

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/JJ/1166/23

Llyr Gruffydd MS  
Climate Change, Environment, and Infrastructure Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
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28 June 2023

Dear Llyr,

It has been brought to my attention that there is currently a discrepancy between the Explanatory Memorandum and provisions in the Environment (Air Quality and Soundscapes) (Wales) Bill relating to smoke control.

The Bill introduces civil monetary penalties to replace current criminal sanctions for the emission of smoke in a smoke control area. The Explanatory Memorandum states that we propose to remove the statutory defence of using of an exempt fireplace in a smoke control area. However, the Bill retains provisions giving the Welsh Ministers the power to exempt certain fireplaces from the new civil sanctions for the emission of smoke in a smoke control area.

Under a system of civil penalties, enforcement of smoke control should be easier for local authorities, but officials have considered other barriers to enforcement. The exemption for certain kinds of fuel in relation to the civil penalty has not been recreated in the Bill, but the exemption for certain appliances has. In this context, I now consider it inappropriate to maintain the power of the Welsh Ministers to exempt a class of fireplace from the civil penalty regime.

I will be proposing an amendment to the Bill at Stage 2 to clarify the position, alongside my rationale for removing this power. Overall, I want to ensure we have the appropriate mechanisms in place to enable local authorities to effectively enforce civil sanctions when needed. I will share a copy of the amendment in due course.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee and Chair of the Finance Committee.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

cc. SeneddLJC@senedd.wales  
SeneddFinance@senedd.wales