CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2002 Rhif 3160 (Cy.295)

AER GLÂN, CYMRU

Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Diwygio) (Cymru) 2002

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Pan fo mwg yn cael ei ollwng o simnai mewn ardal rheoli mwg a bod y simnai honno naill ai-

(a) yn simnai adeilad; neu

(b) yn simnai sydd yn gwasanaethu ffwrnais bwyler sefydlog neu beiriannau diwydiannol (heb fod yn simnai adeilad)

mae adran 20 o Ddeddf Aer Glân 1993 yn darparu bod meddiannydd yr adeilad, neu, yn ôl y digwydd, y person sy'n meddu ar y bwyler neu'r peiriannau, yn euog o dramgwydd. Mae'n amddiffyniad os gellir dangos mai drwy ddefnyddio tanwydd awdurdodedig yn unig yr achoswyd y gollyngiad honedig.

Mae'r Rheoliadau hyn, sydd yn gymwys i Gymru, yn diwygio ymhellach Reoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) 2001 (O.S. 2001/3762 (Cy.311)) ("Rheoliadau 2001"), a gafodd eu diwygio o'r blaen gan Reoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Diwygio) (Cymru) 2001 (O.S. 2001/3996 (Cy. 327)), fel bod brics glo Dragonglow a Dragonbrite sy'n bodloni'r amodau a bennir yn rheoliad 2(3) yn danwydd awdurdodedig.

Mae'r Rheoliadau hefyd yn gwneud diwygiadau amrywiol i Reoliadau 2001, ac yn adlewyrchu'r newidiadau canlynol-

(a) mae'r gweithgynhyrchwr wedi ychwanegu rhwymwr arall at frics glo Homefire, brics glo Supertherm, a brics glo Supertherm II; a

(b) mae brics glo Homefire, brics glo Supertherm, brics glo Supertherm II a brics glo Thermac erbyn hyn yn cael eu gweithgynhyrchu mewn lleoliad gwahanol.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. 3160 (W.295)

CLEAN AIR, WALES

The Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 20 of the Clean Air Act 1993 provides that where smoke is emitted from a chimney in a smoke control area and that chimney is either -

(a) a chimney of a building; or

(b) a chimney serving the furnace of a fixed boiler or industrial plan (not being a chimney of a building)

the occupier of the building or, as the case may be, the person having possession of the boiler or plant, is guilty of an offence. It is a defence to show that the alleged emission was caused solely by the use of an authorised fuel.

These Regulations, which apply to Wales, further amend the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2001 (S.I. 2001/3762 (W.311)) ("the 2001 Regulations"), which were earlier amended by the Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2001 (S.I. 2001/3996 (W. 327)), so that Dragonglow and Dragonbrite briquettes meeting the conditions set out in regulation 2(3) are authorised fuels.

The Regulations also make miscellaneous amendments to the 2001 Regulations, and take account of the following changes -

(a) the manufacturer has added an alternative binder to Homefire briquettes, Supertherm briquettes and Supertherm II briquettes; and

(b) the place of manufacture of Homefire briquettes, Supertherm briquettes, Supertherm II briquettes and Thermac briquettes is now different.

OFFERYNNAU STATUDOL

2002 Rhif 3160 (Cy.295)

AER GLÂN, CYMRU

Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Diwygio) (Cymru) 2002

Wedi'u gwneud	*17 Rhagfyr 2002*
Yn dod i rym	*31 Rhagfyr 2002*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 20(6) a 63(1) o Ddeddf Aer Glân 1993(**a**), ac sy'n arferadwy yn awr gan Gynulliad Cenedlaethol Cymru(**b**), drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Diwygio) (Cymru) 2002 a byddant yn dod i rym ar 31 Rhagfyr 2002.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Tanwyddau Awdurdodedig at ddibenion Deddf Aer Glân 1993

2.-(1) Diwygir Atodlen 1 i Reoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) 2001(**c**) fel a ganlyn.

(2) Ym mharagraff 3(a)-

(a) yn lle "85" rhoddir "95"; a

(b) ar ôl "rhwymwr triagl ac asid ffosfforig" mewnosodir "neu rwymwr organig".

(3) Ym mharagraff 5(a), dileir "a lleithder (sef gweddill y pwysau)".

(4) Ar ôl paragraff 10, mewnosodir -

(a) 1993 p.11.

(b) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru: *gweler* Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo.

(c) O.S. 2001/3762 (Cy. 311), fel y'i diwygiwyd gan O.S. 2001/3996 (Cy. 327).

STATUTORY INSTRUMENTS

2002 No. 3160 (W.295)

CLEAN AIR, WALES

The Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2002

Made	*17th December 2002*
Coming into force	*31st December 2002*

The National Assembly for Wales, in exercise of the powers conferred upon the Secretary of State by sections 20(6) and 63(1) of the Clean Air Act 1993(**a**), and now exercisable by the National Assembly for Wales(**b**), hereby makes the following Regulations:

Citation, commencement and application

1.-(1) These Regulations may be cited as the Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2002 and come into force on 31st December 2002.

(2) These Regulations apply to Wales.

Authorised Fuels for the purposes of the Clean Air Act 1993

2.-(1) Schedule 1 to the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2001(**c**) is amended as follows.

(2) In paragraph 3(a)-

(a) for "85" there is substituted "95"; and

(b) after "phosphoric acid binder" there is inserted "or an organic binder".

(3) In paragraph 5(a), "and moisture (as to the remaining weight)" is deleted.

(4) After paragraph 10, there is inserted -

(a) 1993 c. 11.

(b) The powers of the Secretary of State, insofar as exercisable in relation to Wales, have been transferred to the National Assembly for Wales; *see* Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) S.I. 2001/3762 (W. 311), as amended by S.I. 2001/3996 (W. 327).

"**10A**. Brics glo Dragonglow, a weithgynhyrchir gan Tower Colliery Limited yn Aberdâr, Rhondda Cynon Taf-

(a) sy'n cynnwys llwch y tŵr (sef rhyw 95 y cant o gyfanswm y pwysau) a rhwymwr wedi ei seilio ar resin (sef gweddill y pwysau);

(b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses sy'n cynnwys rholio-wasgu a chaledu oer;

(c) sydd yn frics glo heb eu marcio ar siâp gobennydd ac sy'n pwyso 100 gram ar gyfartaledd; ac

(ch) nad ydynt yn cynnwys mwy nag 1 y cant o sylffwr o gyfanswm y pwysau.

10B. Brics glo Dragonbrite, a weithgynhyrchir gan Tower Colliery Limited yn Aberdâr, Rhondda Cynon Taf-

(a) sy'n cynnwys llwch y tŵr (sef rhyw 95 y cant o gyfanswm y pwysau) a rhwymwr wedi ei seilio ar resin (sef gweddill y pwysau);

(b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses sy'n cynnwys rholio-wasgu a chaledu oer;

(c) sydd yn frics glo ar siâp gobennydd, wedi eu marcio â'r llythyren "T" ar un ochr ac sy'n pwyso 50 gram ar gyfartaledd; ac

(ch) nad ydynt yn cynnwys mwy nag 1 y cant o sylffwr o gyfanswm y pwysau.

(5) Ym mharagraffau 14, 27, 28 a 30, yn lle "Shildon, County Durham" rhoddir "Immingham Briquetting Works, Immingham, Gogledd Ddwyrain Swydd Lincoln".

(6) Ym mharagraff 14(a) a 28(a) ar ôl "rhwymwr organig", ac ym mharagraff 27(a) ar ôl "rhwymwr organig sy'n caledu pan fo'n oer", mewnosodir "neu rwymwr triagl ac asid ffosfforig".

"**10A**. Dragonglow briquettes, manufactured by Tower Colliery Limited at Aberdare, Rhondda Cynon Taf, which -

(a) comprise tower duff (as to approximately 95 per cent of the total weight) and a resin-based binder (as to the remaining weight);

(b) were manufactured from those constituents by a process involving cold cure roll pressing;

(c) are unmarked pillow-shaped briquettes and have an average weight of 100 grammes; and

(d) have a sulphur content not exceeding 1 per cent of the total weight.

10B. Dragonbrite briquettes, manufactured by Tower Colliery Limited at Aberdare, Rhondda Cynon Taf, which -

(a) comprise tower duff (as to approximately 95 per cent of the total weight) and a resin-based binder (as to the remaining weight);

(b) were manufactured from those constituents by a process involving cold cure roll pressing;

(c) are pillow-shaped briquettes marked with the letter "T" on one side and have an average weight of 50 grammes; and

(d) have a sulphur content not exceeding 1 per cent of the total weight.".

(5) In paragraphs 14, 27, 28 and 30, for "Shildon, County Durham" there is substituted "Immingham Briquetting Works, Immingham, North East Lincolnshire".

(6) In paragraph 14(a), 27(a) and 28(a) after "organic binder" there is inserted "or a molasses and phosphoric acid binder".

Eithriadau

3. Er gwaethaf y diwygiadau a wnaed gan reoliad 2(5) uchod, tanwyddau awdurdodedig o hyd fydd brics glo Homefire, brics glo Supertherm, brics glo Supertherm II a brics glo Thermac a weithgynhyrchwyd gan Coal Products Limited yn Shildon, County Durham cyn i'r Rheoliadau hyn ddod i rym.

Savings

3. Notwithstanding the amendments made by regulation 2(5) above, Homefire briquettes, Supertherm briquettes, Supertherm II briquettes and Thermac briquettes manufactured by Coal Products Limited at Shildon, County Durham before the coming into force of these Regulations shall continue to be authorised fuels.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

17 Rhagfyr 2002

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**)

17th December 2002

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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