

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 15: Suppliers of fuel and fireplaces

80. This section amends, for England, the procedure for declaring a fuel to be an authorised fuel for the purposes of Part 3 of the Clean Air Act 1993. Under section 20 of the Clean Air Act 1993 the occupier of a building in a smoke control area commits an offence if smoke is emitted from the building's chimney. If, however, the emission was caused by the use of an authorised fuel the occupier will have a defence. In addition it is an offence under section 23 of the Clean Air Act 1993 to acquire or sell a non-authorised fuel for use in a smoke control area. The Secretary of State currently has the power under section 20(6) of the Clean Air Act 1993 to authorise fuels by regulations. This section enables the Secretary of State to authorise fuels by publishing a list of authorised fuels and to update this list from time to time. This list will be published on the Defra website on gov.uk. Fuels which are currently authorised by regulations will be placed on this list.
81. This section also amends, for England, the procedure in section 21 of the Clean Air Act 1993 for exempting classes of fireplace from the operation of section 20. The Secretary of State currently has the power to exempt any class of fireplace by order upon such conditions as may be specified in the order if he is satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke. This amendment enables the Secretary of State to exempt such fireplaces by publishing a list of exempted fireplaces and any relevant conditions and to update this list from time to time. This list will be published on the Defra smoke control webpages. Fireplaces which are currently exempted by order will be placed on this list.
82. The amendments made by this section will enable the Secretary of State to authorise fuels and exempt fireplaces as and when they are manufactured and tested rather than waiting for common commencement dates as is currently the case. This will reduce the delay that businesses currently face in bringing new fuels and fireplaces to the market and benefit consumers by granting more rapid access to the latest technology. It will also remove the burden on central government of having to prepare regulations and orders each time it is proposed to approve new fuels and fireplaces.
83. Part 3 of the Clean Air Act 1993 forms part of the law of England and Wales and Scotland. The section forms part of the law of England and Wales only and applies only in relation to England. Amendments to sections 20 and 21 of the 1993 Act have been made for Scotland by means of the Regulatory Reform (Scotland) Act which was passed by the Scottish Parliament on 16 January 2014. The section comes into force on a day to be appointed by the Secretary of State in a commencement order.