
WELSH STATUTORY INSTRUMENTS

2005 No. 426 (W.43)

CLEAN AIR, WALES

**The Smoke Control Areas (Exempted
Fireplaces) (Wales) Order 2005**

Made - - - - *1 March 2005*
Coming into force - - *5 March 2005*

The National Assembly for Wales (“the National Assembly”), in exercise of the powers conferred upon the Secretary of State by section 21 of the Clean Air Act 1993⁽¹⁾ and now vested in the National Assembly⁽²⁾, and being satisfied that the classes of fireplace exempted by this Order can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke, hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2005 and comes into force on 5 March 2005.

(2) This Order applies to Wales.

Classes of Fireplaces exempted from section 20 of the Clean Air Act 1993

2. The classes of fireplace described in the Schedule are, upon the conditions there specified, exempted from the provisions of section 20 of the Clean Air Act 1993 (which prohibits smoke emissions in smoke control areas).

Amendment of earlier Order

3. In the entry relating to the Dunsley Yorkshire Stove in the Schedule to the Smoke Control Areas (Exempted Fireplaces) Order 1999⁽³⁾—

- (a) in the column headed “Class of fireplace”, after “Dunsley Yorkshire Stove” insert “and Dunsley Yorkshire Multifuel Stove and Dunsley Yorkshire Multifuel Stove and Boiler”;
and

(1) 1993 c. 11.

(2) The relevant powers of the Secretary of State were transferred to the National Assembly for Wales by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) S.I. 1999/1515.

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- (b) in the column headed “Conditions”, after “bearing the reference A/22160” insert “, as amended by the manufacturer’s instructions dated 4 October 2004 bearing the reference D13 with regard to the Stove and Multifuel Stove and the manufacturer’s instructions dated December 2004 bearing the reference GHD/DUN4B/1 with regard to the Multifuel Stove and Boiler”.

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

1 March 2005

John Marek
The Deputy Presiding Officer of the National
Assembly

SCHEDULE

Article 2

CLASSES OF FIREPLACE WHICH ARE EXEMPT

<i>Class of fireplace</i>	<i>Conditions</i>
The Dunsley Yorkshire Woodburning Stove manufactured by Dunsley Heat Limited	<ol style="list-style-type: none"> 1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 4 December 2004 and bearing the reference D13W. 2. No fuel may be used other than dry untreated wood.
The Home and Hearth Technologies Quadra-Fire 2100 Millennium Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies, 1445 North Highway, Colville, WA 99114, USA.	<ol style="list-style-type: none"> 1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 9 October 2003 and bearing the reference 250-6931B. 2. No fuel may be used other than dry-cured untreated wood of maximum size 38.1 × 10.16 × 5.08cm.
The Home and Hearth Technologies Quadra-Fire Yosemite Freestanding Wood Burning Stove manufactured by Home and Hearth Technologies, 1445 North Highway, Colville, WA 99114, USA.	<ol style="list-style-type: none"> 1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 4 June 2003 and bearing the reference 7004-187. 2. No fuel may be used other than dry-cured untreated wood of maximum size 38.1 × 10.16 × 5.08cm.
The Home and Hearth Technologies Quadra-Fire Cumberland Gap Freestanding Wood Burning Stove manufactured by Home and Hearth Technologies, 1445 North Highway, Colville, WA 99114, USA.	<ol style="list-style-type: none"> 1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 8 July 2003 and bearing the reference 7006-186. 2. No fuel may be used other than dry-cured untreated wood of maximum size 43.18 × 10.16 × 10.16cm.
The Orchard Ovens models: FVR Speciale 80, 100, 110, 110 × 160 and 120; TOP Superiore 100 and 120; GR 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; OT 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; and the Valoriani Piccolo; manufactured by Valoriani of Via Caselli alla Fornace, 213, 50066 Reggello, Firenze, Italy.	<ol style="list-style-type: none"> 1. The fireplace must be installed, maintained and operated in accordance with the manufacturers' instructions dated 25 October 2004 and bearing the references:

*Instruction:**Model*

OOLInst.1:

FVR 80

OOLInst.2:

FVR 100

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<i>Class of fireplace</i>	<i>Conditions</i>
	OO LInst.3: FVR 110
	OOLInst.4: FVR 120
	OOLInst.5: FVR 110 × 160
	OOLInst.6: TOP 100
	OOLInst.7: TOP 120
	OOLInst.8: GR 100 and OT 100
	OOLInst.9: GR 120 and OT 120
	OOLInst.10: GR 140 and OT 140
	OOLInst.11: GR 120 × 160 and OT 120 × 160
	OOLInst.12: GR 140 × 160 and OT 140 × 160
	OOLInst.13: GR 140 × 180 and OT 140 × 180
	OOLInst.14: GR 180 and OT 180
	OOLInst.15: Valoriani Piccolo
	2. No fuel may be used other than untreated dry wood.
The Wood Waste Technology Heater, models WT10 and WT15, manufactured by Wood Waste Technology.	<p>1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated January 2005 and bearing the reference WT/a/19/1/05 with regard to model WT10 or WT15/a/19/01/05 with regard to model WT15.</p> <p>2. No fuel may be used other than offcuts of untreated hardwood or softwood.</p>

EXPLANATORY NOTE

(This note is not part of the Order)

Section 20 of the Clean Air Act 1993 (“the Act”) places a general prohibition on the emission of smoke in smoke control areas. The National Assembly for Wales may, by order made under section 21 of the Act, exempt specified classes of fireplace from the provisions of section 20, if it is satisfied that they can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

This Order applies to Wales only. Article 2 of the Order exempts the classes of fireplace listed in the first column of the Schedule to the Order from the provisions of section 20 of the Act, subject to the conditions in the second column of that Schedule.

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Article 3 of the Order amends an earlier Order made under section 21 of the Act by adding to the list of exempted fireplaces manufactured by Dunsley Heat Limited and by amending the instructions that apply to the installation, maintenance and operation of those fireplaces.