
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 615

CLEAN AIR

**The Smoke Control Areas (Exempt
Fireplaces) (Scotland) Order 2005**

Made - - - - 30th November 2005
*Laid before the Scottish
Parliament* - - - - 1st December 2005
Coming into force - - 1st January 2006

The Scottish Ministers, in exercise of the powers conferred by section 21 of the Clean Air Act 1993⁽¹⁾ and of all other powers enabling them in that behalf, being satisfied that the classes of fireplace exempted by this Order can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Smoke Control Areas (Exempt Fireplaces) (Scotland) Order 2005 and comes into force on 1st January 2006.

(2) This Order extends to Scotland only.

Exempted classes of fireplace

2. The classes of fireplace described in column 1 of the Schedule to this Order which comply with the conditions specified in relation to each of them in column 2 of that Schedule are exempt from the provisions of section 20 (prohibition on emission of smoke in smoke control area) of the Clean Air Act 1993.

Amendment of the Smoke Control Areas (Exempted Fireplaces) Order 1999

3. In the entry in the Schedule to the Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1999⁽²⁾ relating to The Dunsley Yorkshire Stove—

(a) in column 1, for the existing entry substitute—

(1) 1993 c. 11. The functions of the Secretary of State under section 21 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) S.S.I. 1999/58.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“The Dunsley Yorkshire Stove, the Dunsley Yorkshire Multifuel Stove and the Dunsley Yorkshire Multifuel Stove and Boiler manufactured by Dunsley Heat Limited”; and

(b) in column 2, after ““A/22160”” insert–

“as amended by the manufacturer’s instructions dated 4th December 2004 bearing the reference “D13” with regard to the Stove and Multifuel Stove and by the manufacturer’s instructions dated 4th October 2004 bearing the reference “GHD/DUN4B/1” with regard to the Multifuel Stove and Boiler”.

St Andrew’s House, Edinburgh
30th November 2005

RHONA BRANKIN
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 2

CLASSES OF FIREPLACE WHICH ARE EXEMPT

<i>Column 1</i> <i>Class of fireplace</i>	<i>Column 2</i> <i>Conditions</i>
The Quadra-Fire 2100 Millennium Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	<ol style="list-style-type: none"> 1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer’s instructions dated 9th October 2003 and bearing the reference 250-6931B. 2. No fuel shall be used other than dry cured untreated wood of maximum size 38.1cm × 10.16cm × 5.08cm.
The Quadra-Fire Yosemite Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	<ol style="list-style-type: none"> 1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer’s instructions dated 4th June 2003 and bearing the reference 7004-187. 2. No fuel shall be used other than dry cured untreated wood of maximum size 38.1cm × 10.16cm × 5.08cm.
The Quadra-Fire Cumberland Gap Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	<ol style="list-style-type: none"> 1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer’s instructions dated 8th July 2003 and bearing the reference 7006-186. 2. No fuel shall be used other than dry cured untreated wood of maximum size 43.18cm × 10.16cm × 10.16cm.
The Orchard Ovens models: FVR Speciale 80, 100, 110, 110 × 160 and 120; TOP Superiore 100 and 120; GR 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; OT 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; the Valoriani Piccolo, all of which are manufactured by Valoriani of Via Caselli alla Fornace, 213, 50066 Reggello, Firenze, Italy.	<ol style="list-style-type: none"> 1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer’s instructions dated 25th October 2004 and bearing the references:

Instruction Model

OOLinst.1	FVR 80
OOLinst.2	FVR 100
OOLinst.3	FVR 110
OOLinst.4	FVR 120
OOLinst.5	FVR 110 × 160
OOLinst.6	TOP 100
OOLinst.7	TOP 120

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<i>Column 1</i> <i>Class of fireplace</i>	<i>Column 2</i> <i>Conditions</i>
	OOLinst.8 GR 100 and OT 100
	OOLinst.9 GR 120 and OT 120
	OOLinst.10 GR 140 and OT 140
	OOLinst.11 GR 120 × 160 and OT 120 × 160
	OOLinst.12 GR 140 × 160 and OT 140 × 160
	OOLinst.13 GR 140 × 180 and OT 140 × 180
	OOLinst.14 GR 180 and OT 180
	OOLinst.15 Valoriani Piccolo
	2. No fuel shall be used other than untreated dry wood.
The Dunsley Yorkshire Woodburning Stove manufactured by Dunsley Heat Limited.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4th December 2004 and bearing the reference D13W. 2. No fuel shall be used other than untreated dry wood.
The Dunsley Yorkshire Woodburning Stove and Boiler manufactured by Dunsley Heat Limited.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4th December 2004 and bearing the reference D13W together with the manufacturer's instructions dated 4th October 2004 and bearing the reference GHD/DUN4B/1. 2. No fuel shall be used other than untreated dry wood.
The Wood Waste Technology Heater, models WT10 and WT15, manufactured by Wood Waste Technology.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 19th January 2005 and bearing the reference WT10 and WT15. 2. No fuel shall be used other than hardwood and softwood offcuts, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings and, in particular, wood waste originating from construction and demolition waste.
The Binder Wood Fired Boiler models RRK 22 49 (49kW output) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0. 2. No fuel shall be used other than wood pellets or wood chips, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings and, in particular, wood waste originating from construction and demolition waste.
The Binder Wood Fired Boiler models RRK 80 175	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy

<i>Column 1</i>	<i>Column 2</i>
<i>Class of fireplace</i>	<i>Conditions</i>
(75 149 kW output) with cyclone models ZA 80 175 manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0. 2. No fuel shall be used other than wood pellets or wood chips, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings and, in particular, wood waste originating from construction and demolition waste.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Scotland only, makes provision for exemption from the prohibition, under section 20 of the Clean Air Act 1993, on the emission of smoke in smoke control areas.

The Order exempts those fireplaces described in column 1 of the Schedule which comply with the conditions specified in column 2 from the prohibitions under section 20 (article 2).

The Order also amends the Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1999 to extend an existing class description of exempted fireplace and the conditions to be complied with in relation to it.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.