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STATUTORY INSTRUMENTS

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**1981 No. 158**

**Clean Air (Northern Ireland) Order 1981**

Smoke from furnaces

**Certain furnaces to be so far as practicable smokeless**

5.—(1) Subject to the provisions of this Article, a furnace shall not be installed in—

- (a) a building; or
- (b) any boiler or industrial plant attached to a building or for the time being fixed to or installed on any land;

unless that furnace is so far as practicable capable of being operated continuously without emitting smoke when burning fuel of a type for which the furnace was designed.

(2) This Article shall not apply to a furnace the installation of which has been begun, or an agreement for the purchase or installation of which has been entered into before 1st July 1965.

(3) Any furnace installed in accordance with plans and specifications submitted to, and approved for the purposes of this Article by, a district council shall be deemed to comply with the provisions of paragraph (1).

(4) A furnace, other than a furnace to which paragraph (6) applies, shall not be installed in a building or in any such boiler or plant as is referred to in paragraph (1)(b) unless notice of the proposal to install the furnace has been given to the district council.

(5) After such date as may be prescribed, a furnace of such kind as may be prescribed shall not be installed in a building or in any such boiler or plant as is referred to in paragraph (1)(b) unless plans and specifications of the furnace have been submitted to the district council for its approval for the purposes of this Article.

(6) Where plans and specifications are submitted to the district council for its approval for the purposes of this Article (whether or not they are required to be submitted pursuant to paragraph (5)), the furnace to which the plans and specifications relate shall not be installed in a building or in any such boiler or plant as is referred to in paragraph (1)(b) except in accordance with the plans and specifications so approved.

(7) The provisions of Schedule 1 shall, subject to paragraph (8), apply in relation to an application for approval by the district council of any plans and specifications submitted to that council for the purposes of this Article.

(8) The district council shall not grant any application for approval under this Article if the furnace to which the application relates is not so far as practicable capable of being operated continuously without emitting smoke when burning fuel of a type for which the furnace was designed.

(9) A person—

- (a) who installs a furnace in contravention of paragraph (4), (5) or (6); or
- (b) on whose instructions a furnace is installed in contravention of any of those paragraphs;

shall be guilty of an offence.

(10) A person—

- (a) who installs a furnace in contravention of paragraph (1); or
- (b) on whose instructions a furnace is so installed;

shall, unless the furnace is one to which paragraph (6) applies, be guilty of an offence.

(11) This Article shall not apply to furnaces designed solely or mainly for use for domestic purposes, not being furnaces of boilers with a maximum heating capacity of<sup>F1</sup> 16.12 kilowatts] per hour.

(12) This Article shall apply in relation to—

- (a) the attachment to a building of a boiler or industrial plant which already contains a furnace;
- (b) the fixing to or installation on any land of any boiler or industrial plant which already contains a furnace;

as it applies in relation to the installation of a furnace in any boiler or industrial plant of the kind mentioned in paragraph (1)( b).

(13) This Article shall apply in relation to such works of reconstruction of any furnace as may be prescribed as it applies in relation to the installation of any furnace.

<b>F1</b> SR 1994/192
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**Changes to legislation:**

There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, Section 5.