

**EXPLANATORY MEMORANDUM TO**  
**THE SMOKE CONTROL AREAS (EXEMPTED FIREPLACES)**  
**REGULATIONS (NORTHERN IRELAND) 2010**

**SR 2010 No. 369**

**Introduction**

This explanatory memorandum has been prepared by the Department of the Environment to accompany S.R. 2010 No. 369 (as above) which is laid before the Assembly.

The Statutory Rule is made under Article 17 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 13 December 2010.

**Purpose**

These Regulations consolidate five previous sets of Regulations and add a number of new appliances that can be used in smoke control areas.

**Background**

Article 17 of the Clean Air (Northern Ireland) Order 1981 generally prohibits the emission of smoke in smoke control areas. Under paragraph 7 of Article 17 of the 1981 Order, the Department may exempt certain classes of fireplace from the provisions of Article 17 if it is satisfied they can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

Exempted fireplaces are heating appliances which have been tested and found to be capable of burning fuel without producing significant amounts of smoke. Subject to the operating conditions specified, any emission of smoke from an exempted fireplace in a smoke control area will not be an offence under the Clean Air Order.

As manufacturers produce new types of heating appliances it is necessary to regularly review and update the list of exempted fireplaces deemed suitable for use in smoke control areas.

**Detail**

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 The legislation was subsequently repealed and updated by the Clean Air (Northern Ireland) Order 1981.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

Five sets of Regulations are being revoked. The classes of fireplace listed in the Schedule to those Regulations are included in the 2010 Regulations. A number of new fireplaces have been tested and approved for use in smoke control areas and they are also included.

### **Consultation**

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

### **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.

### **Section 24 of the Northern Ireland Act 1998**

The Statutory Rule complies with the provisions set out in Section 24.

### **EU Implications**

Not applicable.

### **Parity or Replicatory Measures**

Provisions to include new fireplaces came into force on 1 October 2010 under The Smoke Control Areas (Exempted Fireplaces) (England) (No 2) Order 2010 (S.I. 2010/ 2173). The Northern Ireland Statutory Rule will be in line with those Regulations.

### **Additional Information**

Not applicable.