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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 20 of the Clean Air Act 1993 provides that where smoke is emitted from a chimney in a smoke control area and that chimney is either—

- (a) a chimney of a building; or
- (b) a chimney serving the furnace of a fixed boiler or industrial plant (not being a chimney of a building),

the occupier of the building, or as the case may be, the person having possession of the boiler or plant, is guilty of an offence. It is a defence to show that the alleged emission was caused solely by the use of an authorised fuel.

These Regulations, which apply to England only, amend the Smoke Control (Authorised Fuels) (England) Regulations 2001 (S.I.2001/3745) so that Dragonglow briquettes and Dragonbrite briquettes meeting the conditions set out in regulation 2 (3) are declared to be authorised fuels.

The Regulations also amend the 2001 Regulations to take account of the following changes—

- (a) the manufacturer has added an alternative binder to Ancit briquettes (which results in an increase in the ratio of anthracite in the fuel), Homefire briquettes, Supertherm briquettes and Supertherm II briquettes; and
- (b) the place of manufacture of Homefire briquettes, Supertherm briquettes, Supertherm II briquettes and Thermac briquettes is now different.