



Regulatory Reform (Scotland) Act 2014

2014 asp 3

PART 3

ENVIRONMENTAL REGULATION

CHAPTER 4

MISCELLANEOUS

Smoke control areas: fuels and fireplaces

50 Smoke control areas: authorised fuels and exempt fireplaces

- (1) The Clean Air Act 1993 is amended as follows.
- (2) In section 20 (offence of emitting smoke in smoke control area where emission caused by use of fuel other than authorised fuel)—
 - (a) after subsection (5) insert—

“(5A) In this Part, “authorised fuel” means a fuel included in a list of authorised fuels kept by the Scottish Ministers for the purposes of this Part.

(5B) The Scottish Ministers must—

 - (a) publish the list of authorised fuels; and
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.

(5C) The list must be published in such manner as the Scottish Ministers consider appropriate.”
 - (b) in subsection (6), for “In” substitute “Except as provided in subsection (5A), in”.
- (3) In section 21 (power by order to exempt certain fireplaces)—

Status: This is the original version (as it was originally enacted).

- (a) the existing text becomes subsection (5); and for the word “The” at the beginning of that subsection substitute “Except where subsection (1) applies, the”.
 - (b) before that subsection insert—
 - “(1) For the purposes of this Part, the Scottish Ministers may exempt any class or description of fireplace from the provisions of section 20 (prohibition of smoke emissions in smoke control areas) if they are satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.
 - (2) An exemption under subsection (1) may be made subject to such conditions as the Scottish Ministers consider appropriate.
 - (3) The Scottish Ministers must—
 - (a) publish a list of those classes or descriptions of fireplace that are exempt under subsection (1), including details of any conditions to which an exemption is subject; and
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to the classes or descriptions of fireplace that are so exempt or to the conditions to which an exemption is subject.
 - (4) The list must be published in such manner as the Scottish Ministers consider appropriate.”.
- (4) In the title of section 21, the words “by order” are repealed.
- (5) In section 29 (interpretation of Part 3), in the definition of “authorised fuel”, for “20(6)” substitute “20”.