
STATUTORY INSTRUMENTS

1997 No. 3009

CLEAN AIR

The Smoke Control Areas (Exempted Fireplaces) Order 1997

Made - - - - *17th December 1997*
Laid before Parliament *19th December 1997*
Coming into force - - *9th January 1998*

The Secretary of State for the Environment, as respects England and Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred on them by section 21 of the Clean Air Act 1993⁽¹⁾ and of all other powers enabling them in that behalf, being satisfied that the classes of fireplace exempted by this Order can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) Order 1997 and shall come into force on 9th January 1998.

Classes of fireplace exempted from section 20 of the Clean Air Act 1993

2. The classes of fireplace described in Schedule 1 shall, upon the conditions there specified, be exempted from the provisions of section 20 of the Clean Air Act 1993 (which prohibits smoke emissions in smoke control areas).

Amendment of earlier Orders

3. The Orders mentioned in Schedule 2 shall be amended in accordance with that Schedule.

(1) 1993 c. 11.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for the Environment

15th December 1997

Michael Meacher
Minister of State,
Department of the Environment, Transport and
the Regions

17th December 1997

Sewel
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Article 2

<i>Class of fireplace</i>	<i>Conditions</i>
The Talbott's Energy Saving Wood Waste Burning Automatic Hot Water Heaters, models T1.5/AB, T3/AB, T5/AB and TM/AB, manufactured by Talbott's Heating Limited.	<ol style="list-style-type: none">1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated October 1993 and bearing the reference "Issue: A1001".2. No fuel shall be used other than hardwood or softwood shavings or sawdust.
The Talbott's Combustion Units, models CM1, CM2, CM3 and CM4, manufactured by Talbott's Heating Limited.	<ol style="list-style-type: none">1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated August 1997 and bearing the reference "Issue: CM897".2. No fuel shall be used other than woodwaste, pallets, medium density fibreboard, melamine faced chipboard, cardboard, paper or untreated and airdried wood offcuts.

SCHEDULE 2

Article 3

PART I

ENGLAND AND WALES

1. In Column (2) of the Schedule to the Smoke Control Areas (Exempted Fireplaces) (No. 3) Order 1983(2), at the end of condition 2 there shall be added:

“or Union Coal Briquetts, manufactured by Rheinbraun AG of Germany and comprising lignite compressed into briquettes of approximately 15 centimetres in length with square ends and with a sulphur content not exceeding 1 per cent.”

2.—(1) The Smoke Control Areas (Exempted Fireplaces) Order 1984(3) shall be amended as follows.

(2) After article 2(2) there shall be added the following paragraph:

“(3) For the purpose of the conditions set out in paragraph (2), Union Coal Briquetts, manufactured by Rheinbraun AG of Germany and comprising lignite compressed into briquettes of approximately 15 centimetres in length with square ends and with a sulphur content not exceeding 1 per cent, shall be treated as a fuel which may be used in accordance with the relevant manufacturer's instructions for the Parkray Coalmaster II fireplace, the SE60 Coalburner Stove fireplace and the Worcester Centair 40 Solid Fuel Warm Air Heater fireplace.”

(3) In the second column in the Schedule to that Order, for “operating instructions and installation and maintenance instructions: reference” “BC40.1.1. July 1982” (manufacturer's instructions for the Worcester Centair 40 Solid Fuel Warm Air Heater fireplace) there shall be substituted:

“(a) installation instructions: reference “BC40.1.2 July 1983”;

(2) S.I.1983/1018.

(3) S.I. 1984/1649, amended by S.I. 1985/864.

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(b) operating and maintenance instructions: reference “BC40.OM2 July 1983”.”

PART II

SCOTLAND

3. In Column (2) of Schedule 1 to the Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1983(4), at the end of condition 2 there shall be added:

“or Union Coal Briketts, manufactured by Rheinbraun of Germany and comprising lignite compressed into briquettes of approximately 15 centimetres in length with square ends and with a sulphur content not exceeding 1 per cent.”

4. In Column (2) of the Schedule to the Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1984(5), at the end of condition 2 of the conditions specified against the second class of fireplace listed in Column (1) (the Parkray Coalmaster II fireplace) there shall be added:

“or Union Coal Briketts, manufactured by Rheinbraun AG of Germany and comprising lignite compressed into briquettes of approximately 15 centimetres in length with square ends and with a sulphur content not exceeding 1 per cent.”

5.—(1) Schedule 1 to the Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1985(6) shall be amended as follows.

(2) At the end of condition 1 specified in Column (2) of Schedule 1 against the first class of fireplace described in Column (1) (the SE Coalburner Stove fireplace), there shall be added:

“, and, for the purpose of this condition, Union Coal Briketts, manufactured by Rheinbraun AG of Germany and comprising lignite compressed into briquettes of approximately 15 centimetres in length with square ends and with a sulphur content not exceeding 1 per cent, shall be treated as a fuel which may be used in accordance with those manufacturer’s instructions.”

(3) The following entry shall be added to Schedule 1:

<i>(1)</i> <i>Class of fireplace</i>	<i>(2)</i> <i>Conditions</i>
The Worcester Centair 40 Solid Fuel Warm Air Heater manufactured by Worcester Engineering Co. Limited	<p>1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times and in accordance with the manufacturer’s instructions which—</p> <ul style="list-style-type: none"> (a) in the case of installation instructions bear the reference “BC40.1.2 July 1983”; and (b) in the case of operating and maintenance instructions, bear the reference “BC40.OM2 July 1983”, <p>and, for the purpose of this condition, Union Coal Briketts, manufactured by Rheinbraun AG of Germany and comprising lignite compressed into briquettes of approximately 15 centimetres in length with square ends and with a sulphur content not exceeding 1 per</p>

(4) S.I. 1983/1573.

(5) S.I. 1984/1805, amended by S.I. 1985/315.

(6) S.I. 1985/315.

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<i>(1)</i> <i>Class of fireplace</i>	<i>(2)</i> <i>Conditions</i>
	cent, shall be treated as a fuel which may be used in accordance with those manufacturer's instructions.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 20 of the Clean Air Act 1993 generally prohibits the emission of smoke in smoke control areas. The Secretary of State may by order made under section 21 of the Act exempt specified classes of fireplace from the provisions of section 20 if he is satisfied that they can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

Article 2 of this Order exempts the classes of fireplace listed in the first column of Schedule 1 from the provisions of section 20, subject to the conditions listed in the second column of that Schedule. Article 3 of the Order amends the earlier Exempted Fireplaces Orders referred to in Schedule 2 so as to allow solid fuel briquettes manufactured by Rheinbraun AG of Germany to be used in certain exempted fireplaces.