

---

## EXPLANATORY NOTE

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

These Regulations amend the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008 (S.I. 2008/3100 (W.274)) (“the 2008 Regulations”), which set out the fuels declared to be authorised fuels for the purposes of Part III (including section 20) of the Clean Air Act 1993 (“the 1993 Act”).

These Regulations amend the list of authorised fuels in the Schedule to the 2008 Regulations by—

- (a) adding five new fuels (Big K Restaurant Grade Charcoal, Briteheat Plus briquettes, EDF Fuel briquettes, Homefire Fire Logs and Newflame Plus briquettes); and
- (b) amending the specification of one other fuel (Stoveheat Premium briquettes),

Regulation 3 ensures that any fuel (namely Stoveheat Premium briquettes) that was manufactured before the coming into force of these Regulations, and which was an authorised fuel when it was manufactured, will continue to be an authorised fuel.

Section 20 of the 1993 Act provides that it is an offence to emit smoke from a chimney of a building or a chimney serving a furnace of a fixed boiler or industrial plant, if that chimney is within a smoke control area. However, it is a defence to prove that the alleged emission was caused solely by the use of an authorised fuel.

In Wales, an authorised fuel means a fuel declared to be an authorised fuel by regulations made by the Welsh Ministers.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.