

EXPLANATORY MEMORANDUM TO
THE SMOKE CONTROL AREAS (AUTHORISED FUELS) (ENGLAND)
(AMENDMENT) REGULATIONS 2007

2007 No. 2460

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 These regulations amend Schedule 1 to SI 2001/3745 (the Smoke Control Areas (Authorised Fuels) (England) Regulations 2001) by adding 6 additional solid smokeless fuels to the existing authorised fuels listed in the Schedule for use in smoke control areas. The fuels have been tested by Defra and meet British Standard 3841.

2.2 These regulations also amend Schedule 1 to include the names of new manufacturers for 3 of the fuels already authorised for use in smoke control areas by SI 2001/3745.

3. Matters of special interest to the Joint 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 SI. 2001/3745, as amended by SI 2002/3046, SI 2005/2895 and SI 2006/1869).

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 amend SI 2001/3745 to authorise the following fuels:

- Big K Instant Lighting Fire Logs
- La Hacienda Easy Logs
- Optima Fire Logs
- Pyrobloc Fire Logs
- Zip Firelogs
- UNICITE

4.4 These Regulations also amend SI 2001/3745 to include new manufacturers of fuels that are already authorised for use in smoke control areas.

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 40 authorised solid smokeless fuels.

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.