
STATUTORY INSTRUMENTS

1981 No. 158

Clean Air (Northern Ireland) Order 1981

Grit and dust from furnaces

Grit and dust from furnaces

7^{F1}.—(1) The Department may by regulations prescribe limits on the rates of emission of grit and dust from the chimneys of furnaces to which this Article applies.

(2) If on any day grit or dust is emitted from a chimney serving a furnace to which this Article applies at a rate exceeding the relevant limit prescribed under paragraph (1), the occupier of any building in which the furnace is situated shall be guilty of an offence.

(3) In proceedings for an offence under paragraph (2) it shall be a defence to prove that the best practicable means had been used for minimising the alleged emission.

(4) If, in the case of a building containing a furnace to which this Article applies and which is served by a chimney to which there is no limit applicable under paragraph (1), the occupier fails to use any practicable means there may be for minimising the emission of grit or dust from the chimney, he shall be guilty of an offence.

(5) This Article applies to any furnace in which solid, liquid or gaseous matter is burnt, not being a furnace designed solely or mainly for domestic purposes and used for heating a boiler with maximum heating capacity of less than^{F2} 16.12 kilowatts] per hour.

F1 prosp. rep. by [1997 NI 18](#)

F2 SR 1994/192

New furnaces to be fitted with plant to arrest grit and dust

8^{F3}.—(1) Subject to Article 9, this Article applies to a furnace of such kind as may be prescribed used to burn fuel or solid waste.

(2) Subject to the provisions of this Article, a furnace to which this Article applies in any building shall not be used to burn fuel or solid waste, unless the furnace is provided with plant for arresting grit and dust for which plans and specifications have been submitted to, and approved for the purposes of this Article by, the district council, and that plant is properly installed, maintained and used.

(3) If a furnace to which this Article applies is used in contravention of paragraph (2) the occupier of the building shall be guilty of an offence.

(4) Paragraph (2) shall not apply to a furnace which has been installed, the installation of which has been begun, or an agreement for the purchase or installation of which has been entered into before 1st July 1965.

(5) The provisions of Schedule 1 shall, subject to the provisions of this Article, apply in relation to an application for approval by the district council of any plans and specifications submitted to that council for the purposes of this Article.

(6) The district council shall not grant any application for approval under this Article if the furnace to which the application relates does not comply with such minimum standards as may be prescribed for the concentration or the rate (or both the concentration and the rate) of emissions of grit and dust from furnaces to which this Article applies.

Paras. (7), (8) rep. by 1985 NI 15

F3 prosp. rep. by [1997 NI 18](#)

New furnaces to be fitted with arrestment plant

9^{F4}.—(1) Subject to the provisions of Article 10, no furnace to which Article 8 applies shall be used in a building unless the furnace is provided with plant for arresting grit and dust for which plans and specifications have been submitted to, and approved for the purposes of this Article by, the district council, and that plant is properly installed, maintained and used and if on any day a furnace is used in contravention of this paragraph the occupier of the building shall be guilty of an offence.

(2) Paragraph (1) shall not apply to a furnace which has been installed, the installation of which has been begun, or an agreement for the purchase or installation of which has been entered into, before the date of the coming into operation of Article 62 of the Pollution Control and Local Government (Northern Ireland) Order 1978 .

(3) Article 8(2) shall not apply to a furnace to which paragraph (1) applies and [^{F5} Article 8(5) and (6)] shall apply in relation to an approval under paragraph (1) as they apply in relation to an approval under Article 8.

F4 prosp. rep. by [1997 NI 18](#)
F5 [1985 NI 15](#)

Exemptions from Article 9

10^{F6}.—(1) The Department may by regulations provide that furnaces of any prescribed class shall while used for a prescribed purpose be exempted from the operation of Article 9(1).

(2) If on the application of the occupier of a building a district council is satisfied that the emission of grit and dust from any chimney serving a furnace in the building will not be prejudicial to health or a nuisance if the furnace is used for a particular purpose without compliance with Article 9(1), it may exempt the furnace from the operation of that paragraph while used for that purpose.

Para. (3) rep. by 1985 NI 15

(4) If a district council to which an application is duly made for an exemption under paragraph (2) fails to determine the application and to give a written notice of its decision to the applicant within eight weeks of receiving the application or such longer period as may be agreed in writing between the applicant and the council, the furnace shall be treated as having been granted an exemption from the operation of Article 9(1) while used for the purpose specified in the application.

(5) If a district council decides not to grant an exemption under paragraph (2), it shall give the applicant a written notification of its decision stating its reasons, and the applicant may within twenty-eight days of receiving the notification appeal against the decision to the Department.

(6) On an appeal under this Article the Department may confirm the decision appealed against, or may grant the exemption applied for or may vary the purpose for which the furnace to which the application relates may be used without compliance with Article 9(1), and shall give the appellant a written notification of any decision of the Department on an appeal under this Article, stating the reasons for the decision.

(7) If on any day a furnace which is exempt from the operation of Article 9(1) is used for a purpose other than a prescribed purpose or, as the case may be, a purpose for which the furnace may be used by virtue of paragraph (2), (4) or (6), the occupier of the building shall be guilty of an offence.

F6 prosp. rep. by [1997 NI 18](#)

Measurement of grit and dust from furnaces

11^{F7}.—(1) If a furnace to which Article 8 applies is used in any building the district council may, by notice in writing served on the occupier of the building, direct that the provisions of paragraph (2) shall apply to the furnace and those provisions shall apply accordingly.

(2) Where this paragraph is applied to a furnace, the occupier of the building shall comply with such requirements as may be prescribed as to—

- (a) making and recording measurements from time to time of the grit, dust and fumes emitted from the furnace;
- (b) making adaptations for that purpose to the chimney serving the furnace;
- (c) providing and maintaining apparatus for making and recording the measurements; and
- (d) informing the district council of the results obtained from the measurements or otherwise making those results available to it.

(3) The district council may, by subsequent notice in writing served on the occupier of the building, revoke any direction given under paragraph (1), without prejudice, however, to their power to give another direction under that paragraph.

(4) An occupier of a building who fails to comply with any requirements under paragraph (2) shall be guilty of an offence.

(5) In the case of a furnace to which Article 8 applies the occupier of the building in which the furnace is situate may, by notice in writing given to the district council, request the council to make and record measurements of the grit, dust and fumes emitted from the furnace.

(6) A notice given under paragraph (5) by the occupier of a building may be withdrawn by a subsequent notice in writing given to the district council by him or any subsequent occupier of that building.

(7) While a notice is in force under paragraph (5) the district council shall from time to time make and record measurements of the grit, dust and fumes emitted from the furnace to which the notice relates and the occupier shall not be under a duty to comply with any requirements under paragraph (2) in relation to the furnace, except those imposed by virtue of sub-paragraph (b) of that paragraph.

(8) A direction under paragraph (1) applying paragraph (2) to a furnace shall contain a statement of the effect of paragraphs (5) to (7).

(9) The occupier of a building who by virtue of paragraph (2) is under a duty to make and record measurements of grit, dust and fumes emitted from a furnace in the building shall permit the district council to be present during the making and recording of those measurements.

F7 prosp. rep. by [1997 NI 18](#)

Information about furnaces and fuel consumed

12^{F8}.—(1) For the purpose of enabling the district council properly to perform its functions under and in connection with Articles 8 to 11, the district council may, by notice in writing served on the

occupier of any building, require him to furnish to the council, within fourteen days or such longer time as may be specified in the notice, such information as to—

- (a) the furnaces in the building; and
- (b) the fuel or waste burned in those furnaces;

as the council may reasonably require for that purpose.

(2) Any person who, having been duly served with a notice under paragraph (1),—

- (a) fails to comply with the requirements of the notice within the time specified; or
- (b) furnishes any information in reply to the notice which he knows to be false in a material particular;

shall be guilty of an offence.

F8 prosp. rep. by [1997 NI 18](#)

Grit and dust from outdoor furnaces, etc.

13^{F9}.—(1) Subject to the provisions of this Article, Articles 7 to 12 shall apply in relation to the furnace of any boiler or industrial plant (being a boiler or plant attached to a building or for the time being fixed to or installed on any land) as they apply in relation to a furnace in a building.

(2) In relation to a furnace which is not in a building, the references in Articles 7 to 12 to the occupier of the building shall be construed as references to the person having possession of the boiler or plant.

(3) In relation to a furnace which is already contained in any boiler or industrial plant of the kind mentioned in paragraph (1)—

- (a) the references in Articles 8 and 9(3) to the installation of a furnace shall be construed as references to attaching the boiler or plant to the building or fixing it to or installing it on any land; and
- (b) the reference to the purchase of a furnace shall be construed as a reference to purchasing the boiler or plant.

F9 prosp. rep. by [1997 NI 18](#)

Changes to legislation:

There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, Grit and dust from furnaces.