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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 129**

**CLEAN AIR**

**The Smoke Control Areas (Authorised Fuels)  
(Amendment) (Scotland) Regulations 2000**

<i>Made</i>	- - - -	<i>5th May 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th May 2000</i>
<i>Coming into force</i>	- -	<i>30th May 2000</i>

The Scottish Ministers, in exercise of the powers conferred upon them by sections 20(6) and 63(1) of the Clean Air Act 1993<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Smoke Control Areas (Authorised Fuels) (Amendment) (Scotland) Regulations 2000 and shall come into force on 30th May 2000.

(2) These Regulations extend to Scotland only.

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

2.—(1) Schedule 1 to the Smoke Control Areas (Authorised Fuels) Regulations 1991<sup>(2)</sup> shall be amended as follows.

(2) For paragraph 8(a) substitute—

“(a) Coal Products Limited at Cwm Coking Works, Llantwit Fardre, Pontypridd, Mid Glamorgan and sold as “Sunbrite”;

(3) In paragraph 8AA<sup>(3)</sup>, for “, which” substitute “and Aimcor Supercoke (also marketed as Supercoke), manufactured by M & G Fuels Limited at Hartlepool Docks, Hartlepool, Cleveland, which (in each case)”.

(4) After paragraph 17A<sup>(4)</sup> insert—

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(1) 1993 c. 11. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).  
(2) S.I. 1991/1282, amended by S.I. 1992/72, 3148, 1993/2499, 1996/1145, 1997/2658, 1998/2154 and 3096.  
(3) Paragraph 8AA was inserted by regulation 2(c) of S.I. 1998/3096.  
(4) Paragraph 17A was inserted by regulation 2(9) of S.I. 1993/2499.

“**17AB.** Supabrite Coke Doubles, manufactured by H. J. Banks & 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.”

(5) In paragraphs 18, 18A(5) and 19, for “Thermac Fuels Limited” in each place where those words occur substitute “Coal Products Limited”.

(6) For paragraph 18B(c)(6) substitute–

- “(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”.

### **Savings**

**3.** Notwithstanding the amendments made by Regulation 2(2) and (5) of these Regulations, Sunbrite and Beacon Beans coke manufactured before the coming into force of these Regulations at Avenue Coking and Chemical Works, Wingerworth, near Chesterfield, Derbyshire and Supertherm, Supertherm II and Thermac briquettes manufactured before the coming into force of these Regulations by Thermac Fuels Limited shall continue to be authorised fuels.

St Andrew’s House,  
Edinburgh  
5th May 2000

*SARAH BOYACK*  
A member of the Scottish Executive

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(5) Paragraph 18A was inserted by regulation 2(9) of S.I. 1996/1145.

(6) Paragraph 18B(c) was inserted by regulation 2(c) of S.I. 1997/2658.

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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, which extend to Scotland only, amend the Smoke Control (Authorised Fuels) Regulations 1991 so that Aimcor Supercoke (also marketed as Supercoke) and Supabrite Coke Doubles are authorised fuels.

The Regulations also amend the 1991 Regulations to take account of the following changes—

- (a) Beacon Beans are no longer manufactured;
- (b) the place of manufacture of Sunbrite Bricks is now different;
- (c) Coal Products Limited is now the manufacturer of Supertherm, Supertherm II and Thermac briquettes; and
- (d) Taybrite briquettes are now also manufactured without any markings.