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STATUTORY INSTRUMENTS

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**1989 No. 888 (S.89)**

**CLEAN AIR**

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

<i>Made</i>	- - - -	<i>17th May 1989</i>
<i>Laid before Parliament</i>		<i>5th June 1989</i>
<i>Coming into force</i>	- -	<i>26th June 1989</i>

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

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1989, and shall come into force on 26th June 1989.

(2) This Order shall extend to Scotland only.

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

2. The classes of fireplace described in column (1) of the Schedule to this Order shall, subject to the conditions specified in column (2) against that class, be exempted from the provisions of section 11 of the Clean Air Act 1956 (which enables local authorities to establish smoke control areas in which emission of smoke is an offence, but provides for the exemption of certain fireplaces or classes of fireplace).

St Andrew's House,  
Edinburgh  
17th May 1989

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

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SCHEDULE

(1) <i>Class of fireplace</i>	(2) <i>Conditions</i>
The CBRFlexifuel Heater, models 150 and 200 manufactured by CBR Fabrications Limited.	<p>1. The fireplaces 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 bear the reference “FF/CBR FLEXIFUEL 150/200 1989”.</p> <p>2. No fuel shall be used other than hard or soft wood offcuts, chipboard or plastic coated chipboard.</p> <p>3. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.</p>
The CBR Flexifuel Heater, models 300, 400 and 600 manufactured by CBR Fabrications Limited	<p>1. The fireplaces 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 bear the reference “FF/CBR FLEXIFUEL 150/200 1987”.</p> <p>2. No fuel shall be used other than hard or soft wood offcuts, chipboard or plastic coated chipboard.</p> <p>3. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.</p>
The CBR Turbo Heat, models 200, 300, 400, 500, 600 and 800 manufacuted by CBR Fabrications Limited.	<p>1. The fireplaces 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 bear the reference “CBR Turbo Heat 88”.</p> <p>2. No fuel shall be used other than hard or soft wood offcuts, chipboard or plastic coated chipboard.</p> <p>3. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.</p>
The Eclipse Junior, Standard, Senior, Jumbo 30 and Jumbo 50 incinerators manufactured by Northern incinerators limited.	<p>1. The fireplaces 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 21 June 1988 and which bear the reference “NORCIN/TECH/88”.</p> <p>2. No fuel shall be used, other than fuel consisting of paper, cardboard cartons, scrap</p>

(1) <i>Class of fireplace</i>	(2) <i>Conditions</i>
The Haat LD, MD and HD incinerators manufactured by Haat Incineration Limited.	<p>wood, foliage, combustible floor sweepings and other waste from domestic, commercial and industrial activities containing no more than 20 per cent of restaurant and cafeteria waste, and containing less than 5 per cent by weight of coated papers, plastic or rubber waste.</p> <p>1. The fireplaces 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 March 1988 and which bear the reference "HAAT/I/CAA/3/88".</p> <p>2. No fuel shall be used, other than fuel consisting of paper, cardboard cartons, scrap wood, foliage, combustible floor sweepings and other waste from domestic, commercial and industrial activities containing no more than 20 per cent of restaurant and cafeteria waste, and containing less than 5 per cent by weight of coated papers, plastic or rubber waste.</p>
The Holden Heat House 29.3kw and 45.4kw underfeed bituminous coal burning boilers manufactured by Holden Heat plc.	<p>1. The fireplaces 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</p> <ul style="list-style-type: none"><li data-bbox="868 1240 1351 1335">(a) in the case of the installation instructions bear the reference "HH86 1B"; and</li><li data-bbox="868 1348 1351 1411">(b) in the case of the user instructions bear the reference "HH86/1".</li></ul> <p>2. No fuel shall be usee other than the washed coals recommended in the manufacturer's user instructions.</p>
The RanHeat Boiler Type RHA 20 manufactured by RanHeat, Energy A/S.	<p>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 30 March 1988 and which bear the reference "RHGBA 30388".</p> <p>2. No fuel shall be used other than hard and soft wood shavings.</p>
The Talbott Pirojet P150 Heater manufactured by Talbott's Heating Limited.	<p>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 February 1987 and which bear the reference "No P150-2-87".</p>

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(1) <i>Class of fireplace</i>	(2) <i>Conditions</i>
The Talbott Pirojet P300 Heater manufactured by Talbott's Heating Limited.	<ol style="list-style-type: none"><li>2. No fuel shall be used other than hard or soft wood offcuts, chipboard or plastic coated chipboard.</li><li>3. When the fireplace is used to burn chipboard and plastic coated chipboard, an afterburner which is supplied with the fireplace and which must be capable of continuously producing 20 megajoules of heat per hour shall be used.</li><li>4. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.</li></ol> <ol style="list-style-type: none"><li>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 February 1987 and which bear the reference "No P300-2-87".</li><li>2. No fuel shall be used other than hard or soft wood offcuts, chipboard or plastic coated chipboard.</li><li>3. When the fireplace is used to burn chipboard and plastic coated chipboard, an afterburner which is supplied with the fireplace and which must be capable of continuously producing 40 megajoules of heat per hour shall be used.</li><li>4. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.</li></ol>
The Talbott Pirojet P600 Heater manufactured by Talbott's Heating Limited.	<ol style="list-style-type: none"><li>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 December 1986 and which bear the reference "P600-12-86".</li><li>2. No fuel shall be used other than hard or soft wood offcuts, or chipboard or plastic coated chipboard.</li><li>3. When the fireplace is used to burn chipboard and plastic coated chipboard, an afterburner which is supplied with the fireplace and which must be capable of continuously producing 75 megajoules of heat per hour shall be used.</li></ol>

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(1) <i>Class of fireplace</i>	(2) <i>Conditions</i>
The Triancomatic 90 boiler manufactured by Trianco Redfyre Limited.	<p>4. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.</p> <p>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 July 1987 and which—</p> <ul style="list-style-type: none"><li>(a) in the case of the installation instructions bear the reference “No 46576”; and</li><li>(b) in the case of the user instructions bear the reference “No 46574”.</li></ul> <p>2. No fuel shall be used other than the washed coals recommended in the manufacturer’s user instructions.</p>
The Triancomatic 140 boiler manufactured by Trianco Redfyre Limited.	<p>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 November 1986 and which—</p> <ul style="list-style-type: none"><li>(a) in the case of the installation instructions bear the reference “No 48375”; and</li><li>(b) in the case of the user instructions bear the reference “No 48374”.</li></ul> <p>2. No fuel shall be used other than the washed coals recommended in the manufacturer’s user instructions.</p>

**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 fireplace may be exempted from control by order.

This Order, which applies to Scotland, exempts 27 classes of fireplace from the provisions of the section subject to certain conditions as to installation, maintenance and operation. The classes of fireplace are the CBR 150, 200, 300, 400 and 600 Flexifuel Heaters and the CBR 200, 300, 400, 500, 600 and 800 Turbo Heat manufactured by CBR Fabrications Limited, the Eclipse Junior, Standard,

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Senior and Jumbo 30 and 50 incinerators manufactured by Northern Incinerators Limited, the Haat LD, MD and HD incinerators manufactured by Haat Incineration Limited, the Holden Heat House 29.3kw and 45.4kw underfeed boilers manufactured by Holden Heat plc, the RanHeat Boiler type RHA20 manufactured by RanHeat, Energy A/S, the Talbott Pirojet P150, P300 and P600 Heaters manufactured by Talbott's Heating Limited and the Triancomatic 90 and 140 boilers manufactured by Trianco Redfyre Limited.