

## **EXPLANATORY MEMORANDUM TO**

### **The Smoke Control Areas (Exempted Fireplaces) (No.2) Regulations (Northern Ireland) 2012**

**Insert SR No. 379**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by Article 17(7) of the Clean Air (Northern Ireland) Order 1981 (the 1981 Order) and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. These Regulations specify fireplaces that have been classed as exempted fireplaces. They revoke the Smoke Control Areas (Exempted Fireplaces) Regulations (Northern Ireland) 2012, and include the provisions in those Regulations along with a number of new appliances to the list of exempted fireplaces set out in the Schedule to the new Regulations.

#### **3. Background**

- 3.1. 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 in 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 The legislation was subsequently repealed and updated by the Clean Air (Northern Ireland) Order 1981.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 district a smoke control area. The effect of a smoke control area is to limit the emission of smoke from chimneys in that area, to help to control air pollution. In smoke control areas, residents are required to use “authorised” smokeless fuels or install an “exempted” fireplace. These Regulations concern exempted fireplaces only. Article 17 of the 1981 Order 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 that they have been tested and can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke. Exempted fireplaces may therefore be used legally in households in smoke control areas. Fireplaces specified in the Regulations include mainly boilers and stoves designed to use wood based fuels. As manufacturers produce new types of heating appliances, it is necessary to review and update the list of exempted fireplaces deemed suitable for use in smoke control areas.

#### **4. Consultation**

- 4.1. No consultation has been carried out for these Regulations. This is because no new provisions, obligations, offences or penalties are introduced. Instead, the Regulations merely provide for new fireplaces to be added to the list of exempted fireplaces.

#### **5. Equality Impact**

- 5.1. There are no equality issues associated with these Regulations.

#### **6. Regulatory Impact**

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

#### **7. Financial Implications**

- 7.1. There are no financial implications arising from these new Regulations.

#### **8. Section 24 of the Northern Ireland Act 1998**

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

#### **9. EU Implications**

- 9.1. Not applicable.

#### **10. Parity or Replicatory Measure**

- 10.1. Provisions to include new fireplaces in English legislation have been in operation since 1 October 2012 under the Smoke Control Areas (Exempted Fireplaces) (England) (No 2) Order 2012 (SI 2012 No.2282).

#### **11. Additional Information**

- 11.1. Not applicable.