

EXPLANATORY MEMORANDUM TO
THE SMOKE CONTROL AREAS (AUTHORISED FUELS) (ENGLAND)
REGULATIONS 2008

2008 No. 514

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 This instrument consolidates five sets of regulations which declared fuels to be authorised fuels for the purposes of Part III of the Clean Air Act 1993 (S.I. 2001/3745, 2002/3046, 2005/2895, 2006/1869 and 2007/2460). Two additional fuels are authorised.

2.2 They contain a savings provision to provide that stocks of authorised fuels manufactured before the coming into force of this instrument remain as authorised fuels (regulation 3).

3. **Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments**

3.1 None.

4. **Legislative Background**

4.1 Section 20 of the Clean Air Act 1993 prohibits the emission of smoke from chimneys in smoke control areas, save from certain “authorised fuels” (these fuels are set out in S.I. 2001/3745, as amended by S.I. 2002/3046, 2005/2895, 2006/1869 and 2007/2460, all of which these regulations consolidate).

4.2 Sections 20(6) and 63(1) provide that the Secretary of State may authorise fuels for use in smoke control areas and the above regulations are made in exercise of those powers.

4.3 These regulations add two new fuels to the list of authorised fuels:

- Briteheat briquettes
- Ecoal briquettes

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Clean Air Act 1993 (a consolidation of 1956 and 1968 legislation) aims to safeguard public health from emissions of smoke. In particular it empowers local authorities to declare smoke control areas in which it is an offence to emit smoke from chimneys. Households in those areas must use an “authorised” smokeless fuel – electricity, gas, or a solid smokeless fuel – or install an “exempt” appliance capable of burning “unauthorised” smoky fuels (house coal or wood, for example) without emitting smoke.

7.2 Since 1956 many local authorities have introduced smoke control areas in the major cities and urban areas. The controls which apply in smoke control areas have helped to significantly reduce concentrations of smoke and sulphur dioxide in those parts of the country.

7.3 The Act provides the Secretary of State with power to authorise fuels for use in smoke control areas. These are fuels which have been tested by the Department against the British Standard test for solid smokeless fuels for domestic use. There are presently 48 authorised solid smokeless fuels (including the two added by this instrument).

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Jonathan Lartice at the Department for Environment, Food and Rural Affairs
Tel: 020 7238 1674 or e-mail: jonathan.lartice@defra.gsi.gov.uk can answer any queries regarding the instrument.