

**2006 No. 1152**

**CLEAN AIR, ENGLAND**

**The Smoke Control Areas (Exempted Fireplaces) (England)  
Order 2006**

<i>Made</i> - - - -	<i>21st April 2006</i>
<i>Laid before Parliament</i>	<i>24th April 2006</i>
<i>Coming into force</i> - -	<i>15th May 2006</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 21 of the Clean Air Act 1993(a).

She is 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.

**Citation, commencement and application**

1. This Order—

- (a) may be cited as the Smoke Control Areas (Exempted Fireplaces) (England) Order 2006;
- (b) shall come into force on 15th May 2006;
- (c) applies in England only.

**Classes of fireplace exempted from section 20 of the Clean Air Act 2003**

2. The classes of fireplace described in the first column of the Schedule are, subject to compliance with the conditions specified for that class in the second column of the Schedule, exempted from the provisions of section 20 (prohibition on emissions of smoke in smoke control area) of the Clean Air Act 1993.

21st April 2006

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

## SCHEDULE

Article 2

### Classes of fireplace which are exempt

<i>Classes of fireplace</i>	<i>Conditions</i>
<p>The Type USV wood pellet- and wood chip-fired boilers, model numbers USV-15, 25, 30, 40, 50, 60, 80 and 100, manufactured by KWB – Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH) of Industriestrasse 235, A-8321 St. Margarethen an der Raab, Austria.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer’s instructions dated August 2003 and bearing the reference “BA-USV 0803”.</p> <p><b>2.</b> No fuel shall be used other than wood pellets or wood chips as described in the manufacturer’s instructions, but excluding any such pellets or chips which contain:</p> <ul style="list-style-type: none"> <li>(i) halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings, or</li> <li>(ii) in particular, wood waste originating from construction and demolition waste.</li> </ul>
<p>The Type USP wood pellet-fired boilers, model numbers USP-10, 15, 20, 25 and 30, manufactured by KWB – Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH) of Industriestrasse 235, A-8321 St. Margarethen an der Raab, Austria.</p>	<p><b>1.</b> The fireplaces shall be installed, maintained and operated in accordance with the manufacturer’s instructions dated 28th July 2003 and bearing the reference “BA-USP 0703”.</p> <p><b>2.</b> No fuel shall be used other than wood pellets as described in the manufacturer’s instructions, but excluding any such pellets which contain:</p> <ul style="list-style-type: none"> <li>(i) halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings, or</li> <li>(ii) in particular, wood waste originating from construction and demolition waste.</li> </ul>

## **EXPLANATORY NOTE**

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

This Order exempts the two classes of fireplace listed in the first column of the Schedule from the provisions of section 20 of the Clean Air Act 1993 (which prohibits the emission of smoke in smoke control areas), subject to the conditions corresponding to each class in the second column of the Schedule.

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

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