

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. (W.)

CLEAN AIR, WALES

**The Smoke Control Areas
(Exempted Fireplaces) (Wales)
Order 2003**

EXPLANATORY NOTE

(This note is not part of the Order)

Section 20 of the Clean Air Act 1993 places a general prohibition on the emission of smoke in smoke control areas. The National Assembly may, by order made under section 21 of the Act, exempt specified classes of fireplace from the provisions of section 20, if it is satisfied that they can be used for burning fuels without producing any smoke or a substantial quantity of smoke.

Article 2 of this Order exempts the classes of fireplace listed in the first column of the Schedule to this Order from the provisions of section 20, subject to the conditions listed in the second column of that Schedule.

2003 No. (W.)

CLEAN AIR, WALES

**The Smoke Control Areas
(Exempted Fireplaces) (Wales)
Order 2003**

Made 2003

Coming into force 14th November 2003

The National Assembly for Wales (“National Assembly”), in exercise of the powers conferred upon the Secretary of State by section 21 of the Clean Air Act 1993⁽¹⁾ and now vested in the National Assembly⁽²⁾, and being satisfied that the classes of fireplace exempted by this Order can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quality of smoke, hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2003 and comes into force on 14 November 2003.

(2) This Order applies to Wales.

Classes of fireplace exempted from section 20 of the Clean Air Act 1993

2. The classes of fireplace described in the Schedule are, upon the conditions there specified, exempted from the provisions of section 20 of the Clean Air Act 1993 (which prohibits smoke emissions in smoke control areas).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽³⁾.

⁽¹⁾ 1993 c.11.

⁽²⁾ The powers were transferred to the National Assembly for Wales by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

⁽³⁾ 1998 c.38.

SCHEDULE

Article 2

Classes of fireplace which are exempt

Classes of fireplace	Conditions
<p>The B9 Energy Wood Chip Gasifier Unit manufactured by B9 Energy Biomass Limited, Unit 22, Northland Road Industrial Estate, Londonderry, Northern Ireland.</p>	<p>1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 2002 and bearing the reference "001/B9ENERGY BIOMASS".</p> <p>2. No fuel is to be used other than untreated wood chips, shredded wood or small untreated pieces of wood.</p>
<p>The Mawera FU-RIA models 110, 140, 180, 220, 280 and 350 manufactured by Mawera (UK) Limited, 31 Enterprise Industrial Park, Britannia Way, Lichfield, Staffordshire, England WS14 9UY.</p>	<p>1. The fireplaces must be installed, maintained and operated in accordance with the manufacturer's instructions dated 31 October 2002 and bearing the reference "098234-01".</p> <p>2. No fuel is to be used other than wood, wood products, forest residues, forest thinnings, melamine coated or uncoated MDF chipboard, plywood, or compound wood products.</p>