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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2011 Rhif 2909 (Cy.313)**

**2011 No. 2909 (W.313)**

**AER GLÂN, CYMRU**

**CLEAN AIR, WALES**

Rheoliadau Ardaloedd Rheoli Mwg  
(Tanwyddau Awdurdodedig)  
(Cymru) (Diwygio) 2011

The Smoke Control Areas  
(Authorised Fuels) (Wales)  
(Amendment) Regulations 2011

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Ardaloedd Mwg (Tanwyddau Awdurdodedig) (Cymru) 2008 (O.S 2008/3100 (Cy.274)) ("Rheoliadau 2008"), sy'n nodi'r tanwyddau y datganwyd eu bod yn danwyddau awdurdodedig at ddibenion Rhan III (gan gynnwys adran 20) o Ddeddf Aer Glân 1993 ("Deddf 1993").

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").

Mae'r Rheoliadau hyn yn diwygio y rhestr o danwyddau awdurdodedig yn yr Atodlen i Reoliadau 2008 drwy—

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

- (a) ychwanegu pum tanwydd newydd (Big K Restaurant Grade Charcoal, brics glo Briteheat Plus, brics glo EDF Fuel, Homefire Fire Logs a brics glo Newflame Plus); a
- (b) diwygio manylebau un tanwydd arall (brics glo Stoveheat Premium).

- (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),

Mae Rheoliad 3 yn sicrhau y bydd unrhyw danwydd (sef brics glo Stoveheat Premium) a weithgynhychwyd cyn i'r Rheoliadau hyn ddod i rym, ac a oedd yn danwydd awdurdodedig ar yr adeg pan gafodd ei weithgynhyrchu, yn parhau i fod yn danwydd awdurdodedig

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.

Mae adran 20 o Ddeddf 1993 yn darparu ei bod yn dramgwydd i ollwng mwg o simnai adeilad, neu simnai sy'n gwasanaethu ffwrnais bwyler sefydlog neu beiriannau diwydiannol, pan fo'r simnai honno mewn ardal rheoli mwg. Er hynny, mae'n amddiffyniad os gellir profi mai drwy ddefnyddio tanwydd awdurdodedig yn unig yr achoswyd y gollyngiad honedig.

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.

Yng Nghymru, ystyr tanwydd awdurdodedig yw tanwydd y datganwyd ei fod yn danwydd awdurdodedig drwy reoliadau a wnaed gan Weinidogion Cymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Mae copi ar gael gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

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.

**2011 Rhif 2909 (Cy.313)**

**AER GLÂN, CYMRU**

**Rheoliadau Ardaloedd Rheoli Mwg  
(Tanwyddau Awdurdodedig)  
(Cymru) (Diwygio) 2011**

*Gwnaed* 2 Rhagfyr 2011

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 6 Rhagfyr 2011

*Yn dod i rym* 31 Rhagfyr 2011

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 20(6) a 63(1) o Ddeddf Aer Glân 1993(1) ac a freiniwyd bellach yng Ngweinidogion Cymru(2) i'r graddau y maent yn arferadwy o ran Cymru:

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) (Diwygio) 2011 a deuant i rym ar 31 Rhagfyr 2011.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

**Diwygiadau**

2. Yn yr Atodlen (Tanwyddau Awdurdodedig) i Reoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) 2008(3)—

(a) ar ôl paragraff 4, mewnosoder—

"4A. Big K Restaurant Grade Charcoal, a weithgynhyrchir gan Big K Products UK Limited yn Parque Industrial Alvear, 2126 Alvear, Provincia de Santa Fe, Yr Ariannin—

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(1) 1993 (p.11).

(2) Trosglwyddwyd swyddogaethau perthnasol yr Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac Atodlen 1 iddo. Mae'r swyddogaethau hynny, bellach, yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

(3) OS 2008/3100 (Cy.274), sydd wedi'i ddiwygio gan OS 2009/3225 (Cy.279).

**2011 No. 2909 (W.313)**

**CLEAN AIR, WALES**

**The Smoke Control Areas  
(Authorised Fuels) (Wales)  
(Amendment) Regulations 2011**

*Made* 2 December 2011

*Laid before the National  
Assembly for Wales* 6 December 2011

*Coming into force* 31 December 2011

The Welsh Ministers make the following regulations in exercise of the powers conferred upon the Secretary of State by sections 20(6) and 63(1) of the Clean Air Act 1993(1) and now vested in the Welsh Ministers(2) so far as exercisable in relation to Wales:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Smoke Control Areas (Authorised Fuels) (Wales) (Amendment) Regulations 2011 and they come into force on 31 December 2011.

(2) These Regulations apply in relation to Wales.

**Amendments**

2. In the Schedule (Authorised Fuels) to the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008(3)—

(a) after paragraph 4, insert—

"4A. Big K Restaurant Grade Charcoal, manufactured by Big K Products UK Limited at Parque Industrial Alvear, 2126 Alvear, Provincia de Santa Fe, Argentina, which—

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(1) 1993 (c.11).

(2) The relevant functions of the Secretary of State were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

(3) SI 2008/3100 (W.274), which has been amended by SI 2009/3225 (W.279).

- (a) sydd wedi'i gyfansoddi o bren quebracho gwyn wedi'i byroleisio;
- (b) a weithgynhyrchwyd drwy ddefnyddio proses pyrolysis o dyn ar ryw 450°C;
- (c) sy'n ddarnau golosg rhwng 30 o filimetrau a 150 o filimetrau a'r darnau hynny heb eu marcio; ac
- (ch) nad yw'r sylffwr sydd ynddo'n fwy na 2 y cant o'r cyfanswm pwysau."

(b) ar ôl paragraff 8A, mewnosoder—

**"8B.** Brics glo Briteheat Plus, a weithgynhyrchir gan Coal Products Limited yn Immingham Briquetting Works, Immingham, North East Lincolnshire—

- (a) sydd wedi'u cyfansoddi o lwch glo caled (sef rhyw 75 i 95 y cant o'r cyfanswm pwysau), golosg petrolewm (hyd at ryw 20 y cant o'r cyfanswm pwysau) a rhwymwr organig (sef gweddill y pwysau);
- (b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses sy'n cynnwys rholio-wasgu;
- (c) sy'n frics glo heb eu marcio ar siâp gobennydd;
- (ch) sy'n pwyso 80 gram y fricsen ar gyfartaledd; a
- (d) nad yw'r sylffwr sydd ynddynt yn fwy na 2 y cant o'r cyfanswm pwysau."

(c) ar ôl paragraff 18, mewnosoder—

**"18A.** Brics glo EDF Fuel, a weithgynhyrchir gan TheGreenFactory yn y Laboratoire de Chimie Agro-industrielle UMR 1010 INRA/INP-ENSIACET AGROMAT, Site de l'ENIT 47, Avenue D'Azereiz, -BP 1629 65016 Tarbes Cedex, Ffrainc—

- (a) sydd wedi'u cyfansoddi o ryw 100 gram o Miscanthus heb eu prosesu (sef rhyw 45 y cant o'r cyfanswm pwysau), rhyw 95 gram o ester Copra (sef rhyw 43 y cant o'r cyfanswm pwysau), a rhyw 25 gram o rwymwr a gynhyrchwyd o Miscanthus (wedi'i brosesu gyda chalsiwm ocsid, sef rhyw 0.5 y cant o'r cyfanswm pwysau) o ran gweddill y pwysau;
- (b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses sy'n cynnwys prosesu Miscanthus, cymysgu, poethwasgu, a throchi mewn baddon ester;
- (c) sy'n frics glo ar siâp silindr sydd heb eu marcio, y mae eu huchder yn 120 o filimetrau a'u diamedr yn 60 o filimetrau, ac y mae twll ar siâp seren yn rhedeg yn ganolog drwy ochr hiraf y fricsen;

- (a) comprise pyrolised white quebracho wood;
- (b) were manufactured using a kiln pyrolysis process at approximately 450°C;
- (c) are unmarked charcoal pieces of between 30 millimetres to 150 millimetres; and
- (d) have a sulphur content not exceeding 2 per cent of the total weight."

(b) after paragraph 8A, insert—

**"8B.** Briteheat Plus briquettes, manufactured by Coal Products Limited at Immingham Briquetting Works, Immingham, North East Lincolnshire, which—

- (a) comprise anthracite duff (as to approximately 75 to 95 per cent of the total weight), petroleum coke (up to approximately 20 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 pillow shaped briquettes;
- (d) have an average weight of 80 grams per briquette; and
- (e) have a sulphur content not exceeding 2 per cent of the total weight."

(c) after paragraph 18, insert—

**"18A.** EDF Fuel Briquettes, manufactured by TheGreenFactory at the Laboratoire de Chimie Agro-industrielle UMR 1010 INRA/INP-ENSIACET AGROMAT, Site de l'ENIT 47, Avenue D'Azereiz, -BP 1629 65016 Tarbes Cedex, France, which

- (a) comprise approximately 100 grams of unprocessed Miscanthus (as to approximately 45 per cent of the total weight), approximately 95 grams of Copra ester (as to approximately 43 per cent of the total weight), and approximately 25 grams of a binder produced from Miscanthus (processed with calcium oxide as to approximately 0.5 per cent of the total weight) as to the remaining weight;
- (b) are manufactured from those constituents by a process involving Miscanthus processing, mixing, hot pressing and soaking in an ester bath;
- (c) are unmarked cylinder-shaped briquettes of 120 millimetres height and 60 millimetres diameter with a star-shaped hole running centrally through the longer length of the briquette;

- (ch) sy'n pwyso 220 gram y fricsen ar gyfartaledd; a
- (d) nad yw'r sylffwr sydd ynddynt yn fwy na 2 y cant o'r cyfanswm pwysau."
- (ch) ar ôl paragraff 21, mewnosoder—

"21A. Homefire Fire Logs, a weithgynhyrchir gan De Lange B.V., Rustenbugerweg 3, 1646 WJ Ursem, Yr Iseldiroedd—

- (a) sydd wedi'u cyfansoddi o gŵyr hydrin (sef rhyw 50 y cant o'r cyfanswm pwysau) a bawd llif (sef rhyw 50 y cant o'r cyfanswm pwysau);
- (b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses triniaeth wres ac allwthio;
- (c) sy'n foncyffion tân rhyw 280 o filimetrau eu hyd ac yn 75 o filimetrau x 75 o filimetrau gydag un rhigol yn rhedeg ar hyd pob un o'u pedwar wyneb sy'n 280 o filimetrau eu hyd;
- (ch) sy'n pwyso 1.1 cilogram y boncyff ar gyfartaledd; a
- (d) nad yw'r sylffwr sydd ynddynt yn fwy na 0.2 y cant o'r cyfanswm pwysau."

- (d) ar ôl paragraff 30, mewnosoder—

"30A. Brics glo Newflame Plus, a weithgynhyrchir gan Maxibrite Limited, Ystad Ddiwydiannol Mwyndy, Llantrisant, Rhondda Cynon Taf, CF72 8PN—

- (a) sydd wedi'u cyfansoddi o 10 i 15 y cant glo meddal, 10 i 15 y cant golosg petrolewm, a llwch glo caled a rhwymwr starts yw gweddill y pwysau;
- (b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses sy'n cynnwys rholio-wasgu a thriniaeth wres ar ryw 260°C.
- (c) sy'n frics glo heb eu marcio ar siâp gobennydd ac y mae uchafswm eu dimensiynau yn rhyw 68 o filimetrau x 63 o filimetrau x 38 o filimetrau;
- (ch) sy'n pwyso 110 gram y fricsen ar gyfartaledd; a
- (d) nad yw'r sylffwr sydd ynddynt yn fwy na 1.9 y cant o sylffwr ar sail sych."

- (dd) yn lle paragraff 36, rhodder—

"36. Brics glo Stoveheat Premium, a weithgynhyrchir gan Coal Products Limited yn Immingham Briquetting Works, Immingham, North East Lincolnshire—

- (a) sydd wedi'u cyfansoddi o lwch glo caled (sef rhyw 65 i 85 y cant o gyfanswm eu pwysau), golosg petrolewm (sef rhyw 20 y cant o'r cyfanswm pwysau) a rhwymwr triagl ac asid ffosfforig (sef gweddill y pwysau);

- (d) have an average weight of 220 grams per briquette; and
- (e) have a sulphur content not exceeding 2 per cent of the total weight."

- (d) after paragraph 21, insert—

"21A. Homefire Fire Logs, manufactured by De Lange B.V., Rustenbugerweg 3, 1646 WJ Ursem, the Netherlands, which—

- (a) comprise slackwax (as to approximately 50 per cent of the total weight) and sawdust (as to approximately 50 per cent of the total weight);
- (b) were manufactured from those constituents by a process of heat treatment and extrusion;
- (c) are firelogs approximately 280 millimetres in length and 75 millimetres x 75 millimetres with a single groove running along each of the four 280 millimetre length faces;
- (d) have an average weight of 1.1 kilograms per firelog; and
- (e) have a sulphur content not exceeding 0.2 per cent of the total weight."

- (e) after paragraph 30, insert—

"30A. Newflame Plus briquettes, manufactured by Maxibrite Limited, Mwyndy Industrial Estate, Llantrisant, Rhondda Cynon Taf, CF72 8PN, which—

- (a) comprise 10 to 15 per cent bituminous coal, 10 to 15 per cent petroleum coke, and anthracite duff and starch 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 with approximate maximum dimensions 68 millimetres x 63 millimetres x 38 millimetres;
- (d) have an average weight of 110 grams per briquette; and
- (e) have a sulphur content not exceeding 1.9 per cent sulphur on a dry basis."

- (f) for paragraph 36, substitute—

"36. Stoveheat Premium 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 percent 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) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses sy'n cynnwys rholiowasgu a thriniaeth wres ar ryw 300°C;
- (c) sy'n frics glo ar siâp clustogau, y mae llinell sydd wedi'i hindentio'n rhedeg o'u hamgylch;
- (ch) sy'n pwyso 30 gram y fricsen ar gyfartaledd; a
- (d) nad yw'r sylffwr sydd ynddynt yn cynnwys mwy na 2 y cant o'r cyfanswm pwysau."

- (b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 300°C;
- (c) are cushion shaped briquettes with an indented line running around the briquette;
- (d) have an average weight of 30 grams per briquette; and
- (e) have a sulphur content not exceeding 2 per cent of the total weight."

### **Darpariaeth Arbed**

3. Bydd unrhyw danwydd a weithgynhyrchwyd cyn i'r Rheoliadau hyn ddod i rym, ac a oedd yn danwydd awdurdodedig ar yr adeg pan gafodd ei weithgynhyrchu, yn parhau i fod yn danwydd awdurdodedig er gwaethaf i baragraff 36 o'r Atodlen i Reoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) 2008 gael ei amnewid.

### **Saving**

3. Any fuel manufactured before the coming into force of these Regulations that was an authorised fuel when it was manufactured will continue to be an authorised fuel notwithstanding the substitution of paragraph 36 of the Schedule to the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008.

*John Griffiths*

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

2 Rhagfyr 2011

2 December 2011

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**2011 Rhif 2909 (Cy.313)**

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