

**EXPLANATORY MEMORANDUM TO**  
**The Smoke Control Areas (Authorised Fuels) Regulations (Northern Ireland)**  
**2013**

**SR 2013 No. 205**

**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 2(2) 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 (Authorised Fuels) Regulations (Northern Ireland) 2012, and to include them in these new Smoke Control Regulations, along with three additional fuels 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 The legislation was subsequently repealed and updated by the Clean Air (Northern Ireland) Order 1981.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 this 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 authorised fuels only. Authorised fuels are fuels which have been tested and found to be suitable for use in smoke control areas, because they emit low levels of smoke when burned. Fuels approved for use in such areas include gas, electricity and a range of solid smokeless fuels. As manufacturers produce new types of smokeless fuel, it is necessary to review and update the list of authorised fuels 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 being introduced. Instead, the Regulations merely provide for new fuels to be added to the current list of authorised fuels.

**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. The proposed Statutory Rule is comparable to similar legislation for England. DEFRA has made the Smoke Control Areas (Authorised Fuels) (England) Regulations 2013, which came into force on 6th April 2013.

## **11. Additional Information**

- 11.1. Not applicable.