
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Scotland only, makes provision for exemption from the prohibition, under section 20 of the Clean Air Act 1993, on the emission of smoke in smoke control areas.

The Order exempts those fireplaces described in Schedule 1 where they comply with the conditions specified in that Schedule.

The Order consolidates each of the Orders listed in Schedule 2 and revokes those Orders. It also provides for additional fireplaces to be exempt. The additional entries in Schedule 1 are entries 6, 52, 53, 62, 78, 93, 106, 118, 123, 124, 131, 132, 142, 146, 155, 163 and 167. Those at 6, 52, 62, 93, 123, 124, 142 and 146 have previously been exempted in England and Wales but not in Scotland.

An exemption from the requirements of section 20 of the Clean Air Act 1993 does not confer exemption under any other statutory regime which may be applicable, and the burning of waste may be subject to other controls such as licensing under the Waste Management Licensing Regulations 1994 (S.I.1994/1056) or permitting under the Pollution Prevention and Control (Scotland) Regulations (S.S.I. 2000/323).

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the costs of business.