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STATUTORY INSTRUMENTS

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**2002 No. 3046**

**CLEAN AIR, ENGLAND**

**The Smoke Control Areas (Authorised Fuels)  
(England) (Amendment) Regulations 2002**

<i>Made</i>	- - - -	<i>11th December 2002</i>
<i>Laid before Parliament</i>		<i>11th December 2002</i>
<i>Coming into force</i>	- -	<i>6th January 2003</i>

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by sections 20(6) and 63(1) of the Clean Air Act 1993<sup>(1)</sup>, hereby makes the following Regulations:

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Smoke Control Areas (Authorised Fuels) (England) (Amendment) Regulations 2002 and shall come into force on 6th January 2003.

(2) These Regulations apply to England only<sup>(2)</sup>.

**Authorised Fuels for the purposes of the Clean Air Act 1993**

**2.**—(1) Schedule 1 to the Smoke Control Areas (Authorised Fuels) (England) Regulations 2001<sup>(3)</sup> is amended as follows.

(2) In paragraph 3(a)—

- (a) the figure “85” is replaced by the figure “95”; and
- (b) after the words “phosphoric acid binder” there are inserted the words “or an organic binder”.

(3) After paragraph 11, two new paragraphs (11A and 11B) are inserted as follows—

“**11A.** Dragonglow briquettes, manufactured by Tower Colliery Limited at Aberdare, Mid Glamorgan, South Wales, which—

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(1) 1993 c. 11.

(2) The relevant powers of the Secretary of State have been devolved in relation to Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (*see* entry in Schedule 1 for the Clean Air Act 1993) and in relation to Scotland by section 53 of the Scotland Act 1998 (c. 46).

(3) S.I. 2001/3745.

- (a) comprise tower duff (as to approximately 95 per cent of the total weight) and a resin based binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving cold cure roll pressing;
- (c) are unmarked pillow-shape briquettes;
- (d) have an average weight of 100 grammes per briquette; and
- (e) have a sulphur content not exceeding 1 per cent of the total weight.

**11B.** Dragonbrite briquettes, manufactured by Tower Colliery Limited at Aberdare, Mid Glamorgan, South Wales, which—

- (a) comprise tower duff (as to approximately 95 per cent of the total weight) and a resin based binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving cold cure roll pressing;
- (c) are pillow-shape briquettes marked with the letter “T” on one side;
- (d) have an average weight of 50 grammes per briquette; and
- (e) have a sulphur content not exceeding 1 per cent of the total weight.”.

(4) In paragraphs 15, 28, 29 and 31, the words “Shildon, County Durham” are replaced in each place by the words “Immingham Briquetting Works, Immingham, North East Lincolnshire”.

(5) In paragraphs 15(a), 28(a) and 29(a) after the word “binder”, there are inserted in each place the words “or a molasses and phosphoric acid binder”.

### **Savings**

**3.** Notwithstanding the amendments made by regulation 2(4) above, Homefire briquettes, Supertherm briquettes, Supertherm II briquettes and Thermac briquettes, manufactured by Coal Products Limited at Shildon, County Durham before the coming into force of these Regulations, shall continue to be authorised fuels.

Signed by authority of the Secretary of State for Environment, Food and Rural Affairs.

*Alun Michael*  
Minister of State,  
Department for Environment, Food and Rural  
Affairs

11th December 2002

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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.