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WELSH STATUTORY INSTRUMENTS

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**2009 No. 3225 (W.279)**

**CLEAN AIR, WALES**

**The Smoke Control Areas (Authorised Fuels)  
(Wales) (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>4 December 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 December 2009</i>
<i>Coming into force</i>	- -	<i>31 December 2009</i>

The Welsh Ministers in exercise of the powers conferred upon the Secretary of State by section 20(6) and 63(1) of the Clean Air Act 1993<sup>(1)</sup> and now vested in the Welsh Ministers<sup>(2)</sup> make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Smoke Control Areas (Authorised Fuels) (Wales) (Amendment) Regulations 2009 and they come into force on 31 December 2009.

(2) These Regulations apply in relation to Wales.

**Amendments**

2.—(1) In the Schedule (Authorised Fuels) to the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008 <sup>(3)</sup>, after paragraph 8, insert—

“**8A.** Briteheat briquettes, manufactured by Coal Products Limited at Immingham Briquetting Works, North East Lincolnshire, which—

- (a) comprise anthracite (as to approximately 60 to 85% of the total weight), petroleum coke (up to approximately 30% of the total weight), bituminous coal (up to approximately 15% of the total weight), and a molasses and phosphoric acid binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 300°C;

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(1) 1993 (c. 11).

(2) 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) and thereafter transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I. 2008/3100 (W.274).

- (c) are cushion-shaped briquettes with an indented line running longitudinally around the briquette and have an average weight of 30 grams per briquette; and
  - (d) have a sulphur content not exceeding 2% of the total weight.”
- (2) After paragraph 41 of the Schedule, insert—
- “**41A.** Therma Briquettes, manufactured by Maxibrite Limited at Llantrisant, Rhondda Cynon Taff, which—
- (a) comprise anthracite fines (as to approximately 84% of the total weight) petroleum coke (as to approximately 12% of the total weight) and starch binder (as to the remaining weight);
  - (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at 250°C;
  - (c) are oval/tear shaped briquettes with a line through the centre and have an average weight of 26 grams per briquette; and
  - (d) have a sulphur content not exceeding 2% of the total weight.”
- (3) After paragraph 42 of the Schedule, insert—
- “**42A.** Tiger Tim Firelogs, manufactured by De Lange B V., Rustenburgerweg 3, 1646 WJ Ursem , the Netherlands, which—
- (a) comprise slackwax (as to approximately 50% of the total weight) and sawdust (as to approximately 50% of the total weight);
  - (b) were manufactured from those constituents by a process of heat treatment and extrusion;
  - (c) are firelogs approximately 280 millimetres in length and 75 millimetres x 75 millimetres x 75 millimetres with a single groove running along each of the four 280 millimetre length faces and have an average weight of 1.1 kilograms per firelog; and
  - (d) have a sulphur content not exceeding 0.2% of the total weight.”.

4 December 2009

*Jane Davidson*  
Minister for Environment, Sustainability and  
Housing, one of the Welsh Ministers

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## EXPLANATORY NOTE

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

These Regulations amend the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008 (S.I. 2008/3100 (W.274)) to add three new fuels (Briteheat Briquettes, Therma Briquettes and Tiger Tim Firelogs) to the list of fuels declared to be authorised fuels for the purposes of Part III of the Clean Air Act 1993.

Section 20 of the Clean Air Act 1993 (“the 1993 Act”) provides that where a chimney is either—

- (a) a chimney of a building; or
- (b) a chimney serving the furnace of a fixed boiler or industrial plant,

then 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 if the chimney is in a smoke control area and emits smoke. However, it is a defence to prove that the alleged emission was caused solely by the use of an authorised fuel.

In Wales, an authorised fuel means a fuel declared to be authorised by Regulations made by the Welsh Ministers.

A full impact assessment has been prepared for this instrument. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.