
WELSH STATUTORY INSTRUMENTS

2002 No. 3160 (W.295)

CLEAN AIR, WALES

**The Smoke Control Areas (Authorised Fuels)
(Amendment) (Wales) Regulations 2002**

Made - - - - - *17th December 2002*

Coming into force - - - - - *31st December 2002*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 20(6) and 63(1) of the Clean Air Act 1993⁽¹⁾, and now exercisable by the National Assembly for Wales⁽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 2002 and come into force on 31st December 2002.

(2) These Regulations apply to Wales.

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⁾ is amended as follows.

(2) In paragraph 3(a)—

(a) for “85” there is substituted “95”; and

(b) after “phosphoric acid binder” there is inserted “or an organic binder”.

(3) In paragraph 5(a), “and moisture (as to the remaining weight)” is deleted.

(4) After paragraph 10, there is inserted—

“**10A.** Dragonglow briquettes, manufactured by Tower Colliery Limited at Aberdare, Rhondda Cynon Taf, which—

(a) comprise tower duff (as to approximately 95 per cent of the total weight) and a resin-based binder (as to the remaining weight);

(1) 1993 c. 11.

(2) The powers of the Secretary of State, insofar 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), as amended by S.I. 2001/3996 (W. 327).

- (b) were manufactured from those constituents by a process involving cold cure roll pressing;
- (c) are unmarked pillow-shaped briquettes and have an average weight of 100 grammes; and
- (d) have a sulphur content not exceeding 1 per cent of the total weight.

10B. Dragonbrite briquettes, manufactured by Tower Colliery Limited at Aberdare, Rhondda Cynon Taf, which—

- (a) comprise tower duff (as to approximately 95 per cent of the total weight) and a resin-based binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving cold cure roll pressing;
- (c) are pillow-shaped briquettes marked with the letter “T” on one side and have an average weight of 50 grammes; and
- (d) have a sulphur content not exceeding 1 per cent of the total weight.”.

(5) In paragraphs 14, 27, 28 and 30, for “Shildon, County Durham” there is substituted “Immingham Briquetting Works, Immingham, North East Lincolnshire”.

(6) In paragraph 14(a), 27(a) and 28(a) after “organic binder” there is inserted “or a molasses and phosphoric acid binder”.

Savings

3. Notwithstanding the amendments made by regulation 2(5) above, Homefire briquettes, Supertherm briquettes, Supertherm II briquettes and Thermac briquettes manufactured by Coal Products Limited at Shildon, County Durham before the coming into force of these Regulations 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(4)

17th December 2002

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 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 Wales, further amend the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2001 ([S.I. 2001/3762 \(W.311\)](#)) (“the 2001 Regulations”), which were earlier amended by the Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2001 ([S.I. 2001/3996 \(W. 327\)](#)), so that Dragonglow and Dragonbrite briquettes meeting the conditions set out in regulation 2(3) are authorised fuels.

The Regulations also make miscellaneous amendments to the 2001 Regulations, and take account of the following changes—

- (a) the manufacturer has added an alternative binder to Homefire briquettes, Supertherm briquettes and Supertherm II briquettes; and
- (b) the place of manufacture of Homefire briquettes, Supertherm briquettes, Supertherm II briquettes and Thermac briquettes is now different.