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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 55**

**CLEAN AIR**

**The Smoke Control Areas (Exempt  
Fireplaces) (Scotland) Order 2007**

*Made* - - - - 7th February 2007  
*Laid before the Scottish  
Parliament* - - - - 8th February 2007  
*Coming into force* - - 2nd March 2007

The Scottish Ministers, in exercise of the powers conferred by section 21 of the Clean Air Act 1993<sup>(1)</sup> and of all other powers enabling them in that behalf, 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 quantity of smoke, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Smoke Control Areas (Exempt Fireplaces) (Scotland) Order 2007 and comes into force on 2nd March 2007.

(2) This Order extends to Scotland only.

**Fireplaces exempted from section 20 of the Clean Air Act 1993**

2. The fireplaces described in the Schedule to this Order which comply with the conditions specified in relation to each of them in that Schedule are exempt from the provisions of section 20 (prohibition on emission of smoke in smoke control area) of the Clean Air Act 1993.

**Revocations**

3. The Smoke Control Areas (Exempt Fireplaces) (Scotland) Order 2005<sup>(2)</sup> is revoked.

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(1) 1993 c. 11. The functions of the Secretary of State under section 21, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).  
(2) S.S.I. 2005/615.

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St Andrew's House,  
Edinburgh  
7th February 2007

*SARAH BOYACK*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

## Exempted fireplaces

<i>Fireplace</i>	<i>Conditions</i>	<i>Permitted fuel</i>
	<i>The fireplace must be installed, maintained and operated in accordance with the following specifications</i>	
1. The Binder Wood Fired Boiler models RRK 22–49 (49 kW output) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	The manufacturer’s and Wood Energy Limited’s instructions ‘Binder Equipment Installation, Commissioning and Maintenance’ dated 17th May 2005, reference WELBinderManualrev0.doc, revision 0.	Wood pellets or wood chips <sup>(a)</sup> .
2. 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.	The manufacturer’s and Wood Energy Limited’s instructions ‘Binder Equipment Installation, Commissioning and Maintenance’ dated 17th May 2005, reference WELBinderManualrev0.doc, revision 0.	Wood pellets or wood chips <sup>(a)</sup> .
3. The Binder Wood Fired Boiler models 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.	The manufacturer’s and Wood Energy Limited’s instructions ‘Binder Equipment Installation, Commissioning and Maintenance’ dated 17th May 2005, reference WELBinderManualrev0.doc, revision 0.	Wood pellets or wood chips <sup>(a)</sup> .
4. The Binder Wood Fired Boiler model RRK 1000 (1200 kW output) with multi-cyclone model	The manufacturer’s and Wood Energy Limited’s instructions ‘Binder Equipment Installation, Commissioning and Maintenance’ dated 17th May 2005, reference WELBinderManualrev0.doc, revision 0.	Wood pellets or wood chips <sup>(a)</sup> .

(a) The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.

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<i>Fireplace</i>	<i>Conditions</i>	<i>Permitted fuel</i>
MZA manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	The fireplace must be installed, maintained and operated in accordance with the following specifications	
5. The Clearview Pioneer 400, Solution 400 and Pioneer Oven wood burning stoves fitted with a tamperproof mechanical stop on the air slide/damper manufactured by Clearview Stoves of More Works, Bishops Castle, Shropshire, SY9 5HH.	The manufacturer's instructions 'Operating Instructions Clearview Vision/Vision Inset/Pioneer & Solution' dated 1st July 2006, reference V1/42, stamped and signed "Smoke Control".	Air-dried wood logs <sup>(a)</sup> .
6. The Dunsley Yorkshire Woodburning Stove manufactured by Dunsley Heat Limited.	The manufacturer's instructions dated 4th December 2004, reference D13W.	Untreated dry wood.
7. The Dunsley Yorkshire Woodburning Stove and Boiler manufactured by Dunsley Heat Limited.	The manufacturer's instructions dated 4th December 2004, reference D13W together with the manufacturer's instructions dated 4th October 2004 reference GHD/DUN4B/1.	Untreated dry wood.
8. Hwam Beethoven (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.	Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1141 Ed B" and dated November 2006.	Untreated dry wood.
<b>(a)</b> The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.		

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<i>Fireplace</i>	<i>Conditions</i>	<i>Permitted fuel</i>
	<i>The fireplace must be installed, maintained and operated in accordance with the following specifications</i>	
<p><b>9.</b> Hwam Vivaldi (4.5kW Nominal Thermal Output) fitted with mechanism to prevent closure of the air wash/secondary air control, manufactured by</p> <p style="padding-left: 40px;">HWAM Heat Design AS Nydamsvej 53 8362 Hørning Denmark.</p>	<p>Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1141 Ed B" and dated November 2006.</p>	Untreated dry wood.
<p><b>10.</b> Hwam 30 (4.5kW Nominal Thermal Output) fitted with mechanism to prevent closure of the air wash/secondary air control, manufactured by</p> <p style="padding-left: 40px;">HWAM Heat Design AS Nydamsvej 53 8362 Hørning Denmark.</p>	<p>Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1141 Ed B" and dated November 2006.</p>	Untreated dry wood.
<p><b>11.</b> Hwam Mozart (4.5kW Nominal Thermal Output) fitted with mechanism to prevent closure of the air wash/secondary air control, manufactured by</p> <p style="padding-left: 40px;">HWAM Heat Design AS Nydamsvej 53 8362 Hørning Denmark.</p>	<p>Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1141 Ed B" and dated November 2006.</p>	Untreated dry wood.
<p><b>12.</b> Hwam Ravel (4.5kW Nominal Thermal Output) fitted</p>	<p>Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1141 Ed B" and dated November 2006.</p>	Untreated dry wood.
<p><b>(a)</b> The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.</p>		

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<i>Fireplace</i>	<i>Conditions</i>	<i>Permitted fuel</i>
<i>The fireplace must be installed, maintained and operated in accordance with the following specifications</i>		
with mechanism to prevent closure of the air wash/secondary air control, manufactured by		
HWAM Heat Design AS Nydamsvej 53 8362 Hørning Denmark.		
<b>13.</b> Nestor Martin Harmony H23 Multi-fuel Stove (6kW Nominal Thermal Output), manufactured by	Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1143 Ed B" and dated November 2006.	Untreated dry wood.
Nestor Martin S A Finuick Nv Voie Axiale 5 B-5660 Couvin Belgium		
<b>14.</b> Nestor Martin Stanford S23 Multi-fuel Stove (6kW Nominal Thermal Output), manufactured by	Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1143 Ed B" and dated November 2006.	Untreated dry wood.
Nestor Martin S A Finuick Nv Voie Axiale 5 B-5660 Couvin Belgium		
<b>15.</b> Nestor Martin Stanford SP23 Multi-fuel Stove (6kW Nominal Thermal Output), manufactured by	Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1143 Ed B" and dated November 2006.	Untreated dry wood.
Nestor Martin S A Finuick Nv Voie Axiale 5 B-5660 Couvin Belgium		

**(a)** The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.

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<i>Fireplace</i>	<i>Conditions</i>	<i>Permitted fuel</i>																						
	<i>The fireplace must be installed, maintained and operated in accordance with the following specifications</i>																							
<p><b>16.</b> Nestor Martin R23 Stove (6kW Nominal Thermal Output), manufactured by</p> <p style="padding-left: 40px;">Nestor Martin S A Finuick Nv Voie Axiale 5 B-5660 Couvin Belgium</p>	<p>Euroheat Distributors (HBS) Limited's operation Instructions Reference: "IN1143 Ed B" and dated November 2006.</p>	Untreated dry wood.																						
<p><b>17.</b> The Orchard Ovens models: FVR Speciale 80, 100, 110, 110 × 160 and 120; TOP Superiore 100 and 120; GR 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; OT 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; the Valoriani Piccolo, all of which are manufactured by Valoriani of Via Caselli alla Fornace, 213, 50066 Reggello, Firenze, Italy.</p>	<p>The manufacturer's instructions dated 25th October 2004, references:</p>	Untreated dry wood.																						
	<table border="0"> <thead> <tr> <th style="text-align: left;">Instruction</th> <th style="text-align: left;">Model</th> </tr> </thead> <tbody> <tr><td>OOLinst.1</td><td>FVR 80</td></tr> <tr><td>OOLinst.2</td><td>FVR 100</td></tr> <tr><td>OOLinst.3</td><td>FVR 110</td></tr> <tr><td>OOLinst.4</td><td>FVR 120</td></tr> <tr><td>OOLinst.5</td><td>FVR 110 × 160</td></tr> <tr><td>OOLinst.6</td><td>TOP 100</td></tr> <tr><td>OOLinst.7</td><td>TOP 120</td></tr> <tr><td>OOLinst.8</td><td>GR 100 and OT 100</td></tr> <tr><td>OOLinst.9</td><td>GR 120 and OT 120</td></tr> <tr><td>OOLinst.10</td><td>GR 140 and OT 140</td></tr> </tbody> </table>	Instruction	Model	OOLinst.1	FVR 80	OOLinst.2	FVR 100	OOLinst.3	FVR 110	OOLinst.4	FVR 120	OOLinst.5	FVR 110 × 160	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	
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<i>Fireplace</i>	<i>Conditions</i>		<i>Permitted fuel</i>
	<i>The fireplace must be installed, maintained and operated in accordance with the following specifications</i>		
	OOLinst.11	GR 120 × 160 and OT 120 × 160	
	OOLinst.12	GR 140 × 160 and OT 140 × 160	
	OOLinst.13	GR 140 × 180 and OT 140 × 180	
	OOLinst.14	GR 180 and OT 180	
	OOLinst.15	Valoriani Piccolo.	
<b>18.</b> The Quadra-Fire 2100 Millennium Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	The manufacturer's instructions dated 9th October 2003, reference 250–6931B.		Dry cured untreated wood of maximum size 38.1 cm × 10.16 cm × 5.08 cm.
<b>19.</b> The Quadra-Fire Yosemite Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	The manufacturer's instructions dated 4th June 2003, reference 7004–187.		Dry cured untreated wood of maximum size 38.1 cm × 10.16 cm × 5.08 cm.
<b>20.</b> The Quadra-Fire Cumberland Gap Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	The manufacturer's instructions dated 8th July 2003, reference 7006–186.		Dry cured untreated wood of maximum size 43.18 cm × 10.16 cm × 10.16 cm.
<b>21.</b> The Type USP wood pellet-fired boilers, model numbers USP-10, 15, 20, 25	The manufacturer's instructions dated 28th July 2003, reference BA-USP 0703.		Wood pellets <sup>(a)</sup> .

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<i>Fireplace</i>	<i>Conditions</i>	<i>Permitted fuel</i>
<p>and 30, manufactured by KWB – Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH) of Industriestrasse 235, A- 8321 St. Margarethen an der Raab, Austria.</p> <p><b>22.</b> The Type USV wood pellet- and wood chipfired 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 an der Raab, Austria.</p> <p><b>23.</b> The Wood Waste Technology Heater, models WT10 and WT15, manufactured by Wood Waste Technology.</p> <p><b>24.</b> The Hoval BioLyt 50 wood pellet fired boiler (49kW thermal output) manufactured by Hoval of the Principality of Liechtenstein at Austrasse 70, FL-9490, Vaduz</p>	<p><i>The fireplace must be installed, maintained and operated in accordance with the following specifications</i></p> <p>The manufacturer’s instructions dated August 2003, reference BA-USV 0803.</p> <p>The manufacturer’s instructions dated 19th January 2005, reference WT10 and WT15.</p> <p>The manufacturers technical information and installation instructions dated 10/05 reference 4 204 794/00 and operating instructions dated 01/06 reference 4 204 793/01</p>	<p>Wood pellets or wood chips<sup>(a)</sup>.</p> <p>Hardwood and softwood offcuts<sup>(a)</sup>.</p> <p>Wood pellets<sup>(a)</sup></p>
<p><b>(a)</b> The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood-preserved or coatings.</p>		

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## EXPLANATORY NOTE

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

This Order, which extends to Scotland only, makes provision for exemption from the prohibition, under section 20 of the Clean Air Act 1993, on the emission of smoke in smoke control areas.

The Order exempts those fireplaces described in the Schedule which comply with the conditions specified in respect of those fireplaces in the Schedule from the prohibitions under section 20 (article 2).

The Order revokes (article 3) and re-enacts, with changes, the Smoke Control Areas (Exempt Fireplaces) (Scotland) Order 2005, which exempted certain fireplaces from the prohibitions under section 20. The Order provides for additional fireplaces to be exempt. The additional entries are listed in entries 3-5, 8-16, 21, 22 and 24 in the Schedule.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.