

1981 No. 340

CLEAN AIR

Clean Air (Emission of Dark Smoke) Regulations
(Northern Ireland) 1981

Made 23rd October 1981
Coming into operation 7th December 1981

The Department of the Environment, in exercise of the powers conferred on it by Article 4(3) of the Clean Air (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Clean Air (Emission of Dark Smoke) Regulations (Northern Ireland) 1981 and shall come into operation on 7th December 1981.

Exemption from prohibition of emission of dark smoke from industrial or trade premises

2. The emission of dark smoke caused by the burning of any matter prescribed in column (1) of Schedule 1 shall, subject to compliance with the conditions specified in column (2) opposite that matter, be exempted from Article 4(1) of the Clean Air (Northern Ireland) Order 1981 and in that Schedule:—

- (a) references to a lettered condition are references to the condition so lettered and set out in Schedule 2; and
- (b) references to matter which has been contaminated by other specified matter shall be read as including references to matter which is reasonably believed to have been so contaminated.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 23rd October 1981.

(L.S.)

J. F. Younger
Assistant Secretary

SCHEDULE 1

Regulation 2

Exempted Matter

(1)	(2)
<i>Matter</i>	<i>Conditions</i>
1. Timber and any other waste matter (other than natural or synthetic rubber or flock or feathers) which result from the demolition of a building or clearance of a site in connection with any building operation or work of engineering construction (within the meaning of section 176 of the Factories Act (Northern Ireland) 1965)(a).	Conditions A, B and C.
2. Any substance which is an explosive within the meaning of the Explosives Act 1875(b) or any substance to which Article 3 of the Explosives (Northern Ireland) Order 1972(c) applies which has become waste and matter which has been contaminated by such substances.	Conditions A and C.
3. Matter which is burnt in connection with— (a) research into the cause of control of fire; or (b) training in fire fighting.	Condition C.
4. Tar, pitch, asphalt and other matter which are burnt in connection with the preparation and laying of any surface, or which are burnt off any surface in connection with resurfacing, together with any fuel used for any such purpose.	Condition C.
5. Carcasses of animals or poultry which— (a) have died, or are reasonably believed to have died, because of disease; (b) have been slaughtered because of disease; or (c) have been required to be slaughtered pursuant to the Diseases of Animals (Northern Ireland) Order 1981.	Conditions A and C, unless the burning is carried out by or on behalf of an inspector (within the meaning of Article 2 of the Diseases of Animals (Northern Ireland) Order 1981)(d).
6. Containers which are contaminated by a pesticide or by any toxic substance used for veterinary or agricultural purposes, and in this paragraph “containers” includes any sack, box, package or receptacle of any kind.	Conditions A, B and C.

(a) 1965 c. 20 (N.I.)

(b) 1875 c. 17

(c) S.I. 1972/730 (N.I. 3)

(d) S.I. 1981/1115 (N.I. 22)

Conditions

- Condition A That there is no other reasonably safe and practicable method of disposing of the matter.
- Condition B That the burning is carried out in such a manner as to minimise the emission of dark smoke.
- Condition C That the burning is carried out under the direct and continuous supervision of the occupier of the premises concerned or a person authorised to act on his behalf.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Under Article 4(1) of the Clean Air (Northern Ireland) Order 1981 it is an offence to emit dark smoke from industrial or trade premises, but regulations may exempt, subject to prescribed conditions, the emission of dark smoke caused by the burning of any prescribed matter.

These regulations prescribe matters which are to be exempt and conditions applicable to each. The matters thus exempted include certain wastes resulting from demolition or site clearance, explosives, waste from resurfacing, animal or poultry carcasses, and containers used for pesticides or certain toxic substances.

As section 2(3) of the Clean Air Act (Northern Ireland) 1964 (as substituted by Article 62 and paragraph 1 of Schedule 2 to the Pollution Control and Local Government (Northern Ireland) Order 1978) was not in operation when the Clean Air (Emission of Dark Smoke) (Exemption) Regulations (Northern Ireland) 1981 were made, these latter regulations are null and void.