

1989 No. 1769

CLEAN AIR

**The Smoke Control Areas (Exempted Fireplaces) Order
1989**

<i>Made</i> - - - -	<i>28th September 1989</i>
<i>Laid before Parliament</i>	<i>9th October 1989</i>
<i>Coming into force</i>	<i>30th October 1989</i>

The Secretary of State, in exercise of the powers conferred by sections 11(4) and 34(1)(a) of the Clean Air Act 1956(b), and now vested in him(c), and of all other powers enabling him in that behalf, being satisfied that fireplaces of the classes described in the Schedule hereto can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke, hereby makes the following Order:

Title, commencement and extent

1.—(1) This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) Order 1989 and shall come into force on 30th October 1989.

(2) This Order shall extend to England and Wales.

Classes of fireplace exempted from section 11 of the Clean Air Act 1956

2. The classes of fireplace described in the Schedule shall, upon the conditions there specified, be exempted from the provisions of section 11 of the Clean Air Act 1956 (which empowers a local authority to declare the whole or any part of its district to be a smoke control area).

28th September 1989

Chris Patten
One of Her Majesty's Principal
Secretaries of State

(a) See the definition of "Minister" in section 34(1).
(b) 1956 c.52.
(c) S.I. 1970/1681.

<i>Class of Fireplace</i>	<i>Condition</i>
The Talbott T5-1M Automatic Heater manufactured by Talbott's Heating Ltd.	<ol style="list-style-type: none"> 1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions bearing the reference Jan. 89 T5-A-1-89. 2. No fuel other than softwood shavings, hardwood shavings or chipboard dust shall be used.
The Nordist Waste Fired System, models 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 manufactured in part by Nordfab A/S and in part by Danstoker A/S.	<ol style="list-style-type: none"> 1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions bearing the reference P.S.501 9.12.88. 2. No fuel other than softwood shavings, hardwood shavings or sawdust shall be used.
The CBR Flexifuel Heater, models 150 and 200 manufactured by CBR Fabrications Ltd.	<ol style="list-style-type: none"> 1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions bearing the reference FF/CBR Flexifuel 150/200 1989. 2. No fuel other than hardwood or softwood offcuts, chipboard or plastic coated chipboard shall be used. 3. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.
The Silent Glow Incinerator, models CCD 450, 600 and 750 manufactured by Silent Glow Incinerators Ltd.	<ol style="list-style-type: none"> 1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated May 1989. 2. No fuel other than solid waste of the types specified in the manufacturer's instructions dated May 1989 shall be used.
The Hughes Edwards 45 Coalflow Boiler manufactured by Hughes Edwards Heating Ltd.	<ol style="list-style-type: none"> 1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions which: <ol style="list-style-type: none"> (a) in the case of the installation instructions bear the reference II/02D/07-89, and (b) in the case of the user instructions bear the reference UI/02D/07-89. 2. No fuel other than the washed coals recommended in the manufacturer's instructions bearing the reference II/02D/07-89 shall be used.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 11 of the Clean Air Act 1956 empowers local authorities to declare the whole or any part of their district to be a smoke control area in which the emission of smoke is generally prohibited. Specified classes of fireplaces may, by order, be exempted from control.

This Order, which extends to England and Wales, exempts the classes of fireplaces specified in the Schedule, subject to the specified conditions as to the installation, maintenance and operation of the fireplaces, and the fuel used in them.