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STATUTORY INSTRUMENTS

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**1997 No. 2658**

**CLEAN AIR**

**The Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1997**

*Made - - - - 3rd November 1997*  
*Laid before Parliament 12th November 1997*  
*Coming into force - - 3rd December 1997*

The Secretary of State for the Environment, as respects England and Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred on them by sections 20(6) and 63(1) of the Clean Air Act 1993<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1997 and shall come into force on 3rd December 1997.

**Authorised fuels for the purposes of the Clean Air Act 1993**

2. Schedule 1 to the Smoke Control Areas (Authorised Fuels) Regulations 1991<sup>(2)</sup> shall be amended as follows:

(a) after paragraph 12AA<sup>(3)</sup> there shall be inserted—

“**12AB.** Island Lump and Island Nuts, manufactured by Unocal Refinery, California, United States of America, which—

- (a) comprise petroleum coke;
- (b) were manufactured from the petroleum coke by a process involving heat treatment and steam injection;
- (c) are unmarked random shapes and have an average weight of 80 grammes (Island Lump) or 30 grammes (Island Nuts); and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.”;

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<sup>(1)</sup> 1993 c. 11.

<sup>(2)</sup> S.I.1991/1282, amended by S.I. 1992/72, 3148, 1993/2499, and 1996/1145.

<sup>(3)</sup> Paragraph 12AA was inserted by regulation 2(5) of S.I. 1993/2499.

- (b) for sub-paragraph (a) of paragraph 15 there shall be substituted—
- “(a) comprise anthracite duff (as to approximately 65 per cent to 85 per cent of the total weight), petroleum coke (up to approximately 20 per cent of the total weight) and a molasses and phosphoric acid binder (as to the remaining weight);”;
- (c) after paragraph 18A(4) there shall be inserted—
- “**18B.** Taybrite briquettes (otherwise known as Surefire briquettes), manufactured by Coal Products Limited at Immingham Briquetting Works, North East Lincolnshire(5), which—
- (a) comprise anthracite (as to approximately 60 per cent to 80 per cent of the total weight), petroleum coke (as to approximately 10 per cent to 30 per cent of the total weight) and a molasses and phosphoric acid binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll pressing and heat treatment at about 300°C;
- (c) are pillow-shaped briquettes with a single indented line running longitudinally along each face, offset from its counterpart by 10 millimetres, and have an average weight of 75 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.”.

### **Saving**

3. Notwithstanding the amendment made by regulation 2(b) above, Phurnacite briquettes manufactured before the coming into force of these Regulations which were an authorised fuel by virtue of paragraph 15 of Schedule 1 to the Smoke Control Areas (Authorised Fuels) Regulations 1991 before the amendment of that paragraph by regulation 2(b), shall continue to be an authorised fuel.

Signed by authority of the Secretary of State for the Environment

30th October 1997

*Michael Meacher*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

3rd November 1997

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

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(4) Paragraph 18A was inserted by regulation 2(9) of S.I. 1996/1145.  
(5) Formerly Humberside: see S.I. 1995/600.

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## EXPLANATORY NOTE

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

Section 20 of the Clean Air Act 1993 provides that where smoke is emitted from a chimney in a smoke control area, and that chimney is either—

- (a) a chimney of a building; or
- (b) a chimney serving the furnace of a fixed boiler or industrial plant (not being a chimney of a building),

the occupier of the building or, as the case may be, the person having possession of the boiler or plant, is guilty of an offence. It is a defence to show that the alleged emission was caused solely by the use of an authorised fuel.

These Regulations, which apply to Great Britain, amend the Smoke Control (Authorised Fuels) Regulations 1991 so that the following additional fuels are now authorised—

- (a) Island Lump and Island Nuts;
- (b) Taybrite briquettes.

The Regulations also amend the entry for Phurnacite briquette in the list of authorised fuels in Schedule 1 to the 1991 Regulations to take account of the modification of the composition of that fuel.