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WELSH STATUTORY INSTRUMENTS

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**2000 No. 3156 (W. 205 )**

**CLEAN AIR, WALES**

**The Smoke Control Areas (Authorised Fuels)  
(Amendment) (Wales) Regulations 2000**

*Made* - - - - - *28th November 2000*

*Coming into force* - - - - - *1st December 2000*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 20(6) and 63(1) of the Clean Air Act 1993<sup>(1)</sup> and of all other powers enabling it in that behalf.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2000 and shall come into force on 1st December 2000.

(2) These Regulations apply to Wales only.

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

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

(2) For paragraph 8(a) substitute —

“(a) Coal Products Limited at Cwm Coking Works, Llantwit Fardre, Pontypridd, Mid Glamorgan and sold as “Sunbrite”.”

(3) In paragraph 8AA<sup>(3)</sup>, for “, which” substitute “and Aimcor Supercoke (also marketed as Supercoke), manufactured by M & G Fuels Limited at Hartlepool Docks, Hartlepool, Cleveland, which (in each case)”.

(4) After paragraph 17A<sup>(4)</sup> insert—

“**17AB.** Supabrite Coke Doubles, manufactured by H.J. Banks & Company Limited at Inkerman Road Depot, Tow Law, County Durham, which —

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(1) 1993 c. 11. The functions of the Secretary of State under section 20(6) of the Clean Air Act 1993 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).  
(2) S.I. 1991/1282, amended by S.I. 1992/72, 3148, 1993/2499, 1996/1145, 1997/2658, 1998/2154 and 3096.  
(3) Paragraph 8AA was inserted by regulation 2(c) of S.I. 1998/3096.  
(4) Paragraph 17A was inserted by regulation 2(9) of S.I. 1993/2499.

- (a) comprise metallurgical coke (as to approximately 40 to 60 per cent of the total weight) and petroleum coke (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving blending and screening;
- (c) are unmarked random shapes; and
- (d) have a sulphur content not exceeding 1.95 per cent of the total weight.”.

(5) In paragraphs 18, 18A(5) and 19, for “Thermac Fuels Limited” in each place substitute “Coal Products Limited”.

(6) For paragraph 18B(c)(6) substitute —

- “(c) are pillow-shaped briquettes marked with a single indented line running longitudinally along each face, offset from its counterpart by 10 millimetres or unmarked, and in either case have an average weight of 75 grammes; and”.

### **Savings**

3. Notwithstanding the amendments made by regulation 2(2) and (5), Sunbrite and Beacon Beans coke manufactured before the coming into force of these Regulations at Avenue Coking and Chemical Works, Wingerworth, near Chesterfield, Derbyshire and Supertherm, Supertherm II and Thermac briquettes manufactured before that date by Thermac Fuels Limited shall continue to be authorised fuels.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7).

28th November 2000

*Dafydd Elis Thomas*  
The Presiding Officer of the National Assembly

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(5) Paragraph 18A was inserted by regulation 2(9) of S.I. 1996/1145.  
(6) Paragraph 18B(c) was inserted by regulation 2(c) of S.I. 1997/2658.  
(7) 1998 c. 38.

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## EXPLANATORY NOTE

*(This note does not form 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 extend to Wales only, amend the Smoke Control (Authorised Fuels) Regulations 1991 so that Aimcor Supercoke (also marketed as Supercoke) and Supabrite Coke Doubles are authorised fuels.

The Regulations also amend the 1991 Regulations to take account of the following changes —

- (a) Beacon Beans are no longer manufactured;
- (b) the place of manufacture of Sunbrite is now different;
- (c) Coal Products Limited is now the manufacturer of Supertherm, Supertherm II and Thermac briquettes;
- (d) Taybrite briquettes are now also manufactured without any markings.