

EXPLANATORY MEMORANDUM TO
THE SMOKE CONTROL AREAS (AUTHORISED FUELS)
(AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2010

SR 2010 No. 130

Introduction

This explanatory memorandum has been prepared by the Department of the Environment to accompany S.R. (details above) which is laid before the Northern Ireland Assembly.

The statutory rule is made under Article 2(2) of the Clean Air (Northern Ireland) Order 1981 and is subject to negative resolution procedure before the Assembly.

The rule is due to come into operation on 30 April 2010.

Purpose

These Regulations add a new fuel (specifying two marketing names) to the list of fuels declared to be authorised fuels, for the purposes of the above Order. They also add another marketing name for one of the existing fuels.

Background

The Clean Air (Northern Ireland) Order 1981 generally prohibits the emission of smoke in smoke control areas. In those areas residents are required to use “authorised” smokeless fuels or install an “exempted fireplace”.

Authorised fuels are fuels which have been tested and found to be suitable for use in smoke control areas. Fuels approved for use include gas, electricity and a range of solid smokeless fuels.

As manufacturers produce new types of smokeless fuels it is necessary to regularly review and update the list of authorised fuels deemed suitable for use in smoke control areas. These fuels will have been tested by the Department for Environment, Food and Rural Affairs (Defra) against the British Standard test for solid smokeless fuels for domestic use.

Detail

Clean air legislation was first introduced in Northern Ireland under the Clean Air Act (Northern Ireland) 1964 to deal with smogs and the high levels of smoke in our towns and cities. The legislation was subsequently repealed and updated by the Clean Air (Northern Ireland) Order 1981.

Under the legislation, district councils may, by order, declare all or part of their districts a smoke control area. This is subject to confirmation by the Department of the Environment. The effect of a Smoke Control Order is to prohibit the emission of smoke from chimneys in the area.

There are currently 16 district councils in Northern Ireland with smoke control areas in operation. Smoke control remains important to councils as it reduces the air pollution from premises within urban areas. It is especially useful in reducing levels of particulate matter, which is closely associated with adverse health effects.

There are currently 49 fuels authorised for use in smoke control areas and The Smoke Control Areas (Authorised Fuels) (Amendment) Regulations (Northern Ireland) 2010 will increase the number to 50.

Consultation

The Statutory Rule is a routine piece of legislation and no consultation was necessary.

Position in GB

Similar provisions came into force on 1 October 2009 under The Smoke Control Areas (Authorised Fuels) (England) (Amendment) Regulations 2009. One further provision will be included in The Smoke Control Areas (Authorised Fuels) (England) (Amendment) Regulations 2010 which are due to come into force in April 2010.

Equality Impact

There are no equality issues associated with these Regulations.

Regulatory Impact Assessment

A Regulatory Impact Assessment has not been undertaken as the Regulations will have no impact on business, charities or the voluntary sector.

Financial Implications

There are no financial implications associated with these Regulations.