a cold cure resin binder (as to the remaining weight) are manufactured from those constituents by a process involving roll pressing, have an average weight of either 80-90 grams or 160-170 grams, and have a sulphur content not exceeding 1.8% of the total weight.</p>
<p>The Dunsley Yorkshire Multifuel Stove and Boiler manufactured by Dunsley Heat Limited.</p>	<ol style="list-style-type: none"> <li>1. The manufacturer's instructions dated 5 August 1998, reference A/22160 as amended by those dated 4 October 2004, reference GHD/DUN4B/1.</li> <li>2. no fuel shall be used other than untreated dry wood, peat or peat briquettes with, in either case, less than 25 % moisture, Union Coal Briketts, manufactured by Rheinbraun AG of Germany comprising lignite compressed into briquettes of approx. 15cm in length with square ends and with a sulphur content not exceeding 1% of the total weight, CPL wildfire, manufactured by Coal Products Ltd., Immingham, which comprise bituminous coal with a volatile content of 32-36% (as to approx. 96% of the total weight) and a cold cure resin binder (as to the remaining weight) are manufactured from those constituents by a process involving roll pressing, have an average weight of either 80-90 grams or 160-170 grams, and have a sulphur content not exceeding 1.8% of the total weight.</li> </ol>
<p>The Dunsley Yorkshire Woodburning Stove manufactured by Dunsley Heat Limited.</p>	<ol style="list-style-type: none"> <li>1. The manufacturer's instructions dated 4 December 2004, reference D13W.</li> <li>2. No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
<p>The Dunsley Yorkshire Woodburning Stove and Boiler manufactured by Dunsley Heat Limited.</p>	<ol style="list-style-type: none"> <li>1. The manufacturer's instructions dated 4 December 2004, reference D13W, together with the manufacturer's instructions dated 4 October 2004 reference GHD/DUN4B/1.</li> <li>2. No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated</li> </ol>

	organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
<p>The Extraflame:  Babyfiamma  Bella and Bella Lux  Clementina  Comfort Maxi  Contessa  Divina, Divina Plus and Divina Steel  Duchessa and Duchessa Steel  Ecologica  Esmeralda and Esmeralda Crystal  Falò 1CP, Falò 2CP and Falò 1XP  Isabella  Karolina  Preziosa</p> <p>all of which are manufactured by Extraflame S.p.a in Montecchio Precalcino (Vicenza), Italy.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's operating instructions dated 5th March 2007, reference 004275101 011.</p> <p><b>2.</b> No fuel shall be used other than wood pellets, but excluding any such pellets ( in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Extraflame Comfort Mini  manufactured by Extraflame S.p.a in Montecchio Precalcino (Vicenza), Italy.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's operating instructions dated 2nd October 2006, reference 004275115 REV 005.</p> <p><b>2.</b> No fuel shall be used other than wood pellets, but excluding any such pellets (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Extraflame Idro  manufactured by Extraflame S.p.a in Montecchio Precalcino (Vicenza), Italy.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's operating instructions dated 28th August 2006, reference 004275128 REV 002.</p> <p><b>2.</b> No fuel shall be used other than wood pellets, but excluding any such pellets (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Extraflame Lucrezia Idro and Lucrezia Steel  manufactured by Extraflame S.p.a</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's operating instructions dated 12th July 2006, reference 004275110 REV 011.</p>

<p>in Montecchio Precalcino (Vicenza), Italy.</p>	<p><b>2.</b> No fuel shall be used other than wood pellets, but excluding any such pellets (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>Firematic 25, 50, 90 and 150 manufactured by HERZ Armaturen Ges.m.b.H, Geschäftsbereich HERZ, Feuerungstechnik, A-8272 Sebersdorf 138, Austria.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated June 2005, reference Bedienungsanleitung Firematic V 1.1 ENG doc.</p> <p><b>2.</b> No fuel shall be used other than chipped wood, wood pellets, or planed wood shavings, but excluding any such pellets, chips or shavings (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>Fröling Turbomat 150 and 220 manufactured by Fröling Heizkessel- und Behälterbau Ges.m.b.H., Industriestraße 12, A-4710 Grieskirchen, Austria</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated August 2003, reference B0310003.</p> <p><b>2.</b> No fuel shall be used other than wood pellets, or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>Fröling Turbomat 320 and 500 manufactured by Fröling Heizkessel- und Behälterbau Ges.m.b.H., Industriestraße 12, A-4710 Grieskirchen, Austria</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated November 2004, reference B0340004.</p> <p><b>2.</b> No fuel shall be used other than wood pellets, or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>Gilles HPK-RA 13kW, 15 kW, 20 kW, 25 kW, 30 kW, 35 kW, 40 kW, 45 kW, 49 kW, 60 kW, 70 kW, 75 kW,</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated January 2007, reference Gilles/0-145/1.</p>

<p>85 kW, 95 kW, 100 kW, 120kW and 145 kW  Manufactured by GILLES  Energie- und Umwelttechnik  GmbH, Koaserbauer Str. 16  A-4810 Gmunden. Austria</p>	<p><b>2.</b> No fuel shall be used other than wood pellets, or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>Gilles HPK USK 150kW, 180kW, 240kw and 300kW  Manufactured by GILLES  Energie- und Umwelttechnik  GmbH, Koaserbauer Str. 16  A-4810 Gmunden. Austria</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated January 2007, reference Gilles/150-300/1.</p> <p><b>2.</b> No fuel shall be used other than wood pellets, or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>Gilles HPK USK 360 kW  manufactured by GILLES  Energie-und Umwelttechnik  GmbH. Koaserbauer Str.16 A-4810 Gmunden, Austria.</p>	<p><b>1.</b> The manufacturer's operating instructions reference Gilles 360/1 dated January 2008.</p> <p><b>2.</b> No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Hoval BioLyt 50 Wood Pellet Boiler (49kW thermal output) manufactured by in Slovakia by Hoval of the Principality of Liechtenstein.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's technical information and installation instructions dated October 2005, reference 4 204794/00 and operating instructions dated January 2006, reference 4 204 793/01.</p> <p><b>2.</b> No fuel shall be used other than wood pellets, but excluding any such pellets (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Hoval BioLyt 50 and 70 models manufactured by Hoval</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the</p>



<p>AG, Austrasse 70, 9490 Vaduz, Liechtenstein.</p>	<p>manufacturer's installation and operation manual dated June 2007, reference 4 204 794/01 and 4 204 793/02.</p> <p><b>2.</b> No fuel shall be used other than 6mm diameter wood pellets, but excluding any such pellets which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings. .</p>
<p>The Hoval AgroLyt 20, 25, 35, 45, and 50 manufactured by Hoval AG, Austrasse 70, 9490 Vaduz, Liechtenstein.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's technical information and installation instructions dated January 2006, reference 4 205 194/00 and 4 205 193/00 dated June 2006.</p> <p><b>2.</b> No fuel shall be used other than Wood logs with less than 20% moisture, but excluding any such logs which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings. .</p>
<p>The Hoval STU 150, 200, 250,300, 350, 425 and 500 manufactured by Hoval UK Ltd, Northgate, Newark-on-Trent, Nottinghamshire, NG24 1JN</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's technical information and installation instructions dated November 2007, reference STUman/01.</p> <p><b>2.</b> No fuel shall be used other than 6mm diameter wood pellets, but excluding any such pellets which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Hwam Beethoven and Hwam Beethoven H (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.</p> <p><b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings</p>
<p>The Hwam Mozart (4.5Kw nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.</p> <p><b>2.</b> No fuel shall be used other than untreated</p>

	dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Hwam Ravel (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.</li> <li>2. No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..</li> </ol>
The Hwam Vivaldi (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.</li> <li>2. No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
The Hwam 30 (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.</li> <li>2. No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
KWB TDS Powerfire 150 manufactured by KWB – Kraft und Wärme aus Biomasse Gesellschaft mit Beschränkter Haftung (GmbH) of Industriestrasse 235, A-8321 St. Margarethen an der Raab.	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated August 2005, reference BA TDS– 0805.</li> <li>2. No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
The Little Thurlow wood burning	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained</li> </ol>

<p>stove manufactured by Town and Country Fires Pickering, North Yorkshire.</p>	<p>and operated in accordance with the manufacturer's instructions dated 30th June 2007, issue No. 3.</p> <p><b>2.</b> No fuel shall be used other than seasoned logs of less than 20 per cent moisture and of a maximum length of 350mm, but excluding any such logs (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Morsø 1400 series consisting of the 1412 and 1442 models manufactured by Morsø Jernstøberi A/S DK-7900 Nykøbing, Mors, Denmark</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 10 January 2008, reference 72146800.</p> <p><b>2.</b> No fuel shall be used other than wood logs with less than 20 per cent moisture, but excluding any such logs (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Morsø 3100 series consisting of the 3112 and 3142 models manufactured by Morsø Jernstøberi A/S DK-7900 Nykøbing, Mors, Denmark</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4 February 2008, reference 72311200.</p> <p><b>2.</b> No fuel shall be used other than wood logs with less than 20 per cent moisture, but excluding any such logs (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Morsø 6140 series consisting of the 6140 and 6148 models manufactured by Morsø Jernstøberi A/S DK-7900 Nykøbing, Mors, Denmark</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4 September 2007, reference 72610400.</p> <p><b>2.</b> No fuel shall be used other than wood logs with less than 20 per cent moisture, but excluding any such logs (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Morsø Owl 3410, 3420 and</p>	<p><b>1.</b> The fireplaces shall be installed, maintained</p>

<p>3440 for wood burning manufactured by Morsø Jernstøberi A/S, Denmark.</p>	<p>and operated in accordance with the manufacturer's instructions dated 1st January 2000, reference 72345600.</p> <p><b>2.</b> No fuel shall be used other than untreated dry wood which has been split, stacked and air dried; or air dried wood briquettes, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..</p>
<p>The Nestor Martin Harmony Multi-Fuel Stove H13 (3.5kW nominal thermal output) and H33 (8kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated January 2007, reference IN1116 Edition D.</p> <p><b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings...</p>
<p>The Nestor Martin Harmony Multi-Fuel Stove H23 (6kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.</p> <p><b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Nestor Martin Stanford Multi-Fuel Stove S13, S23 and SP23 (6kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.</p> <p><b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..</p>
<p>The Nestor Martin Stanford Multi-Fuel Stove S13 (3.5kW nominal thermal output), S33 and SP33 (8kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated January 2007, reference IN1116 Edition D.</p>

5660 Couvin, Belgium.	<p><b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..</p>										
<p>The Nestor Martin R23 Stove (6kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.</p> <p><b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..</p>										
<p>The Nestor Martin Multi-fuel Stove IT 13 (3.5kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated April 2007, reference IN1180 Edition C.</p> <p><b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..</p>										
<p>The Nestor Martin Multi-fuel Stove R33 and D33 (8kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with Euroheat Distributors (HBS) Limited's operational instructions dated January 2007, reference IN1116 Edition D.</p> <p><b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..</p>										
<p>The Orchard Ovens models: FVR Speciale 80, 100, 110, 110 x 160 and 120; TOP Superiore 100 and 120; GR 100, 120, 140, 120 x 160, 140 x 160, 140 x 180 and 180; OT 100, 120, 140, 120 x 160, 140 x 160, 140 x 180 and 180; the Valoriani Piccolo, all of which are manufactured by Valoriani of Via Caselli alla Fornace, 213, 50066 Reggello,</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 25 October 2004, references:</p>										
	<table border="1"> <thead> <tr> <th data-bbox="756 1839 938 1872">Instruction</th> <th data-bbox="943 1839 1455 1872">Model</th> </tr> </thead> <tbody> <tr> <td data-bbox="756 1872 938 1906">OOLinst.1</td> <td data-bbox="943 1872 1455 1906">FVR 80</td> </tr> <tr> <td data-bbox="756 1906 938 1939">OOLinst.2</td> <td data-bbox="943 1906 1455 1939">FVR 100</td> </tr> <tr> <td data-bbox="756 1939 938 1973">OOLinst.3</td> <td data-bbox="943 1939 1455 1973">FVR 110</td> </tr> <tr> <td data-bbox="756 1973 938 2007">OOLinst.4</td> <td data-bbox="943 1973 1455 2007">FVR 120</td> </tr> </tbody> </table>	Instruction	Model	OOLinst.1	FVR 80	OOLinst.2	FVR 100	OOLinst.3	FVR 110	OOLinst.4	FVR 120
	Instruction	Model									
	OOLinst.1	FVR 80									
	OOLinst.2	FVR 100									
OOLinst.3	FVR 110										
OOLinst.4	FVR 120										

Firenze, Italy.	OOLinst.5	FVR 110x160	
	OOLinst.6	TOP 100	
	OOLinst.7	TOP 120	
	OOLinst.8	GR 100 and OT 100	
	OOLinst.9	GR 120 and OT 120	
	OOLinst.10	GR 140 and OT 140	
	OOLinst.11	GR 120x160 and OT 120x160	
	OOLinst.12	GR 140x160 and OT 140x160	
	OOLinst.13	GR 140x180 and OT 140x180	
	OOLinst.14	GR 180 and OT 180	
	OOLinst.15	Valoriani Piccolo	
			<b>2.</b> No fuel shall be used other than untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..
	The Quadra-Fire 2100 Millennium Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	<b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 9th October 2003, reference 250–6931B.  <b>2.</b> No fuel shall be used other than dry cured untreated wood of maximum size 38.1 cm x 10.16 cm x 5.08 cm., but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..	
	The Quadra-Fire Yosemite Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	<b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4th June 2003, reference 7004–187.  <b>2.</b> No fuel shall be used other than dry cured untreated wood of maximum size 38.1 cm x 10.16 cm x 5.08 cm., but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings	
	The Quadra-Fire Cumberland Gap Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	<b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 8th July 2003, reference 7006–186.  <b>2.</b> No fuel shall be used other than dry cured untreated wood of maximum size 43.18 cm x	

	10.16 cm x 10.16 cm., but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Type USP wood pellet fired boilers, model numbers USP-10, 15, 20, 25 and 30, manufactured by KWB-Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH) of Industriestrasse 235, A-8321 St Margarethen am der Raab, Austria.	<ol style="list-style-type: none"> <li>1. The manufacturer's instructions dated 28 July 2003, reference BA-USP 0703.</li> <li>2. no fuels shall be used other than wood pellets, but excluding any such pellets (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings</li> </ol>
The Type USV wood pellet and wood chip fired boilers, model numbers USV-15, 25, 30,40, 50, 60, 80 and 100, manufactured by KWB-Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH) of Industriestrasse 235, A-8321 St Margarethen am der Raab, Austria.	<ol style="list-style-type: none"> <li>1. The manufacturer's instructions dated August 2003, reference BA-USV 0803.</li> <li>2. no fuels shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings</li> </ol>
Westfire Uniq 15, 16 and 20 (also known as WF UNIQ 15, 16 and 20) manufactured by Westfire Tømrervej 3 DK-6800 Varde, Denmark	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 2007, reference WF15 – WF16 – WF20 along with supplementary instructions dated 2007,reference 01wfuk.2007.  A permanent stop must be in place on the secondary air inlet to prevent closure beyond 50mm.</li> <li>2. No fuel shall be used other than Untreated dry wood, but excluding any such dry wood (in particular that originating from construction and demolition waste) which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</li> </ol>
The Wood Waste Technology Heater, models WT10 and WT15, manufactured by Wood Waste Technology.	<ol style="list-style-type: none"> <li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 19th January 2005, reference WT10 and WT15.</li> <li>2. No fuel shall be used other than Hardwood and softwood offcuts, but excluding any such offcuts (in particular those originating from construction and demolition waste) which</li> </ol>

	contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
CTC Ecoflex 15 and 20 manufactured by Enertech AB, Box 313, S-341 26 Ljungby, Sweden.	<p>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturers instructions dated 20/02/2007, reference 161 505 27 06/1.</p> <p>2. No fuel shall be used other than wood pellets, but excluding such pellets which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>

<b>Classes of Fireplaces</b>	<b>Conditions</b>
The Dovre 250 (model DV-250) manufactured by Dovre NV, Nijverheidsstraat 18, BE-2381 Weelde, Belgium.	<p>The manufacturers' instructions, reference PM250 Issue 1. A permanent stop must be in place on the secondary air inlet to prevent closure beyond the 75% open position.</p> <p><u>Permitted fuels (other than authorised fuels) :</u></p> <p>Untreated dry wood, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..</p>
The Froling Turbomatic 28, 35, 48 and 55 manufactured by Froling Heizkessel-und Behalterbau Ges.m.b.H, Industriestraße 12, A-4710 Grieskirchen, Austria.	<p>The manufacturers' installation manual dated November 2003, reference M 060 01 03. The manufacturers' operating manual dated August 2002, reference 99229a.</p> <p>Wood chip less than 35% moisture content and meeting ONORM (a) M 7133; 1998 size class G30. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
The Froling Turbomatic 85, 100 and 110 manufactured by Froling Heizkessel-und Behalterbau Ges.m.b.H, Industriestraße 12, A-4710 Grieskirchen, Austria.	<p>The manufacturers' installation manual dated November 2003, reference M 060 01 03. The manufacturers' operating manual dated August 2002, reference 99229a.</p> <p>Wood chip less than 35% moisture content and meeting ONORM (a) M 7133; 1998 of either size class G30 or G50. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>



The Gilles HPK USK 360 kW manufactured by Gilles Energie-und Umwelttechnik GmbH, Koaserbauer Str.16 A-4810 Gmunden, Austria.	The manufacturer's operating instructions dated January 2008, reference Gilles/360/1.  Wood pellets or wood chips, but excluding any such pellets or chips which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings..
The Gilles UTSK 450 kW, 550 kW, boilers manufactured by Gilles Energie-und Umwelttechnik GmbH, Koaserbauer Str.16 A-4810 Gmunden, Austria.	The manufacturer's operating instructions dated January 2008, reference Gilles/360/1.  Wood pellets or wood chips. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Gilles UTSK 700kW, 900kW boilers manufactured by Gilles Energie-und Umwelttechnik GmbH, Koaserbauer Str.16 A-4810 Gmunden, Austria.	The manufacturer's operating instructions dated January 2008, reference Gilles/360/1.  Wood pellets. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Gilles UTSK 1200kW, 1600kW boilers manufactured by Gilles Energie-und Umwelttechnik GmbH, Koaserbauer Str.16 A-4810 Gmunden, Austria.	The manufacturer's operating instructions dated January 2008, reference Gilles/360/1  Wood pellets or wood chips. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Hoval STU 600, 800 and 1000 manufactured by Hoval UK Ltd., Northgate, Newark-on-Trent, Nottinghamshire, NG24 1JN.	The manufacturer's installation and operating manual dated June 2008, reference STU/man/01/1.  6mm diameter wood pellets. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Huntingdon 25 clear door	The manufacturer's instruction manual reference

<p>(model number 7057) and Huntingdon 25 tracery door (model number 7058) manufactured by Stovax Limited, Falcon Road, Sowerton Industrial Estate, Exeter, Devon, EX2 7LF.</p>	<p>PM 249 Issue 1. A permanent stop must be in place on the secondary air inlet to prevent closure beyond the 75% open position.</p> <p>Untreated dry wood. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The KWB TDS Powerfire 130, 240 and 300 manufactured by KWB-Kraft und Wärme aus Biomasse Gesellschaft mit Beschränkter Haftung (GmbH) of Industriestrasse 235, A-8321 St Margarethen an der Raab.</p>	<p>The manufacturers' instructions dated 14 May 2008, reference BA TDS-05.2008, including specification of recommended fuels.</p> <p>Wood pellets or wood chips. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The Lovenholm manufactured by Hunter Stoves Ltd., Unit 6, Old Mill Industrial Estate, Stoke Canon, Exeter, Devon, EX5 4RJ.</p>	<p>The Lovenholm multifuel stove installation and operation manual version 07/08.</p> <p>Untreated wood with a moisture content below 20%. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The OkoFEN Pellematic PE08, PE12, PE16, PE20, PE25, PE32, PEK12, PEK16, PEK20, PEK25, PEK32, PES12, PES16, PES20, PES25, PES32, PESK12, PESK16, PESK20, PESK25, and PESK32, manufactured by OkoFEN Forschungs-und Entwicklungs Ges.m.b.H of Gewerbepark1, 4133 Niederkappel, Austria.</p>	<p>The OkoFEN operation instructions dated February 2007, reference PE/HB/001.E.</p> <p>Wood pellets of maximum diameter 6mm and maximum length 4cm. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
<p>The OkoFEN Pellematic PE36, PE48, PE56, PESK36, PESK48, PESK56, PES36, PES48 and PES56 manufactured by OkoFEN Forschungs-und Entwicklungs Ges.m.b.H of Gewerbepark1,</p>	<p>The OkoFEN operation instructions reference PBV 2000 CMP 1.4 (V2.31) with revision dated March 2008.</p> <p>Wood pellets of maximum diameter 6mm and maximum length 4cm. The fuel must not contain</p>

4133 Niederkappel, Austria.	halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Scan Anderson 4-5 manufactured by Krog Iversen 7 Co., A/S DK -5492 Vissenbjerg, Denmark.	<p>The manufacturer's instruction manual dated 15 November 2007 entitled 'Scan Andersen 4-5', reference edition 09/05-GB.</p> <p>Untreated dry wood. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
The Stockton 5 flat top (model number 7119) Stockton 5 Canopy (model number 7160) and Stockton 5 Midline (model number 7133) manufactured by Stovax Ltd., Falcon Road, Sowerton Industrial Estate, Exeter, Devon, EX2 7LF	<p>The manufacturer's instruction manual reference PM176 – issue 4. A permanent stop must be in place on the secondary air inlet to prevent closure beyond the 50% open position.</p> <p>Untreated dry wood. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
The Winhager Bio Win 90 and 120 manufactured by Windhager Zentralheizung GmbH, Anton-Windhager-Str. 20, A-5201 Seerkirchen bei Salzburg, Austria.	<p>The manufacturer's instruction manual dated August 2008, reference 092125/00.</p> <p>Wood pellets. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>
The Winhager Bio Win 100, 150, 210 and 260, manufactured by Windhager Zentralheizung GmbH, Anton-Windhager-Str. 20, A-5201 Seerkirchen bei Salzburg, Austria.	<p>The manufacturer's instruction manual dated May 2008, reference 0916197/00.</p> <p>Wood pellets. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.</p>

### **(v) Implementation**

It is intended that the proposed instrument will come into force on 31 December 2008. If the Welsh Ministers were not to exempt approved

appliances from the provisions of Section 20 of the Clean Air Act 1993 within a reasonable time, then there is a risk of criticism and possible representations from manufacturers, who will in practice be unable to market and sell their products effectively within smoke control area in Wales.

## **(vii) Regulatory Impact Assessment**

### **a) Options**

#### Do nothing

This would mean that the Welsh Assembly Government decides not to exempt tested and approved appliances for use in smoke control areas.

#### Make Legislation

This would entail making an Order exempting specified classes of fireplaces from the provisions of Section 20 of the Clean Air Act 1993. The Smoke Control Areas (Exempted Fireplaces)(Wales) Order 2008 does not affect the nature of the regime of control imposed by the 1993 Act: it merely ensures that the regime as effected in Wales responds appropriately to new appliances developed by the manufacturers.

### **b) Benefits**

#### Do nothing

There are no benefits implicit in this option.

#### Make the Legislation

The benefits of this option are as follows:

- Increasing the variety of approved appliances will encourage compliance with restrictions in smoke control areas;
- Products will be available to consumers throughout Wales without inappropriate discouragement to those consumers in smoke-control areas;
- Manufacturers of authorised products will not have a restriction on marketing their products within smoke-controlled areas; and
- Cleaner air.

### **c) Costs**

#### Do nothing

If the Welsh Ministers were not to exempt approved fireplaces from the provisions of Section 20 of the Clean Air Act 1993 then there is the risk of criticism and possible representations from manufacturers who will in practice be unable to market and sell their product effectively in a smoke control area in Wales.

#### Make the Legislation

The only interested parties are the manufacturer and potential customers. However, no compliance costs will be imposed on either of these groups as a result of the proposed Order being made. The only cost linked to these Regulations results from the testing and approval process.

#### **d) Competition Assessment**

The competition filter has been applied to the proposed Order and it is clear that the Order will not have a detrimental affect on competition. The intended Order will merely add tested and approved appliance to the list of exempt appliances. By not updating the legislation in this way the Welsh Ministers would be preventing a business from effectively marketing their product uniformly throughout the UK.

#### **e) Consultation**

It was not deemed necessary to consult as the Order will not amend the regime of smoke control within Wales, but will merely ensure the regime is brought up to date, by adding further classes of appliance to those which are already exempted, for use in smoke control areas. In addition, the Order will not affect policy relating to air quality control. Those appliances proposed for exemption in this order have been subject to a detailed and quantitative emissions testing protocol.

#### **f) Post implementation review**

No review of the Order will be necessary: when an appliance has been tested and approved it is appropriate to exempt it permanently. The descriptions of appliances and the conditions imposed on their use are detailed, so that if a manufacturer were to amend the specification of the appliance, it would no longer be exempted. The amended appliance would have to be resubmitted for approval and (if successful) a new Order would have to be made. The structure of the Act's control regime therefore provides an automatic review process.

#### **g) Summary**

The costs and benefits of making the Order accrue to the manufacturer of the exempted appliance. Once an appliance has been tested and approved, a manufacturer can, in effect, only market their product in a smoke control area once an Order has been made adding their product to the list of exempted appliances. The Order will ensure that the application of the smoke control regime intended by the Act is updated to reflect the development of new appliances.