
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2015 (S.I. 2015/1517 (W. 176)) (“the 2015 Regulations”).

Section 20 of the Clean Air Act 1993 (“the 1993 Act”) provides that it is an offence to emit smoke from a chimney of a building or a chimney serving a furnace of a fixed boiler or an industrial plant, if that chimney is within a smoke control area. However, by virtue of section 20(3) it is a defence to prove that the alleged emission was not caused by the use of any fuel other than an authorised fuel.

By virtue of section 20(6), “authorised fuel” means a fuel declared by regulations to be an authorised fuel. The power to make such regulations is now exercisable in relation to Wales by the Welsh Ministers.

These Regulations specify all fuels which are currently authorised for use in smoke control areas in Wales for the purposes of section 20 of the 1993 Act.

All the fuels that were listed in the Schedule to the 2015 Regulations immediately prior to the coming into force of these Regulations continue to be authorised fuels, with the exception that a change is made to the specification of one fuel (Ecoal briquettes (also marketed as Homefire Ecoal briquettes and Supertherm 30)).

Four additional fuels are authorised for the first time (ALDI Winter Flame Smokeless Fuel, Cosyglo Smokeless, CPL Restaurant Grade Charcoal and Firegold briquettes).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.