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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 527**

**CLEAN AIR**

**The Smoke Control Areas (Authorised Fuels)  
(Scotland) Amendment Regulations 2002**

*Made* - - - - 28th November 2002  
*Laid before the Scottish  
Parliament* - - - - 2nd December 2002  
*Coming into force* - - 23rd December 2002

The Scottish Ministers, in exercise of the powers conferred upon them by sections 20(6) and 63(1) of the Clean Air Act 1993<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Smoke Control Areas (Authorised Fuels) (Scotland) Amendment Regulations 2002 and shall come into force on 23rd December 2002.

(2) These Regulations extend to Scotland only.

**Authorised Fuels for the purposes of the Clean Air Act 1993**

2.—(1) Schedule 1 to the Smoke Control Areas (Authorised Fuels) (Scotland) Regulations 2001<sup>(2)</sup> is amended as follows.

(2) In paragraph 3(a)–

(a) for “85” there is substituted “95”; and

(b) after “phosphoric acid binder” there is inserted “or an organic binder”.

(3) After paragraph 11, there is inserted–

“**11A.** Dragonglow briquettes, manufactured by Tower Colliery Limited at Aberdare, Mid Glamorgan, South Wales, which–

(a) comprise tower duff (as to approximately 95 per cent of the total weight) and a resin-based binder (as to the remaining weight);

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(1) 1993 c. 11; section 63(1) was amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 199. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.S.I. 2001/433.

- (b) were manufactured from those constituents by a process involving cold cure roll pressing;
- (c) are unmarked pillow-shaped briquettes;
- (d) have an average weight of 100 grammes per briquette; and
- (e) have a sulphur content not exceeding 1 per cent of the total weight.

**11B.** Dragonbrite briquettes, manufactured by Tower Colliery Limited at Aberdare, Mid Glamorgan, South Wales, which—

- (a) comprise tower duff (as to approximately 95 per cent of the total weight) and a resin-based binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving cold cure roll pressing;
- (c) are pillow-shaped briquettes marked with the letter “T” on one side;
- (d) have an average weight of 50 grammes per briquette; and
- (e) have a sulphur content not exceeding 1 per cent of the total weight.”.

(4) In paragraphs 15, 28, 29 and 31, for “Shildon, County Durham”, there is substituted “Immingham Briquetting Works, Immingham, North East Lincolnshire”.

(5) In paragraphs 15 (a), 28(a) and 29(a) after “binder”, there is inserted “or a molasses and phosphoric acid binder”.

### **Savings**

**3.** Any fuel manufactured before 23rd December 2002 which, immediately before that date, was an authorised fuel by virtue of paragraphs 15, 28, 29 or 31 of Schedule 1 to the Smoke Control Areas (Authorised Fuels) (Scotland) Regulations 2001, shall continue to be an authorised fuel notwithstanding the amendments made by Regulation 2(4) above.

St Andrew’s House,  
Edinburgh  
28th November 2002

*ALLAN WILSON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 20 of the Clean Air Act 1993 provides that where smoke is emitted from a chimney in a smoke control area and that chimney is either—

- (a) a chimney of a building; or
- (b) a chimney serving the furnace of a fixed boiler or industrial plant (not being a chimney of a building),

the occupier of the building, or as the case may be, the person having possession of the boiler or plant, is guilty of an offence. It is a defence to show that the alleged emission was caused solely by the use of an authorised fuel.

These Regulations, which extend to Scotland only, amend the Smoke Control Areas (Authorised Fuels) (Scotland) Regulations 2001 ([S.S.I. 2001/433](#)) (“the 2001 Regulations”) so that Dragonglow briquettes and Dragonbrite briquettes meeting the conditions set out in regulation 2(3) are authorised fuels.

The Regulations also amend the 2001 Regulations to take account of the following changes—

- (a) the manufacturer has added an alternative binder to Ancit briquettes (which results in an increase in the ratio of anthracite in the fuel), Homefire briquettes, Supertherm briquettes and Supertherm II briquettes; and
- (b) the place of manufacture of Homefire briquettes, Supertherm briquettes, Supertherm II briquettes and Thermac briquettes is now different.