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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, consolidate the nine sets of regulations which have previously declared fuels to be authorised fuels for the purposes of the Clean Air Act 1993.

Four additional fuels are now authorised:

- (a) Bord na Móna Firelogs;
- (b) Bord na Móna Firepak (also marketed as Arigna Special coal briquettes);
- (c) Bryant and May Firelogs; and
- (d) Charglow briquettes.

The following changes related to authorised fuels are also reflected in the Regulations.

Certain authorised fuels are no longer manufactured or sold, namely Anthracine N20 briquettes, Anthranor briquettes (and Energlo briquettes), Antrex briquettes, BFL Fireside, Centurion briquettes, Clean Flame briquettes, Dutch (Sluiskil) Coke Doubles, Glowbrite coke, Gloco coke, Flamelite pellets, Homefire (R) briquettes, Koala briquettes, Maxiflame briquettes, Natura briquettes, New Taybrite briquettes, Phurnacite Plus briquettes, Sunbrix briquettes, and Thermabrite briquettes (and Thermaglow briquettes).

The authorised fuel previously known as Homefire briquettes is no longer manufactured but the authorised fuel previously known as Homefire (Improved) briquettes has been renamed Homefire briquettes.

The maximum sulphur contents of Homefire briquettes (previously known as Homefire (Improved) briquettes), Homefire ovals, Homefire Ovals (R), Maxibrite briquettes and Supacite briquettes have increased.

The compositions of Maxibrite briquettes, Newflame briquettes and Supacite briquettes have changed.

The methods of manufacture of Maxibrite briquettes, Newflame briquettes and Supertherm II briquettes have changed.

The places of manufacture of Homefire briquettes (previously known as Homefire (Improved) briquettes) and Homefire Ovals (R) have changed.

The manufacturer of Ancit briquettes is now Coal Products Limited and the manufacturer of Redcar Coke Nuts (Doubles) is now Corus UK Limited.

A savings provision ensures that stocks of authorised fuels manufactured before 17th December 2001 may still be used in a smoke control area (regulation 3(2)).