
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020

PART 4

Supply of manufactured solid fuels

Interpretation: Part 4

9.—(1) In this Part—

“approved manufactured solid fuel certification body” means a person authorised by the Secretary of State under regulation 11(1);

“authorised fuel” means a manufactured solid fuel in relation to which a certificate has been issued in accordance with regulation 11(5);

“exempt fuel” means any of the following—

- (a) coffee logs;
- (b) olive logs;
- (c) wine logs; or
- (d) fuels where the majority of the fuel comprises—
 - (i) wheat husks;
 - (ii) straw;
 - (iii) miscanthus;
 - (iv) bamboo; or
 - (v) compressed food waste;

“manufactured solid fuel” means a fuel manufactured from coal, wood, plant-derived materials, waxes or petroleum products with other ingredients, for the purposes of combustion in domestic premises in England, but does not include an exempt fuel;

“relevant information” means—

- (a) the name of the person who obtained the certificate from the approved manufactured solid fuel certification body in respect of the manufactured solid fuel in question;
- (b) the number of the certificate provided by the approved manufactured solid fuel certification body under regulation 11.

Prohibition on the supply of certain manufactured solid fuels

10.—(1) A person must not supply a manufactured solid fuel that is not an authorised fuel.

(2) A person must not supply a manufactured solid fuel that is not listed on the list maintained by the Secretary of State under regulation 12.

(3) A person must not supply a manufactured solid fuel that is not accompanied, whether on its packaging or otherwise, with—

- (a) the relevant information; and
- (b) the logo shown in Schedule 1.

(4) A person who contravenes any of the prohibitions in paragraphs (1) to (3) commits an offence and is liable on summary conviction to a fine.

Appointment and functions of an approved manufactured solid fuel certification body

11.—(1) The Secretary of State must appoint at least one person to be an approved manufactured solid fuel certification body for the purposes of this Part.

(2) A manufacturer of a manufactured solid fuel who intends to supply such a fuel in England must apply to an approved manufactured solid fuel certification body for a certificate under this regulation.

(3) The application must be accompanied by results from a person (“the analyst”) who has purported to determine whether the fuel in question does not have the prohibited characteristics.

(4) On an application under this regulation the approved manufactured solid fuel certification body must determine whether the analyst met the standards in paragraph (7) when conducting the determination under paragraph (3).

(5) If the approved manufactured solid fuel certification body considers that the analyst met the standards in paragraph (7), the body must issue a certificate recording this to the manufacturer.

(6) A manufacturer issued with a certificate under paragraph (5) may use the logo shown in Schedule 1 when supplying a manufactured solid fuel.

(7) The standards⁽¹⁾ are—

- (a) in respect of sulphur content, either—
 - (i) BS1016 – 106.5: 1996; or
 - (ii) ISO 157:1996; and
- (b) in respect of smoke emissions, BS3841.

(8) Where immediately before 1st May 2021 a fuel is listed on the list maintained by the Secretary of State for the purposes of Part 3 of the Clean Air Act 1993⁽²⁾, that fuel is to be treated as if it were an authorised fuel for the purposes of this Part, only for so long as it remains on that list, and a manufacturer supplying such a fuel is entitled to use the logo shown in Schedule 1 when supplying it for as long as it remains on that list.

(9) In this regulation, “prohibited characteristics” in respect of a manufactured solid fuel means—

- (a) a sulphur content of 2% or more calculated on an ash-free dry basis; and
- (b) the emission of smoke at a rate of five grams or more an hour.

List of manufactured solid fuels specified by the Secretary of State

12.—(1) The Secretary of State must publish and maintain a list of authorised fuels for the purposes of this Part.

(2) The list must be published in such manner as the Secretary of State considers appropriate.

(1) The standards are available for purchase from <https://www.iso.org/home.html>, or <https://shop.bsigroup.com> (as the case may be) and are available for inspection at the offices of the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London SW1P 4DF

(2) 1993 c 11; section 20(5ZA) to (5ZC) was inserted by section 15(2) of the Deregulation Act 2015 (c. 20).

