
STATUTORY INSTRUMENTS

1993 No. 1366

AGRICULTURE

The Crop Residues (Burning) Regulations 1993

<i>Made</i>	- - - -	<i>24th May 1993</i>
<i>Laid before Parliament</i>		<i>8th June 1993</i>
<i>Coming into force</i>	- -	<i>29th June 1993</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, in exercise of the powers conferred on them by section 152 of the Environmental Protection Act 1990((1)), hereby make the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Crop Residues (Burning) Regulations 1993, shall extend to England and Wales and shall come into force on 29th June 1993.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“A-road” means any principal road so classified under section 12 of the Highways Act 1980((2)) to which is assigned in common usage an identifying number with the prefix “A”;

“crop residue” means straw or stubble or any other crop residue remaining on the land after harvesting of the crop grown thereon;

“district council” includes the Council of the Isles of Scilly;

“dual carriageway” means a road part of which consists of a central reservation to separate a carriageway to be used by vehicles proceeding in one direction from a carriageway to be used by vehicles proceeding in the opposite direction;

“fire-break” means an area of ground of which the surface consists wholly or mainly of substances other than combustible material;

“motorway” means a special road within the meaning of section 142(1) of the Road Traffic Regulation Act 1984((3)) which has been declared open for use under section 1(4) of that Act; and

(1) 1990 c. 43; section 152(3)(c) is to be read with section 17 of the Criminal Justice Act 1991 (c. 53).
(2) 1980 c. 66.
(3) 1984 c. 27.

“scheduled monument” has the meaning assigned to that expression in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979⁽⁴⁾.

(2) Any reference in these Regulations to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule bearing that number in these Regulations.

Revocation

3. The Crop Residues (Restrictions on Burning) (No.2) Regulations 1991⁽⁵⁾ are hereby revoked.

Prohibition on burning

4. No person engaged in agriculture shall, on agricultural land, burn any crop residue of a kind specified in Schedule 1 unless the burning is for the purposes of—

- (a) education or research;
- (b) disease control or the elimination of plant pests where a notice has been served under article 22 of the Plant Health (Great Britain) Order 1993⁽⁶⁾;
- (c) the disposal of straw stack remains or broken bales.

Restrictions on burning

5. No person engaged in agriculture shall, on agricultural land, burn—

- (a) any crop residue of a kind specified in Schedule 1 to which an exemption specified in regulation 4(a) or (b) applies; or
- (b) any linseed residues,

otherwise than in accordance with the restrictions and requirements set out in Schedule 2.

Offence

6. A person who contravenes regulation 4 or regulation 5 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st May 1993.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

David Hunt
Secretary of State for Wales

24th May 1993

(4) 1979 c. 46.
(5) S.I. 1991/1590.
(6) S.I. 1993/1320.

SCHEDULE 1

Regulation 4

Prohibited burning—specified crop residues

Cereal straw

Cereal stubble

Residues of any of the following:—

Oil-seed rape

Field beans harvested dry

Peas harvested dry

SCHEDULE 2

Regulation 5

Restrictions and requirements in accordance with which specified crop residues may be burned

1. No crop residue may be burned—
 - (a) during the period between one hour before sunset and the following sunrise; or
 - (b) on any Saturday, Sunday or bank-holiday.
2. No crop residue may be burned if the area to be burned extends, in the case of cereal straw or cereal stubble, to more than 10 hectares, and in any other case to more than 20 hectares.
3. No crop residue may be burned unless—
 - (a) the area to be burned is surrounded by a fire-break, which borders on that area and which, in the case of cereal straw or cereal stubble, shall be at least 10 metres wide and in any other case at least 5 metres wide;
 - (b) any building, structure or other thing mentioned in paragraph 4(b) or (c) below which lies within the area to be burned is surrounded by a fire-break of the relevant width referred to in sub-paragraph (a) above which borders on any crop residues which are to be burned; and
 - (c) in the case of any land (“intervening land”) between a fire-break to be established in accordance with sub-paragraph (a) or (b) above and any other land or any building, structure or other thing mentioned in paragraph 4(b), (c) or (d) below which lies within the relevant distance there mentioned of the area to be burned or, as the case may be, of any crop residues within that area—
 - (i) the intervening land is cleared of all crop residues, or
 - (ii) all crop residues on the intervening land are incorporated into the soil before burning takes place.
4. No crop residue may be burned—
 - (a) if the area to be burned is less than 150 metres from any other area in which crop residues are being burned;
 - (b) in the case of cereal straw or cereal stubble, less than 15 metres, and in any other case less than 5 metres from—
 - (i) the trunk of any tree (including any tree in coppice or scrubland);
 - (ii) any hedgerow;
 - (iii) any fence not the property of the occupier of the land upon which the burning is carried out;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (iv) any pole which is or may be used to carry telegraph or telephone wires; (v) any electricity pole, pylon or substation;
- (c) in the case of cereal straw or cereal stubble, less than 50 metres, and in any other case less than 15 metres from—
 - (i) any residential building;
 - (ii) any structure having a thatched roof;
 - (iii) any building, structure, fixed plant or machinery which could be set alight or damaged by heat from the fire;
 - (iv) any scheduled monument which could be set alight by the fire;
 - (v) any stack of hay or straw;
 - (vi) any accumulation of combustible material other than crop residues removed in the making of a fire-break;
 - (vii) any mature standing crop;
 - (viii) any woodland or land managed as a nature reserve;
 - (ix) any building or structure containing livestock;
 - (x) any oil or gas installation on or above the surface of the ground; or
- (d) less than 100 metres from—
 - (i) any motorway;
 - (ii) any dual carriageway;
 - (iii) any A-road;
 - (iv) any railway line.

5. No crop residue may be burned unless all persons concerned in the burning operation are familiar with the provisions of these Regulations and, except where an emergency arising during the operation renders it impracticable, each area to be burned is supervised by at least two responsible adults, one of whom having experience of burning crop residues shall be in general control of the operation.

6. No crop residue may be burned unless, so far as is reasonably practicable, notice thereof has been given at least one hour but not more than twenty-four hours before the commencement of the burning, to—

- (a) the environmental health department of the district council in whose district the burning is to take place;
- (b) the occupiers of all premises adjacent to the area to be burned; and
- (c) the air traffic control at any aerodrome with a perimeter fence within 800 metres of the area to be burned.

7. No crop residue may be burned unless there is available at the area being burned—

- (a) not less than 1,000 litres of water in one or more mobile containers together with means of dispensing the water for fire-fighting purposes in a spray or jet at a rate of 100 litres per minute; and
- (b) not fewer than five implements suitable for use in fire-beating.

8. No crop residue may be burned unless every vehicle used in connection with the burning is equipped with a suitable and serviceable fire extinguisher.

9. No crop residue may be burned unless reasonable precautions have been taken to ensure that the fire will not cross a fire-break.

10. Ashes of burnt cereal straw or cereal stubble shall not, without reasonable excuse, be allowed to remain on the soil for longer than 24 hours after the time of commencement of the burning, but shall be incorporated into the soil—

- (a) within that period, or,
- (b) in a case where to do so would be likely, having regard to wind conditions, to cause nuisance, as soon as conditions allow.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and supersede the Crop Residues (Restrictions on Burning) (No.2) Regulations 1991 (S.I.1991/1590) (regulation 3).

These Regulations, which apply to England and Wales, prohibit the burning on agricultural land of the crop residues listed in Schedule 1, unless the burning is for a specified purpose (regulation 4). The Regulations also impose restrictions and requirements in relation to the burning of linseed residues and some exempted burning and these restrictions and requirements are set out in Schedule 2 (regulation 5).

Burning crop residues in contravention of the Regulations is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale (currently £5,000) (regulation 6).