

**EXPLANATORY MEMORANDUM TO**  
**the Smoke Control Areas (Exempted Fireplaces) Regulations (Northern Ireland)**  
**2013**

**SR 2013 No. 198**

**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 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The purpose of the new Regulations is to revoke the provisions of the Smoke Control Areas (Exempted Fireplaces) (No.2) Regulations (Northern Ireland) 2012, and to include them in these new Smoke Control Regulations, along with a number of additional fireplaces that have been tested and found to be suitable for use in smoke control areas.

**3. Background**

- 3.1. Clean air legislation was first introduced in Northern Ireland under the Clean Air Act (Northern Ireland) 1964 to deal with smog 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 The legislation was subsequently repealed and updated by the Clean Air (Northern Ireland) Order 1981.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 Order is to limit the emission of smoke from chimneys in the area. In smoke control areas, residents are required to use “authorised” smokeless fuels or install an “exempted fireplace”. These Regulations concern exempted fireplaces only. The Department may allow certain classes of fireplace to be used in smoke control areas if it is satisfied they can be used for burning fuel other than authorised fuels without producing smoke or substantial quantities of smoke. 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, because the Regulations do not introduce any new provisions, obligations, offences or penalties. Instead, the Regulations merely provide for new appliances to be added to the list of exempted fireplaces.

**5. Equality Impact**

- 5.1. It is considered that the Statutory Rule will have no differential impact on any of the groups specified in section 75 of the Northern Ireland Act 1998.

## **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. The Regulations will have no financial impact upon any sector in Northern Ireland.

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

- 8.1. The Statutory Rule complies with the provisions set out in Section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. Not applicable.

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

- 10.1. DEFRA has made the Smoke Control Areas (Exempted Fireplaces) (England) Order 2013, which came into force on 6 April 2013.

## **11. Additional Information**

- 11.1. Not applicable.