
 STATUTORY INSTRUMENTS

1978 No. 1609

CLEAN AIR

The Smoke Control Areas (Exempted Fireplaces) Order 1978

Made - - - - - 9th November 1978
Laid before Parliament 20th November 1978
Coming into Operation 11th December 1978

The Secretary of State for the Environment, in exercise of powers conferred by section 11(4) of the Clean Air Act 1956(a) and now vested in him(b), and of all other powers enabling him in that behalf, hereby orders as follows:—

Title, commencement and extent

1.—(1) This order may be cited as the Smoke Control Areas (Exempted Fireplaces) Order 1978 and shall come into operation on 11th December 1978.

(2) This order applies to England and Wales.

Interpretation

2. The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Class of fireplace exempted from section 11 of the Clean Air Act 1956

3. The class of fireplace described in Column (1) of the Schedule to this order shall, subject to the conditions specified in Column (2) thereof, be exempted from the provisions of section 11 of the Clean Air Act 1956 (which empowers a local authority to declare the whole or any part of their district to be a smoke control area).

Article 3

SCHEDULE

EXEMPTED CLASS OF FIREPLACE

| (1) Class of Fireplace | (2) Conditions |
|--|--|
| The fireplace known as the Spänex Wood Fired Air Heater (types UL50, UL75 and UL100 only), manufactured by Spänex Sander GmbH Co KG, of Volpriehausen, Solling, in the Federal Republic of Germany | 1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke and in accordance with Issue No. 1 of the manufacturers' instructions dated May 1978. 2. No fuel shall be used other than clean wood waste containing not more than 5 per cent sander dust and not more than 1 per cent plastic contamination. |

9th November 1978.

Peter Shore,
Secretary of State for the Environment.

(a) 1956 c. 52.

(b) S.I. 1970/1681.

(c) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 11 of the Clean Air Act 1956 empowers local authorities to declare the whole or any part of their district to be a smoke control area in which the emission of smoke is generally prohibited.

This Order, which applies to England and Wales, exempts a class of fireplace comprising certain types of the Spänex Wood Fired Air Heater from the provisions of that section, subject to certain conditions as to the method of operation to be followed and the type of fuel to be used.

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