

EXPLANATORY MEMORANDUM TO
THE SMOKE CONTROL AREAS (AUTHORISED FUELS) (WALES)
REGULATIONS 2014

This Explanatory Memorandum has been prepared by the Department for Natural Resources and Food and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2014.

Alun Davies

Minister for Natural Resources and Food

12 March 2014

1. Description

These Regulations revoke and replace the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008 and amending Regulations of 2009, 2011 and 2013. These Regulations consolidate the existing list of fuels declared to be authorised fuels for the purposes of Part III of the Clean Air Act 1993. The fuels have been tested and meet British Standard 3841. One new fuel is authorised for the first time.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None.

3. Legislative Background

The power enabling this Instrument to be made is contained in section 20(6) of the Clean Air Act 1993.

This power was originally conferred on the Secretary of State but was, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. This power is now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

This Statutory Instrument is subject to the negative resolution procedure.

4. Purpose and intended effect of the legislation

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 certain non-authorised smoky fuels (wood, for example) without emitting smoke.

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.

The Act provides the Welsh Ministers with the power to authorise fuels for use in smoke control areas. These are fuels which have been tested against British Standard 3841 for solid smokeless fuels for domestic use.

Following the specified tests by the Welsh Government's preferred testing centre, Ricardo-AEA Limited; it is proposed to add one more fuel to those which are already authorised. This is detailed below.

ZIP 100% Natural Stove Log, manufactured by Standard Brands (Trading) Ireland Ltd at Castlebellingham, County Louth, Ireland, which—

- (a.) comprise naturally derived hydrogenated triglyceride waxes (as to approximately 53 to 57% of the total weight), willow fibre (as to approximately 23 to 27% of the total weight) and natural molasses-based binder (as to the remaining weight);
- (b.) were manufactured from those constituents by a process of heat treatment and extrusion;
- (c.) are firelogs approximately 165mm in length, 80mm in width and 75mm in height and have an average weight of between 0.835 and 0.865 kilograms per firelog; and
- (e.) have a sulphur content not exceeding 0.2 per cent of the total weight.

5. Consultation

It was not deemed necessary to consult as the Regulations do not amend the regime of smoke control within Wales, but will merely ensure the regime is brought up to date, by adding further fuels to those which are already authorised, for use in smoke control areas. In addition, the Regulations do not affect policy relating to air quality control.

6. Regulatory Impact Assessment

The proposed legislation imposes no costs on the public, private, charities or voluntary sectors, therefore no RIA is deemed necessary.