
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008 (S.I. 2008/3100 (W.274)) to add three new fuels (Briteheat Briquettes, Therma Briquettes and Tiger Tim Firelogs) to the list of fuels declared to be authorised fuels for the purposes of Part III of the Clean Air Act 1993.

Section 20 of the Clean Air Act 1993 (“the 1993 Act”) provides that where a chimney is either—

- (a) a chimney of a building; or
- (b) a chimney serving the furnace of a fixed boiler or industrial plant,

then 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 if the chimney is in a smoke control area and emits smoke. However, it is a defence to prove that the alleged emission was caused solely by the use of an authorised fuel.

In Wales, an authorised fuel means a fuel declared to be authorised by Regulations made by the Welsh Ministers.

A full impact assessment has been prepared for this instrument. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.