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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 436**

**CLEAN AIR**

**The Smoke Control Area (Exempt  
Fireplaces) (Scotland) Order 2003**

*Made* - - - - 17th September 2003  
*Laid before the Scottish  
Parliament* - - - - 18th September 2003  
*Coming into force* - - 9th October 2003

The Scottish Ministers, in exercise of the powers conferred by section 21 of the Clean Air Act 1993<sup>(1)</sup> and of all other powers enabling them in that behalf, being satisfied that the classes of fireplace exempted by this Order can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Smoke Control Areas (Exempt Fireplaces) (Scotland) Order 2003 and shall come into force on 9th October 2003.

(2) This Order extends to Scotland only.

**Classes of fireplace exempted from section 20 of the Clean Air Act 1993**

2. The classes of fireplace described in the first column of the Schedule to this Order shall, upon the conditions specified in the corresponding entry in the second column of that Schedule, be exempted from the provisions of section 20 of the Clean Air Act 1993 (which prohibits smoke emissions in smoke control areas).

St Andrew's House, Edinburgh  
17th September 2003

*ALLAN WILSON*  
Authorised to sign on behalf of the Scottish  
Ministers

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(1) 1993 c. 11. The functions of the Secretary of State under section 21 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

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## SCHEDULE

Article 2

<i>Column 1</i> <i>Class of Fireplace</i>	<i>Column 2</i> <i>Conditions</i>
The B9 Energy Wood Chip Gasifier Unit manufactured by B9 Energy Biomass Limited, Unit 22, Northland Road Industrial Estate, Londonderry, Northern Ireland.	<p>1. The fireplace shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 2002 and bearing the reference "001/B9ENERGY BIOMASS".</p> <p>2. No fuel shall be used other than—</p> <ul style="list-style-type: none"> <li>(a) untreated wood chips;</li> <li>(b) shredded wood; or</li> <li>(c) small untreated pieces of wood.</li> </ul>
The Mawera FU-RIA models 110, 140, 180, 220, 280 and 350 manufactured by Mawera (UK) Limited of 31 Enterprise Industrial Park, Britannia Way, Lichfield, Staffordshire WS14 9UY	<p>1. The fireplace shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 31st October 2002 and bearing the reference "098234-01".</p> <p>2. No fuel shall be used other than—</p> <ul style="list-style-type: none"> <li>(a) wood;</li> <li>(b) wood products;</li> <li>(c) forest residues;</li> <li>(d) forest thinnings;</li> <li>(e) melamine coated or uncoated MDF chipboard;</li> <li>(f) plywood; or</li> <li>(g) compound wood products.</li> </ul>

**EXPLANATORY NOTE**

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

Section 20 of the Clean Air Act 1993 ("the 1993 Act") prohibits the emission of smoke in smoke control areas. The Scottish Ministers under section 21 of the 1993 Act may exempt specified classes of fireplace from the provisions of section 20, if they are satisfied that they can be used for burning fuel (other than authorised fuels) without producing any smoke or a substantial quantity of smoke.

Article 2 of this Order exempts the classes of fireplace listed in the first column of the Schedule to the Order from the provisions of section 20 of the 1993 Act, subject to the conditions listed in the second column of that Schedule.

This Order extends to Scotland only.

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