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WELSH STATUTORY INSTRUMENTS

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**2001 No. 3762 (W.311)**

**CLEAN AIR, WALES**

**The Smoke Control Areas (Authorised Fuels)(Wales) Regulations 2001**

*Made* - - - - - *20 November 2001*

*Coming into force* - - - - - *17 December 2001*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary for State by section 20(6) and 63(1) of the Clean Air Act 1993<sup>(1)</sup> and now vested in it<sup>(2)</sup>, hereby makes the following Regulations:

**Citation, commencement, and application**

1.—(1) These Regulations may be cited as the Smoke Control Areas (Authorised Fuels)(Wales) Regulations 2001.

(2) These Regulations shall come into force on 17 December 2001.

(3) These Regulations apply to Wales.

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

2. Anthracite, semi-anthracite, electricity, gas, low volatile steam coals and the fuels described in Schedule 1 are declared to be authorised fuels for the purposes of the Clean Air Act 1993.

**Revocations and savings**

3.—(1) The Regulations listed in Schedule 2 are revoked.

(2) Any fuel manufactured before 17th December 2001 which immediately before that date was an authorised fuel shall continue to be an authorised fuel notwithstanding the revocation of the Regulations listed in Schedule 2.

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(1) 1993 c. 11

(2) The powers of the Secretary of State in so far as exercisable in relation to Wales have been transferred to the National Assembly of Wales: see Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

20 November 2001

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

## SCHEDULE 1

Regulation 2

### AUTHORISED FUELS

**1** Aimcor Excel briquettes, manufactured by Applied Industrial Materials UK Limited at Newfield, County Durham, which—

- (a) comprise petroleum coke (as to 60 to 75 per cent of the total weight), low volatile coal and reactive coke (as to 20 to 25 per cent of the total weight) and cold-setting resin binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing;
- (c) are unmarked pillow-shaped briquettes and have an average weight of 73 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**2** Aimcor Pureheat briquettes, manufactured by Applied Industrial Materials UK Limited at Immingham, North East Lincolnshire, which—

- (a) comprise anthracite (as to approximately 60 per cent of the total weight), petroleum coke (as to approximately 25 per cent of the total weight) and binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 250°C;
- (c) are pillow-shaped briquettes with a single line indentation on one side and a double line indentation on the reverse side and have an average weight of 75 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**3** Ancit briquettes, manufactured by Coal Products Limited at Immingham Briquetting Works, Immingham, North East Lincolnshire, which—

- (a) comprise anthracite (as to approximately 60 to 85 per cent of the total weight), petroleum coke (up to approximately 30 per cent of the total weight), bituminous coal (up to approximately 15 per cent of the total weight) and a molasses and phosphoric acid binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 300°C;
- (c) are unmarked cushion-shaped briquettes with an average weight of 48 grammes; and
- (d) have a sulphur content not exceeding 1.5 per cent of the total weight.

**4** Black Diamond Gem briquettes, manufactured by Coal Products Limited at Immingham Briquetting Works, Immingham, North East Lincolnshire, which—

- (a) comprise anthracite duff (as to 20 to 30 per cent of the total weight), petroleum coke (as to 40 to 45 per cent of the total weight), bituminous coal (as to 12 to 22 per cent of the total weight) and molasses and phosphoric acid binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 300°C;
- (c) are pillow-shaped briquettes marked with two parallel indented lines running latitudinally around the briquette and have an average weight of 160 grammes; and
- (d) have a sulphur content not exceeding 1.5 per cent of the total weight.

**5** Bord na Móna Firelogs, manufactured by Bord na Móna Fuels Limited, Newbridge, County Kildare, Republic of Ireland, which—

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- (a) comprise slack wax (as to approximately 55 per cent of the total weight), hardwood sawdust (as to approximately 45 per cent of the total weight) and moisture (as to the remaining weight);
  - (b) were manufactured from those constituents by a process of heat treatment and extrusion;
  - (c) are Firelogs, approximately 255 millimetres in length and 75 millimetres in diameter, and with grooves along one longitudinal face, and have an average weight of 1.3 kilogrammes (net); and
  - (d) have a sulphur content not exceeding 0.1 per cent of the total weight.
- 6** Bryant and May Firelogs manufactured by Swedish Match at Kostenetz, Bulgaria, which—
- (a) comprise paraffin wax (as to approximately 50 per cent of the total weight), ground poplar wood (as to approximately 25 per cent of the total weight), wheatflour (as to approximately 15 per cent of the total weight), ignitable solids dispersed in gelled paraffin wax (as to approximately 1 per cent of the total weight) and water, swelling agents and preservative (as to the remaining weight);
  - (b) were manufactured from those constituents by a process involving extrusion;
  - (c) are of quadrant cross sections with a radius of approximately 80 millimetres, and length approximately 265 millimetres with an ignition strip along one edge, and having an approximate weight of 1.15 kilogrammes; and
  - (d) have a sulphur content not exceeding 0.1 per cent of the total weight.
- 7** Charglow briquettes, manufactured by Polchar Spolka z ograniczona odpowiedzialnoscia, Police, Zachodniopomorskie, Poland, which—
- (a) comprise bituminous coal char (as to approximately 45 per cent to 95 per cent of the total weight), anthracite (as to approximately 0 per cent to 20 per cent of the total weight), petroleum coke (as to approximately 0 per cent to 20 per cent of the total weight), bituminous coal (as to approximately 0 per cent to 10 per cent of the total weight) and an organic binder (as to the remaining weight);
  - (b) were manufactured from those constituents by a process involving roll pressing and heat treatment at about 110°C;
  - (c) are unmarked pillow-shaped briquettes and have an average weight of 100 grammes; and
  - (d) have a sulphur content not exceeding 1.5 per cent of the total weight.
- 8** Coalite manufactured by Coalite Products Limited at Bolsover, near Chesterfield, Derbyshire and at Grimethorpe, South Yorkshire using a low temperature carbonisation process.
- 9** Coke manufactured by—
- (a) Coal Products Limited at Cwm Coking Works, Llantwit Fardre, Pontypridd, Rhondda Cynon Taff, and sold as “Sunbrite”;
  - (b) Monckton Coke & Chemical Company Limited at Royston, near Barnsley, South Yorkshire and sold as “Sunbrite” or “Monckton Boiler Beans”;
  - (c) Corus UK Limited at Teesside Works, Redcar & Cleveland and sold as “Redcar Coke Nuts (Doubles)”;
  - (d) Coal Products Limited at Cwm Coking Works, Llantwit Fardre, Pontypridd, Rhondda Cynon Taff and sold as “Cwm Coke Doubles”.
- 10** Cosycoke (also marketed as Lionheart Crusader or Sunbrite Plus) manufactured by Monckton Coke & Chemical Company Limited at Royston, near Barnsley, South Yorkshire and Aimcor Supercoke (also marketed as Supercoke), manufactured by M & G Fuels Limited at Hartlepool Docks, Hartlepool, which in each case—

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- (a) comprise sized hard coke (as to approximately 45 to 65 per cent of the total weight) and sized petroleum coke (as to the remaining weight);
- (b) were manufactured from those constituents by blending;
- (c) are unmarked random shapes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**11** Ecobrite briquettes, manufactured by Arigna Fuels Limited at Arigna, Carrick-on- Shannon, County Roscommon, Republic of Ireland, which—

- (a) comprise anthracite fines (as to approximately 96 per cent of the total weight) and starch as binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 250°C;
- (c) are unmarked pillow-shaped briquettes in two sizes having an average weight of 37 grammes for the smaller size and 48 grammes for the larger size; and
- (d) have a sulphur content not exceeding 1.5 per cent of the total weight.

**12** Extracite briquettes, manufactured by Sophia-Jacoba Handelsgesellschaft mbH at Hückelhoven, Germany, which—

- (a) comprise anthracite duff (as to approximately 95.5 per cent of the total weight) and *ammonium lignosulphonate* lye as binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 260°C;
- (c) are cushion-shaped briquettes with a silvery appearance and are marked with the letters “S” and “J” and have an average weight of 40 grammes; and
- (d) have a sulphur content of approximately 1.2 per cent of the total weight.

**13** Fireglo briquettes, manufactured by Les Combustibles de Normandie at Caen, France, and by La Société Rouennaise de Defumage at Rouen, France, which—

- (a) comprise washed Welsh duffs (as to approximately 92 per cent of the total weight) and coal pitch binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 330°C;
- (c) are ovoids with three lines on one side and are smooth on the other side and have an average weight of 30 grammes; and
- (d) have a sulphur content not exceeding 0.8 per cent of the total weight.

**14** Homefire briquettes, manufactured by Coal Products Limited at Shildon, County Durham, which—

- (a) comprise anthracite fines (as to approximately 40 to 70 per cent of the total weight), petroleum coke (as to approximately 20 to 45 per cent of the total weight), char (as to approximately 0 to 10 per cent of the total weight), bituminous coal (as to approximately 5 to 30 per cent of the total weight) and an organic binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing;
- (c) have a volatile matter content in the finished briquette of neither less than 9 nor more than 15 per cent of the total weight on a dry basis;
- (d) are unmarked hexagonal briquettes and have an average weight of 140 grammes; and
- (e) have a sulphur content not exceeding 2 per cent of the total weight.

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**15** Homefire ovals, manufactured by Coal Products Limited at Immingham Briquetting Works, Immingham, North East Lincolnshire, which—

- (a) comprise anthracite duff (as to approximately 57 per cent of the total weight), petroleum coke (as to approximately 17 per cent of the total weight), bituminous coal (as to approximately 13 per cent of the total weight) and molasses and phosphoric acid as binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 300°C;
- (c) are pillow-shaped briquettes with two parallel indented lines running latitudinally around the briquette and have an average weight of 135 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**16** Homefire Ovals (R), manufactured by Coal Products Limited at Immingham Briquetting Works, Immingham, North East Lincolnshire, which—

- (a) comprise anthracite fines (as to approximately 50 to 75 per cent of the total weight), petroleum coke (as to approximately 20 to 45 per cent of the total weight), bituminous coal (as to approximately 5 to 17 per cent of the total weight) and an organic binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing;
- (c) are pillow-shaped briquettes with two parallel indented lines running latitudinally around the briquette and have an average weight of 130 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**17** Island Lump and Island Nuts, manufactured by Unocal Refinery, California, the United States of America, which—

- (a) comprise petroleum coke;
- (b) were manufactured from the petroleum coke by a process involving heat treatment and steam injection;
- (c) are unmarked random shapes and have an average weight of 80 grammes (Island Lump) or 30 grammes (Island Nuts); and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**18** Jewel briquettes, manufactured by Eldon Colliery Limited at Newfield Works, Bishop Auckland, County Durham, which—

- (a) comprise anthracite (as to approximately 30 to 50 per cent of the total weight) and Long Beach petroleum coke (as to approximately 50 to 70 per cent of the total weight) and a carbohydrate binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 150°C;
- (c) are unmarked pillow-shaped briquettes and have an average weight of 33 grammes; and
- (d) have a sulphur content not exceeding 1.5 per cent of the total weight.

**19** Long Beach Lump nuts (otherwise known as LBL nuts), manufactured by Aimcor Carbon Corporation at Long Beach, California, the United States of America, which—

- (a) comprise petroleum coke (as to approximately 85 to 100 per cent of the total weight), limestone (as to approximately 0 to 10 per cent of the total weight) and coal tar pitch (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving heat treatment and steam injection;

- (c) are unmarked random shapes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**20** Maxibrite briquettes, manufactured by Maxibrite Limited at Llantrisant, Rhondda Cynon Taff, which—

- (a) comprise anthracite fines (as to approximately 84 per cent of the total weight), petroleum coke (as to approximately 12 per cent of the total weight) and starch as binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at 250°C;
- (c) are cushion-shaped briquettes marked with the letter “M” and have an average weight of 35 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**21** Newflame briquettes, manufactured by Maxibrite Limited at Llantrisant, Rhondda Cynon Taff, which—

- (a) comprise anthracite fines (as to approximately 84 per cent of the total weight), petroleum coke (as to approximately 12 per cent of the total weight) and starch as binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 260°C;
- (c) are unmarked pillow-shaped briquettes and have an average weight of 78 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**22** Phurnacite briquettes, manufactured by Coal Products Limited at Immingham Briquetting Works, Immingham, North East Lincolnshire, which—

- (a) comprise anthracite duff (as to approximately 65 to 85 per cent of the total weight), petroleum coke (as to approximately 20 per cent of the total weight) and a molasses and phosphoric acid binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 300°C;
- (c) are ovoid-shaped briquettes with two parallel indented lines running longitudinally around the briquette and have an average weight of 40 grammes; and
- (d) have a sulphur content not exceeding 1.5 per cent of the total weight.

**23** Safelight Firelogs, manufactured by Advanced Natural Fuels Limited, at Pocklington, East Riding of Yorkshire, which—

- (a) comprise woodchip (as to approximately 40 to 55 per cent of the total weight) and Palm Wax binder (as to approximately 45 to 60 per cent of the total weight);
- (b) were manufactured from those constituents by a process involving pressing of the mixed ingredients at about 40°C to 50°C;
- (c) are rectangular hard finish Firelogs with two deep overlapping slots in the top surface, a single continuous slot in the base surface, and have an average weight of 1.8 kilogrammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**24** Sovereign briquettes, manufactured by Monckton Coke & Chemical Company Limited at Royston, near Barnsley, South Yorkshire which—

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- (a) comprise anthracite (as to approximately 75 per cent of the total weight), coal and reactive coke (as to approximately 21 per cent of the total weight) and cold-setting resin binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving extrusion;
- (c) are unmarked hexagonal briquettes and have an average weight of 130 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**25** Supabrite Coke Doubles, manufactured by H.J. Banks and Company Limited at Inkerman Road Depot, Tow Law, County Durham, which—

- (a) comprise metallurgical coke (as to approximately 40 to 60 per cent of the total weight) and petroleum coke (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving blending and screening;
- (c) are unmarked random shapes; and
- (d) have a sulphur content not exceeding 1.95 per cent of the total weight.

**26** Supacite briquettes, manufactured by Maxibrite Limited at Llantrisant, Rhondda Cynon Taf, which—

- (a) comprise anthracite fines (as to approximately 84 per cent of the total weight), petroleum coke (as to approximately 12 per cent of the total weight) and starch as binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 240°C;
- (c) are unmarked ovoids and have an average weight of 45 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**27** Supertherm briquettes, manufactured by Coal Products Limited at Shildon, County Durham, which—

- (a) comprise a blend (in the proportion of 19:1) of anthracite and medium volatile coal (as to approximately 93 per cent of the total weight) and cold-setting organic binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing;
- (c) are unmarked ovoids and have an average weight of 160 grammes; and
- (d) have a sulphur content not exceeding 1.5 per cent of the total weight.

**28** Supertherm II briquettes, manufactured by Coal Products Limited at Shildon, County Durham, which—

- (a) comprise anthracite (as to approximately 36 to 51 per cent of the total weight), petroleum coke (as to approximately 40 to 55 per cent of the total weight) and an organic binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing ;
- (c) are unmarked ovoids and have an average weight of 140 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**29** Taybrite briquettes (otherwise known as Surefire briquettes), manufactured by Coal Products Limited at Immingham Briquetting Works, Immingham, North East Lincolnshire, which—

- (a) comprise anthracite (as to approximately 60 to 80 per cent of the total weight), petroleum coke (as to approximately 10 to 30 per cent of the total weight) and a molasses and phosphoric acid binder (as to the remaining weight);



- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 300°C;
- (c) are pillow-shaped briquettes marked with a single indented line running longitudinally along each face, offset from its counterpart by 10 millimetres or unmarked, and in either case have an average weight of 75 grammes; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight.

**30** Thermac briquettes, manufactured by Coal Products Limited at Shildon, County Durham, which—

- (a) comprise anthracite (as to approximately 90 per cent of the total weight) and cold-setting organic binder (as to the remaining weight);
- (b) were manufactured from those constituents by a process involving roll-pressing;
- (c) are unmarked pillow-shaped briquettes and have an average weight of 48 grammes; and
- (d) have a sulphur content not exceeding 1.5 per cent of the total weight.

## SCHEDULE 2

Regulation 3(1)

### REVOCATIONS

Regulations revoked:—

- The Smoke Control Areas (Authorised Fuels) Regulations 1991 (S.I. [1991/1282](#))
- The Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1992 (S.I. [1992/72](#))
- The Smoke Control Areas (Authorised Fuels) (Amendment) (No.2) Regulations 1992 (S.I. [1992/3148](#))
- The Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1993 (S.I. [1993/2499](#))
- The Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1996 (S.I. [1996/1145](#))
- The Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1997 (S.I. [1997/2658](#))
- The Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1998 (S.I. [1998/2154](#))
- The Smoke Control Areas (Authorised Fuels) (Amendment No.2) Regulations 1998 (S.I. [1998/3096](#))
- The Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2000 (S.I. [2000/3156](#)(W.205 ))

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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 revoke all previous authorised fuel Regulations and specify all fuels which are currently authorised fuels for the purposes of the 1993 Act. The specified fuels are authorised for use in Wales. Although most of the fuels in these Regulations have previously been authorised fuels, the description of many fuels has been revised to reflect changes in their manufacture or place of manufacture. A number of previously authorised fuels which are no longer believed to be manufactured or to be marketed in the United Kingdom have been removed from the list of authorised fuels.

Bord na Móna Firelogs, Bryant and May Firelogs, and Charglow briquettes are authorised for use for the first time.

These regulations consolidate and replace the Smoke Control Areas (Authorised Fuels) Regulations 1991 (S.I. [1991/1282](#)), Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1992 (S.I. [1992/72](#)), Smoke Control Areas (Authorised Fuels) (Amendment) (No.2) Regulations 1992 (S.I. [1992/3148](#)), Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1993 (S.I. [1993/2499](#)), Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1996 (S.I. [1996/1145](#)), Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1997 (S.I. [1997/2658](#)), Smoke Control Areas (Authorised Fuels) (Amendment) Regulations 1998 (S.I. [1998/2154](#)), Smoke Control Areas (Authorised Fuels) (Amendment No.2) Regulations 1998 (S.I. [1998/3096](#)) and Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2000 (S.I. [2000/3156](#) (W. [2000/205](#))).

Fuel which was manufactured before 17th December 2001 and which was authorised by Regulations revoked by these Regulations may be used notwithstanding the revocation.