



Deregulation Act 2015

2015 CHAPTER 20

Measures affecting business: particular areas

15 Suppliers of fuel and fireplaces

- (1) Part 3 of the Clean Air Act 1993 (smoke control areas) is amended as follows.
- (2) In section 20 (offence of emitting smoke in smoke control area where emission caused by use of fuel other than authorised fuel), after subsection (5) insert—
 - “(5ZA) In the application of this Part to England, “authorised fuel” means a fuel included in a list of authorised fuels kept by the Secretary of State for the purposes of this Part.
 - (5ZB) The Secretary of State must—
 - (a) publish the list of authorised fuels, and
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.
 - (5ZC) The list must be published in such manner as the Secretary of State considers appropriate.”
- (3) In that section, in subsection (6) as it applies in relation to England and Wales (definition of “authorised fuel”), for “In” substitute “Except as provided by subsection (5ZA), in”.
- (4) In section 21 (power by order to exempt certain fireplaces), at the beginning insert—
 - “(A1) For the purposes of the application of this Part to England, the Secretary of State may exempt any class of fireplace from the provisions of section 20 (prohibition of smoke emissions in smoke control area) if he is satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.
 - (A2) An exemption under subsection (A1) may be made subject to such conditions as the Secretary of State considers appropriate.

Status: This is the original version (as it was originally enacted).

- (A3) The Secretary of State must—
- (a) publish a list of those classes of fireplace that are exempt under subsection (A1) including details of any conditions to which an exemption is subject;
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to the classes of fireplace that are so exempt or to the conditions to which an exemption is subject.
- (A4) The list must be published in such manner as the Secretary of State considers appropriate.”
- (5) In that section as it applies in relation to England and Wales, the existing text becomes subsection (5) and in that subsection, for “The” substitute “Except where subsection (A1) applies, the”.
- (6) In the sidenote to that section, omit “by order”.
- (7) In section 29 (interpretation of Part 3), in the definition of “authorised fuel”, for “20(6)” substitute “20”.