
WELSH STATUTORY INSTRUMENTS

2013 No. 562 (W.65)

CLEAN AIR, WALES

**The Smoke Control Areas (Authorised Fuels)
(Wales) (Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>11 March 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>13 March 2013</i>
<i>Coming into force</i>	- -	<i>3 April 2013</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by section 20(6) of the Clean Air Act 1993⁽¹⁾ and now vested in the Welsh Ministers⁽²⁾ so far as exercisable in relation to Wales:

Title, commencement and application

1.—(1) The title of these Regulations is the Smoke Control Areas (Authorised Fuels) (Wales) (Amendment) Regulations 2013 and they come into force on 3 April 2013.

(2) These Regulations apply in relation to Wales.

Amendments

2. In the Schedule (Authorised Fuels) to the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008⁽³⁾—

(a) after paragraph 11, insert—

“**11A.** Coalite Ovals briquettes, manufactured by Maxibrite Limited at Mwyndy Industrial Estate, Llantrisant, Rhondda Cynon Taf which—

- (a) comprise 10 to 15 per cent bituminous coal, 10 to 15 per cent petroleum coke, 70 to 80 per cent anthracite duff and starch binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 260°C;

(1) 1993 (c. 11).

(2) The relevant functions of the Secretary of State were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of 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) as amended by S.I. 2009/3225 (W. 279), S.I. 2011/2909 (W. 313).

- (c) are unmarked pillow-shaped briquettes approximately 84.2 millimetres in length and 61.5 millimetres x 37.8 millimetres;
 - (d) have an average weight of 118 grams per briquette; and
 - (e) have a sulphur content not exceeding 1.9 per cent sulphur on a dry basis.”
- (b) after paragraph 17, insert—
- “**17A.** Ecoal 50 briquettes, manufactured by Coal Products Limited at Immingham Briquetting Works, Immingham, North East Lincolnshire which—
- (a) comprise anthracite fines (as to approximately 30 to 55 per cent of the total weight), biomass (as to approximately 25 to 35 per cent of the total weight), petroleum coke (as to approximately 10 to 40 per cent of the total weight), bituminous coal (as to approximately 0 to 5 per cent of the total weight) and natural organic binder (as to the remaining weight);
 - (b) were manufactured from those constituents by a process involving roll pressing followed by heat treatment at a temperature of approximately 300°C in a controlled, reduced oxygen environment;
 - (c) are hexagonal-shaped briquettes with a single stripe on one side across the flats;
 - (d) have an average weight of 135 grams per briquette; and
 - (e) have a sulphur content not exceeding 2 per cent of the total weight.”
- (c) after paragraph 18A, insert—
- “**18B.** Excel+ briquettes, manufactured by Oxbow Coal B.V. at Newfield Works, Bishop Auckland, County Durham, which—
- (a) comprise petroleum coke (as to 65 to 70 per cent of the total weight) and anthracite (as to 25 per cent of the total weight) together with a cold setting resin binder, hardener and low temperature stabiliser as to the remaining weight;
 - (b) are produced at ambient temperature by a process involving roll pressing and cold curing;
 - (c) are unmarked square pillow-shaped briquettes;
 - (d) have an average weight per briquette of 100 grams; and
 - (e) have a sulphur content not exceeding 1.9 per cent of the total weight.”
- (d) after paragraph 23, insert—
- “**23A.** Hot Drops, manufactured by EU Zeme Limited at Riga, Eksporta Street 15, LV-1045, Latvia which—
- (a) comprise crushed anthracite (as to approximately 73 per cent of the total weight), bituminous coal (as to approximately 18 per cent of the total weight) and a molasses and orthophosphoric acid binder (as to the remaining weight);
 - (b) were manufactured from those constituents by a process involving roll pressing followed by heat treatment at a temperature of approximately 250 to 280°C;
 - (c) are almost round pillow-shaped briquettes that are 40 millimetres in diameter and approximately 21 millimetres thick at the centre of the briquette;
 - (d) have an average weight of 23 grams per briquette; and
 - (e) have a sulphur content not exceeding 0.5 per cent of the total weight.”
- (e) after paragraph 29, insert—

“29A. Newburn briquettes, manufactured by ECL Mineral Processing Limited of Newfield Works, Newfield, Bishop Auckland, County Durham, which—

- (a) comprise petroleum coke (as to approximately 56 to 57 per cent of the total weight), anthracite (as to approximately 37 to 38 per cent of the total weight), and a dry powder binder (as to the remaining weight);
- (b) were manufactured from those constituents by a cold cure process using a roller press;
- (c) are unmarked pillow-shaped briquettes 70 millimetres x 62 millimetres x 42 millimetres;
- (d) have an average weight of 110 grams per briquette; and
- (e) have a sulphur content not exceeding 2 per cent of the total weight.”

(f) after paragraph 30A, insert—

“30B. Newheat briquettes, manufactured by Oxbow Coal B.V. at Newfield Works, Bishop Auckland, County Durham, which—

- (a) comprise petroleum coke (as to approximately 60 to 65 per cent of the total weight) and anthracite (as to approximately 30 to 35 per cent of the total weight) together with a cold setting resin binder, hardener and low temperature stabiliser (as to the remaining weight);
- (b) are produced at ambient temperature by a process involving roll pressing and cold curing;
- (c) are unmarked pillow-shaped oval briquettes;
- (d) have an average weight of approximately 100 grams per briquette; and
- (e) have a sulphur content not exceeding 1.9 per cent of the total weight.”

(g) after paragraph 43, insert—

“43A. Zip 100% Natural Firelogs, manufactured by Standard Brands (Trading) Ireland Limited at Castlebellingham, County Louth, Ireland, which—

- (a) comprise naturally derived hydrogenated triglyceride waxes (as to approximately 53 to 57 per cent of the total weight), willow fibre (as to approximately 23 to 27 per cent of the total weight) and a natural molasses based binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process of heat treatment and extrusion;
- (c) are approximately 210 millimetres in length, 80 millimetres in width and 75 millimetres in height;
- (d) have an average weight of between 1.085 and 1.115 kilograms per firelog; and
- (e) have a sulphur content not exceeding 0.2 per cent of the total weight.

43B. Zip 100% Natural Firelogs, manufactured by Standard Brands (Trading) Ireland Limited at Castlebellingham, County Louth, Ireland, which—

- (a) comprise naturally derived hydrogenated triglyceride waxes (as to approximately 53 to 57 per cent of the total weight), willow fibre (as to approximately 23 to 27 per cent of the total weight) and a natural molasses based binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process of heat treatment and extrusion;

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- (c) are approximately 245 millimetres in length, 75 millimetres in width and 68 millimetres in height;
- (d) have an average weight of between 0.985 and 1.015 kilograms per firelog; and
- (e) have a sulphur content not exceeding 0.2 per cent of the total weight.”

11 March 2013

John Griffiths
Minister for Environment and Sustainable
Development, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008 (S.I. 2008/3100 (W. 274)) (“the 2008 Regulations”), which set out the fuels declared to be authorised fuels for the purposes of Part III (including section 20) of the Clean Air Act 1993 (“the 1993 Act”).

These Regulations amend the list of authorised fuels in the Schedule to the 2008 Regulations by adding eight new fuels, namely, Coalite Ovals briquettes, Ecoal 50 briquettes, Excel+ briquettes, Hot Drops, Newburn briquettes, Newheat briquettes, and two sizes of Zip 100% Natural Firelogs.

Section 20 of the 1993 Act provides that it is an offence to emit smoke from a chimney of a building or a chimney serving a furnace of a fixed boiler or an industrial plant, if that chimney is within a smoke control area. 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 an authorised fuel by regulations made by the Welsh Ministers.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.