
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 20 of the Clean Air Act 1993 (“the Act”) 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.

Under section 20(6) of the Act the National Assembly for Wales may, by regulations, declare a fuel to be an authorised fuel for that purpose.

These Regulations, which apply to Wales, amend the Smoke Control (Authorised Fuels) (Wales) Regulations 2001 so that Bord na Móna Firepak briquettes (also marketed as Arigna Special coal briquettes), are an additional authorised fuel.