

EXPLANATORY MEMORANDUM TO
THE SMOKE CONTROL AREAS (EXEMPTED FIREPLACES)
(AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2009

SR No. 257

Introduction

This explanatory memorandum has been prepared by the Department of the Environment to accompany S.R. 2009 No. 257 which is laid before the Assembly.

The Statutory Rule is made under Article 17 of the Clean Air (Northern Ireland) Order 1981 and is subject to negative resolution procedure before the Assembly.

The rule is due to come into operation on 10th August 2009.

Purpose

These Regulations further amend The Smoke Control Areas (Exempted Fireplaces) Regulations (Northern Ireland) 1999 by allowing the use of additional wood, peat and coal fuelled fireplaces in smoke control areas.

Background

Article 17 of the Clean Air (Northern Ireland) Order 1981 generally prohibits the emission of smoke in smoke control areas. Under paragraph 7 of Article 17 of the 1981 Order, the Department may exempt certain classes of fireplace from the provisions of Article 17 if it is satisfied they can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

Exempted fireplaces are heating appliances which have been tested and found to be capable of burning fuel without producing significant amounts of smoke. Subject to the operating conditions specified, any emission of smoke from an exempted fireplace in a smoke control area will not be an offence under the Clean Air Order.

As manufacturers produce new types of heating appliances it is necessary to regularly review and update the list of exempted fireplaces deemed suitable for use in smoke control areas.

Detail

Clean air legislation was first introduced in Northern Ireland under the Clean Air Act (Northern Ireland) 1964 to deal with smogs and the high levels of smoke on our towns and cities. The legislation was subsequently repealed and updated by the Clean Air (Northern Ireland) Order 1981.

Under the legislation, district councils may, by order, declare all or part of their districts a smoke control area. This is subject to confirmation by the

Department of the Environment. The effect of a Smoke Control Order is to prohibit the emission of smoke from chimneys in the area.

There are currently 16 district councils in Northern Ireland with smoke control areas in operation. Smoke control remains important to councils as it reduces the air pollution from premises within urban areas. It is especially useful in reducing levels of particulate matter, which is closely associated with adverse health effects.

The Smoke Control Areas (Exempted Fireplaces) (Amendment) Regulations (Northern Ireland) 2008 (SR No 282) is being revoked. The classes of fireplace listed in the Schedule to those Regulations will be included in the 2009 Regulations. With the addition of 26 new fireplaces the total number which will be permitted to be used in smoke control areas will increase to 125.

Consultation

The Statutory Rule is a routine piece of legislation and no consultation was necessary.

Equality Impact

There are no equality issues associated with these Regulations.

Regulatory Impact Assessment

A Regulatory Impact Assessment has not been undertaken as the Regulations will have no impact on business, charities or the voluntary sector.

Financial Implications

There are no financial implications associated with these Regulations.

Section 24 of the Northern Ireland Act 1998

The Statutory Rule complies with the provisions set out in Section 24.

EU Implications

Not applicable.

Parity or Replicatory Measures

Similar provisions came into force on 6 April 2009 under The Smoke Control Areas (Exempted Fireplaces) (England) Order 2009 (S.I. 2009/449).

Additional Information

Not applicable.