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STATUTORY INSTRUMENTS

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**2020 No. 1095**

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

**PART 2**

Supply of wood in units less than two cubic metres

**Interpretation: Part 2**

**3.** In this Part—

“approved wood certification body” means a person appointed by the Secretary of State under regulation 5;

“prohibited level”, in respect of a relevant unit of wood, means a moisture content of more than 20%;

“relevant unit of wood” means wood that is supplied—

- (a) for the purposes of combustion in domestic premises in England;
- (b) in a unit, whether comprising one piece of wood or more, the volume of which is less than two cubic metres.

**Prohibition on the supply of a relevant unit of wood**

**4.—(1)** A person must not supply a relevant unit of wood if the wood is not authorised wood.

(2) A person must not supply a relevant unit of wood if, after the issue of a certificate under regulation 5(5) in relation to the wood, there is reason to believe that the moisture content of the wood amounts to the prohibited level.

(3) A person must not supply a relevant unit of wood 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.

(5) In this regulation—

“authorised wood” means wood in respect of which a certificate has been issued by an approved wood certification body in accordance with regulation 5(5);

“relevant information” means—

- (a) the name of the person who obtained the certificate from the approved wood certification body in respect of the relevant unit of wood in question; and
- (b) the number of the certificate issued by the approved wood certification body under regulation 5(5).

### **Appointment and functions of an approved wood certification body**

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

(2) A person who intends to supply a relevant unit of wood must, where that person is the first person in the chain of supply in respect of such wood, apply to an approved wood certification body for a certificate under this regulation.

(3) The application must be accompanied by a sample of the wood.

(4) On an application under this regulation the approved wood certification body must test the sample in accordance with the standard in paragraph (8).

(5) If the result of the test under paragraph (4) determines that the wood has a moisture content of less than the prohibited level, the approved wood certification body must issue a certificate recording this to the applicant.

(6) A person to whom a certificate is issued under paragraph (5)—

(a) may use the logo shown in Schedule 1 when supplying a relevant unit of wood to which the sample relates;

(b) must use best endeavours to ensure that, when supplying a relevant unit of wood to which the sample submitted under paragraph (3) relates, the wood to be supplied has the same characteristics as the sample.

(7) A person who fails to comply with paragraph (6)(b) commits an offence and is liable on summary conviction to a fine.

(8) The standard<sup>(1)</sup> is either—

(a) ISO 18134-1; or

(b) ISO 18134-2,

as referred to in the firewood fuel specification BS EN ISO 17225-5.

### **Exemption for small foresters**

6.—(1) In its application to a supplier who is a small forester, regulation 4 has effect only after the end of 12 months beginning with 1st May 2021.

(2) A person is a small forester for the purposes of this regulation if, during the period of one year ending with 30th April 2021 the person supplied less than 600 cubic metres of wood.

(3) In this regulation, “supplied” is to be construed in accordance with regulation 2(2).

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(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 the offices of the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London SW1P 4DF.