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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2980 (W.271)**

**CLEAN AIR, WALES**

**The Smoke Control Areas (Exempted  
Fireplaces) (Wales) Order 2006**

*Made* - - - - 14 November 2006

*Coming into force* - - 24 November 2006

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<sup>(1)</sup> and now vested in the National Assembly<sup>(2)</sup>, 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:

**Title, commencement and application**

1.—(1) The title of this Order is the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2006 and it comes into force on 24 November 2006.

(2) This Order applies in relation 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).

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

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

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

14 November 2006

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

SCHEDULE

Article 2

CLASSES OF FIREPLACE WHICH ARE EXEMPT

<i>Classes of Fireplace</i>	<i>Conditions</i>
The Binder Wood Fired Boiler models RRK 22 — 49 (49 kW output) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	<ol style="list-style-type: none"><li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0.</li><li>2. No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preserved or coating.</li></ol>
The Binder Wood Fired Boiler models RRK 80 — 175 (75 — 149 kW output) with cyclone models ZA 80 — 175 manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	<ol style="list-style-type: none"><li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0.</li><li>2. No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preserved or coating.</li></ol>
The Binder Wood Fired Boiler model RRK 130 — 250 (185 — 230 kW output) with cyclone (model type ZA) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	<ol style="list-style-type: none"><li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0.</li><li>2. No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preserved or coating.</li></ol>
The Binder Wood Fired Boiler model RRK 200 — 350 (250 — 300 kW output) with	<ol style="list-style-type: none"><li>1. The fireplaces shall be installed, maintained and operated in accordance with</li></ol>

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<i>Classes of Fireplace</i>	<i>Conditions</i>
cyclone (model type ZA) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	<p>the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0.</p> <p>2. No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preserved or coating.</p>
The Binder Wood Fired Boiler model RRK 400 — 600 (350 — 500 kW output) with cyclone (model type ZA) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	<p>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0.</p> <p>2. No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preserved or coating.</p>
The Binder Wood Fired Boiler model RRK 640 — 850 (650 — 840 kW output) with cyclone (model type ZA) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	<p>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0.</p> <p>2. No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preserved or coating.</p>
The Binder Wood Fired Boiler model RRK 1000 (1200 kW output) with multi-cyclone (model MZA) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	<p>1. The fireplace shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0.</p>

<i>Classes of Fireplace</i>	<i>Conditions</i>
The Dunsley Yorkshire Woodburning Stove and Boiler manufactured by Dunsley Heat Limited.	<ol style="list-style-type: none"><li>2. No fuel shall be used other than wood pellets or wood chips, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating.</li></ol> <ol style="list-style-type: none"><li>1. The fireplace shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4th December 2004 and bearing the reference D13W together with the manufacturer's instructions dated 4th October 2004 and bearing the reference GHD/DUN4B/1.</li></ol> <ol style="list-style-type: none"><li>2. No fuel shall be used other than untreated dry wood.</li></ol>
The Type USV wood pellet and wood chip fired boilers, model numbers USV-15, 25, 30, 40, 50, 60, 80 and 100, manufactured by KWB — Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH) of Industriestrasse 235, A-8321 St. Margarethen an der Raab, Austria.	<ol style="list-style-type: none"><li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated August 2003 and bearing the reference BA-USV 0803.</li></ol> <ol style="list-style-type: none"><li>2. No fuel shall be used other than wood pellets or wood chips as described in the manufacturer's instructions, but excluding any such pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating.</li></ol>
The Type USP wood pellet fired boilers, model numbers USP-10, 15, 20, 25 and 30, manufactured by KWB — Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH) of Industriesrasse 235, A-8321 St. Margarethen an der Raab, Austria.	<ol style="list-style-type: none"><li>1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 28th July 2003 and bearing the reference BA-USP 0703.</li></ol> <ol style="list-style-type: none"><li>2. No fuel shall be used other than wood pellets as described in the manufacturer's instructions, but excluding any such pellets (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating.</li></ol>

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## EXPLANATORY NOTE

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

Section 20 of the Clean Air Act 1993 (“the 1993 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 1993 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 1993 Act, subject to the conditions in the second column of that Schedule.