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STATUTORY INSTRUMENTS

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**1970 No. 615**

**CLEAN AIR**

**The Smoke Control Areas (Exempted Fireplaces) Order 1970**

<i>Made</i>	- - - -	<i>21st April 1970</i>
<i>Laid before Parliament</i>		<i>29th April 1970</i>
<i>Coming into Operation</i>		<i>1st May 1970</i>

The Minister of Housing and Local Government, in exercise of his powers under section 11(4) and (8) of the Clean Air Act 1956, and of all other powers enabling him in that behalf, hereby orders as follows:—

**Title and commencement**

1. This order may be cited as the Smoke Control Areas (Exempted Fire-places) Order 1970 and shall come into operation on 1st May 1970.

**Interpretation**

2.—(1) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

“fireplace” includes any furnace, grate or stove, whether open or closed; and

“the standard conditions” means the conditions specified in article 4 of this order.

**Classes of fireplace exempt from section 11 of Clean Air Act 1956**

3. In England and Wales, any class of fireplace numbered and described in column (1) of Schedule 1 hereto shall, upon the standard conditions and such further conditions (if any) as are specified in column (2) against that class, be exempted from the provisions of section 11 of the Clean Air Act 1956 (which enables local authorities to establish smoke control areas in which emission of smoke is an offence, but provides for the exemption of certain fireplaces).

**Standard conditions of exemption**

4. The standard conditions shall be that the fireplace is installed, maintained and operated—

(a) so as to minimise the emission of smoke; and

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- (b) in accordance with the manufacturer's instructions as to operation (if any) or, in the case of the class of fireplace numbered 6 in Schedule 1 hereto, in accordance with such instructions of the National Coal Board.

### **Revocations**

- 5. The orders set out in Schedule 2 hereto are hereby revoked.

Given under the official seal of the Minister of Housing and Local Government on 21st April 1970.

L.S.

*Anthony Greenwood*  
Minister of Housing and Local Government

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## SCHEDULE 1

<i>(1)</i> <i>Class of fireplace</i>	<i>(2)</i> <i>Conditions</i>
1. Any fireplace specially designed or adapted for combustion of liquid fuel.	
2. Any fireplace (other than a fireplace fired by pulverised fuel) constructed on or after 31st December 1956 and installed before 1st May 1970 and equipped with mechanical stokers, or adapted between those dates for use with such stokers.	No fuel shall be used other than that for which the mechanical stoker was designed.
3. Any fireplace designed to burn coal (other than a fireplace fired by pulverised coal) with a heating capacity exceeding 150,000 British thermal units per hour constructed and installed on or after 31st December 1956 and equipped with mechanical stokers or adapted on or after that date for use with such stokers.	
4. The fireplace known as the Solid Fuel Ductair Unit, manufactured by Radiation Limited.	
5. The fireplace known as the Fulgora Slow Combustion Stove, manufactured by Fulgora Stoves Limited.	No fuel shall be used other than wood waste in clean condition.
6. The fireplace known as the Housewarmer, manufactured for the National Coal Board by Ideal Standard Limited.	No fuel shall be used other than washed coal singles.
7. The fireplace known as the Wood Chip Fired Air Heater, manufactured by Air Plants Limited.	No fuel shall be used other than clean wood waste of a size within the limits referred to in the manufacturer's instructions.
8. The fireplace known as the Hounsell Sawdust Burning Stove, manufactured by John Hounsell (Engineers) Limited.	No fuel shall be used other than wood waste in clean condition.

## SCHEDULE 2

### ORDERS REVOKED

The Smoke Control Areas (Exempted Fireplaces) Order 1957<sup>(1)</sup>

The Smoke Control Areas (Exempted Fireplaces) Order 1959<sup>(2)</sup>

The Smoke Control Areas (Exempted Fireplaces) Order 1957<sup>(3)</sup>

The Smoke Control Areas (Exempted Fireplaces) Order 1957<sup>(4)</sup>

<sup>(1)</sup> (1957 I, p. 419).

<sup>(2)</sup> (1959 I, p. 691).

<sup>(3)</sup> (1966 I, p. 422).

<sup>(4)</sup> (1969 I, p. 425).

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### EXPLANATORY NOTE

Section 11 of the Clean Air Act 1956 empowers local authorities to declare the whole or any part of their district to be a smoke control area in which the emission of smoke is, generally, prohibited. This Order consolidates with amendments the Orders which exempt classes of fireplace from the provisions of that section, upon conditions as to proper operation. The amendments—

- (i) exclude from exemption certain fireplaces equipped with mechanical stokers, being fireplaces installed or adapted on or after the date of operation of this Order, but retain the exemption for such fireplaces installed or adapted before that date; and
- (ii) introduce a new exemption relating to fireplaces designed to burn coal and with a heating capacity above 150,000 British thermal units per hour.