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STATUTORY INSTRUMENTS

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**2003 No. 2328**

**CLEAN AIR, ENGLAND**

**The Smoke Control Areas (Exempted  
Fireplaces) (England) Order 2003**

*Made* - - - - *8th September 2003*  
*Laid before Parliament* *10th September 2003*  
*Coming into force* - - *3rd October 2003*

The Secretary of State, in exercise of the power conferred upon her by section 21 of the Clean Air Act 1993<sup>(1)</sup>, 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 makes the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) (England) Order 2003 and shall come into force on 3rd October 2003.

(2) This Order applies to England only<sup>(2)</sup>.

**Classes of fireplace exempted from section 20 of the Clean Air Act 1993**

2. The classes of fireplace described in the Schedule shall, upon the conditions there specified, be exempted from the provisions of section 20 of the Clean Air Act 1993 (which prohibits smoke emissions in smoke control areas).

8th September 2003

*Whitty*  
Parliamentary Under Secretary of State,  
Department for Environment, Food and Rural  
Affairs

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(1) 1993 c. 11.

(2) The relevant powers of the Secretary of State have been devolved in relation to Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) (see the entry in Schedule 1 for the Clean Air Act 1993) and in relation to Scotland by section 53 of the Scotland Act 1998 (c. 46).

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Smoke Control Areas (Exempted Fireplaces) (England) Order 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE

Article 2

## CLASSES OF FIREPLACE WHICH ARE EXEMPT

<i>Classes of fireplace</i>	<i>Conditions</i>
The B9 Energy Wood Chip Gasifier Unit manufactured by B9 Energy Biomass Limited, Unit 22, Northland Road Industrial Estate, Londonderry, Northern Ireland.	<p>1. The fireplace shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 2002 and bearing the reference 001/B9ENERGY BIOMASS.</p> <p>2. No fuel shall be used other than untreated wood chips, shredded wood or small untreated pieces of wood.</p>
The Mawera FU-RIA models 110,140,180,220,280 and 350 manufactured by Mawera (UK) Limited, 31 Enterprise Industrial Park, Britannia Way, Lichfield, Staffordshire WS14 9UY.	<p>1. The fireplace shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 31 October 2002 and bearing the reference 098234-01.</p> <p>2. No fuel shall be used other than wood, wood products, forest residues, forest thinnings, melamine coated or uncoated MDF chipboard, plywood or compound wood products.</p>

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Section 20 of the Clean Air Act 1993 generally prohibits the emission of smoke in smoke control areas. The Secretary of State may by order made under section 21 of the Act exempt specified classes of fireplace from the provisions of section 20, if she is satisfied that they can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

This Order applies to England only. Article 2 of the Order exempts the classes of fireplace listed in the first column of the Schedule to the Order from the provisions of section 20, subject to the conditions listed in the second column of that Schedule.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Smoke Control Areas (Exempted Fireplaces) (England) Order 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- [Order revoked by S.I. 2015/307 Sch. 2 Pt. 1](#)