
WELSH STATUTORY INSTRUMENTS

2001 No. 3996 (W.327)

CLEAN AIR, WALES

**The Smoke Control Areas (Authorised Fuels)
(Amendment) (Wales) Regulations 2001**

Made - - - - 13th December 2001

Coming into force - - 17th December 2001

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by sections 20(6) and 63(1) of the Clean Air Act 1993 (1) and now vested in it (2), hereby makes the following Regulations:

Citation, commencement, and application

1.—(1) These Regulations may be cited as the Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2001

(2) These Regulations shall come into force on 17 December 2001

(3) 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) (Wales) Regulations 2001(3) shall be amended as follows:

(2) After paragraph 5 there shall be inserted

“**5A.** Bord na Móna Firepak briquettes (also marketed as Arigna Special coal briquettes), manufactured by Bord na Móna Fuels Limited, Newbridge, County Kildare, Ireland, which—

(a) comprise anthracite (as to approximately 50 per cent of the total weight), petroleum coke (as to 20 to 40 per cent of the total weight), bituminous coal (as to 10 to 30 percent of the total weight) and starch based binder (as to the remaining weight);

(1) 1993 c. 11.

(2) The powers of the Secretary of State in so far as exercisable in relation to Wales have been transferred to the National Assembly for Wales: see Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672)

(3) S.I. 2001/3762 (W.311)

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- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment;
- (c) are unmarked pillow-shaped briquettes and have an average weight of 50 grammes; and
- (d) have a sulphur content not exceeding 1.5 per cent of the total weight.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

13th December 2001

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 20 of the Clean Air Act 1993 (“the Act”) 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.

Under section 20(6) of the Act the National Assembly for Wales may, by regulations, declare a fuel to be an authorised fuel for that purpose.

These Regulations, which apply to Wales, amend the Smoke Control (Authorised Fuels) (Wales) Regulations 2001 so that Bord na Móna Firepak briquettes (also marketed as Arigna Special coal briquettes), are an additional authorised fuel.