STATUTORY INSTRUMENTS

2025 No. 287

ENVIRONMENTAL PROTECTION, ENGLAND

FEES AND CHARGES, ENGLAND

The Certification of Fuels and Fireplaces (Charges) (England) Regulations 2025

Made - - - -	*6th March 2025*
Laid before Parliament	*10th March 2025*
Coming into force	*1st April 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 56 of the Finance Act 1973(**a**) and with the consent of the Treasury.

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Certification of Fuels and Fireplaces (Charges) (England) Regulations 2025.

(2) These Regulations come into force at the end of a period of 21 days beginning with the day after the day on which these Regulations are laid.

(**a**) 1973 c. 51: section 56(1) was amended by the European Union (Withdrawal) Act 2018 (c. 16), section 23(5) and Schedule 8, paragraph 17; and, section 56(6) was repealed by the Statute Law (Repeals) Act 1977 (c. 18), Schedule 1, Part 8. Section 56(1) confers on the Minister in charge of a department a power to make regulations requiring the payment of fees and other charges in connection with any authorisation, certificate or other document issued in pursuance of an international agreement. The international agreement relevant to these Regulations is the United Nations Economic Commission for Europe Convention on Long-range Transboundary Air Pollution 1979 and its Protocols. The Convention was adopted on 13th November 1979 within the framework of the Economic Commission for Europe on the Protection of the Environment. The United Kingdom ratified the Convention on 15th July 1982. The Convention was established following research into the role that air-borne pollutants play in creating acid-rain even at considerable distances from the source of that pollution. Article 3 of the Convention requires contracting parties to implement and monitor policies designed to combat the discharge of air pollutants, including smoke from burning solid fuels. See also the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (as amended in 2012 by Executive Body decisions 2021/1 and 2021/2 to include emissions of fine particulate matter and black carbon (soot)). The 1999 Protocol is better known as the Gothenburg Protocol. The obligations of the United Kingdom under Article 3 and the tables in Annex 2 of the Gothenburg Protocol, as they affect England, are fulfilled in part through the provision of smoke control measures in Part 3 of the Clean Air Act 1993 (c. 11) (as that Part applies in relation to England) and in the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 (S.I. 2020/1095). The 1979 Convention and the Gothenburg Protocol may be viewed online at www.unece.org. Hard copies may be available by contacting the United Nations Economic Commission for Europe by email (air_meetings@un.org) or by post (Convention on Long-range Transboundary Air Pollution, Environment Division, United Nations Economic Commission for Europe, Palais des Nations, 8-14 Avenue de la Paix, CH-1211 Geneva 10, Switzerland). For more information contact the International Air Quality Team, Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in relation to smoke control measures as they affect England only.

Interpretation

2.—(1) In these Regulations—

"1993 Act" means the Clean Air Act 1993(**a**);

"assessment organisation" means—

(a) in respect of Part 2, an approved wood certification body (as that term is defined in regulation 4);

(b) in respect of Part 3, an approved manufactured solid fuel certification body (as that term is defined in regulation 10);

(c) in respect of Part 4, a solid fuel assessment body (as that term is defined in regulation 13); and

(d) in respect of Part 5, a fireplace assessment body (as that term is defined in regulation 15);

"brand" means the name and other indicia used in connection with the marketing of solid fuel to differentiate solid fuel supplied by one manufacturer or other supplier from fuel supplied by other manufacturers and suppliers;

"DSFS Regulations" means the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020(**b**);

"regulatory check" means—

(a) a certification audit (as that term is defined in regulation 10); or

(b) a compliance check (as that term is defined in regulation 4);

"regulatory check notice" means notice of a regulatory check that—

(a) is written;

(b) is sent by an assessment organisation to a relevant person by post or email; and

(c) specifies—

(i) the charge to be paid by the relevant person to the assessment organisation in respect of the regulatory check; and

(ii) the latest day for payment of the charge;

"relevant application" means any application of a type mentioned in these Regulations;

"relevant person" means a person who makes a relevant application or is the subject of a regulatory check;

"smoke control measures" means provision in the DSFS Regulations and Part 3 of the 1993 Act; and

"VAT" has the meaning given in section 96(1) of the Value Added Tax Act 1994(**c**).

(2) The amount of any charge specified in these Regulations excludes VAT.

Payment and recovery of charges

3. A charge specified in these Regulations—

(a) is payable by the relevant person to the assessment organisation concerned;

(b) must be paid—

(**a**) 1993 c. 11.
(**b**) S.I. 2020/1095.
(**c**) 1994 c. 23. The definition of "VAT" in section 96 of the Value Added Tax Act 1994 was substituted by paragraph 79(2)(d) of Schedule 8 to the Taxation (Cross-border Trade) Act 2018 (c. 22).

(i) in respect of a relevant application, at the time the application is submitted; and

(ii) in respect of a regulatory check, on or before the latest day for payment specified in the regulatory check notice concerned; and

(c) may, if not paid on or before the due date mentioned in paragraph (b)(ii), be recovered as a debt due to the assessment organisation concerned.

PART 2

Charges for the certification of wood fuel suppliers under the DSFS Regulations

Interpretation of Part 2

4. In this Part—

"annual compliance charges" means the charge payable by a standard wood fuel supplier in respect of compliance checks conducted during an annual period;

"annual period" means—

(a) a period of 12 months beginning on the date on which the most recent wood fuel certificate issued to a wood fuel supplier takes effect; and

(b) each successive 12 month period;

"approved wood certification body" means a person appointed by the Secretary of State under regulation 5(1) of the DSFS Regulations(**a**);

"charitable supplier" means a wood fuel supplier that—

(a) is a charity; and

(b) sells less than 300 m^3 of wood fuel during the annual period concerned;

"charity" means—

(a) an institution defined as such under section 1(1) of the Charities Act 2011(**b**); or

(b) an institution defined as such under an enactment to which section 1(2) of that Act applies;

"compliance check" means a check conducted by an approved wood certification body to verify that a wood fuel supplier who holds a wood fuel certificate is not contravening regulation 4(2) of the DSFS Regulations;

"direct non-standard wood fuel supplier" means a non-standard wood fuel supplier that, during the annual period concerned, only supplies wood fuel directly to end users;

"direct standard wood fuel supplier" means a standard wood fuel supplier that, during the annual period concerned, only supplies wood fuel directly to end users;

"domestic premises" has the meaning given in regulation 2(1) of the DSFS Regulations;

"end user" means a person who acquires wood fuel that is burned by them and not resold;

"group scheme" means a scheme under which two or more group scheme members—

(a) combine their respective wood fuel supplies for the purpose of wood sample testing under regulation 5(3) and (4) of the DSFS Regulations; and

(b) are treated by an approved wood certification body as a single wood fuel supplier for the purposes of regulation 5(2) of the DSFS Regulations;

"group scheme member" means a wood fuel supplier that—

(**a**) The current approved wood certification body is HETAS Limited (company number 02117828) trading as "Woodsure" of Severn House, Unit 5, Newtown Trading Estate, Green Lane, Tewkesbury, Gloucestershire, GL20 8HD. Further details of the Woodsure certification scheme can be found at www.woodsure.co.uk or by emailing the company (info@woodsure.co.uk) or telephoning (01684 278188).

(**b**) 2011 c. 25.

(a) is a member of a group scheme; and

(b) sells less than 600 m^3 of wood fuel during the annual period concerned;

"indirect non-standard wood fuel supplier" means a non-standard wood fuel supplier that, during the annual period concerned, supplies any wood fuel to a wholesale customer;

"indirect standard wood fuel supplier" means a standard wood fuel supplier that, during the annual period concerned, supplies any wood fuel to a wholesale customer;

"initial wood fuel application" means a wood fuel application made by a wood fuel supplier that does not hold a wood fuel certificate in respect of the type of wood fuel that is the subject of that application(**a**);

"m^3" means cubic metres;

"non-standard wood fuel supplier" means—

(a) a smaller forester;

(b) a charitable supplier; and

(c) a not-for-profit supplier;

"not-for-profit supplier" means a wood fuel supplier that—

(a) is a not-for-profit organisation; and

(b) sells less than 300 m^3 of wood fuel during the annual period concerned;

"other supplier" means a wood fuel supplier that is not—

(a) a non-standard wood fuel supplier; or

(b) a group scheme member;

"size of operation" means the aggregate volume of wood fuel (expressed in m^3) supplied by a wood fuel supplier during the annual period concerned;

"smaller forester" means a wood fuel supplier that—

(a) sells less than 300 m^3 of wood fuel during the annual period concerned; and

(b) is not—

(i) a charitable supplier; or

(ii) a not-for-profit supplier;

"standard wood fuel supplier" means a wood fuel supplier that is not a non-standard wood fuel supplier;

"successful initial application" means an initial wood fuel application in respect of which an approved wood certification body issues a wood fuel certificate;

"wholesale customer" means a customer of a wood fuel supplier that is not an end user;

"wood fuel" means wood supplied for the purpose of combustion in domestic premises in England;

"wood fuel application" means an application made by a wood fuel supplier to an approved wood certification body under regulation 5(2) of the DSFS Regulations;

"wood fuel certificate" means a certificate issued by an approved wood certification body under regulation 5(5) of the DSFS Regulations;

"wood fuel recertification application" means a wood fuel application made by a wood fuel supplier at any time after that supplier makes a successful initial application in respect of the type of wood fuel concerned; and

"wood fuel supplier" means a person required to apply to an approved wood certification body for a certificate under regulation 5(2) of the DSFS Regulations.

(**a**) Types of wood fuel include hardwood and softwood that in either case may be seasoned or force-dried.

Charges for a wood fuel supplier's initial application

5. The charges specified in the second column of table 1 apply where a wood supplier of a type specified in the corresponding row of the first column makes an initial wood fuel application.

Table 1

Type of wood supplier	*Charge (£)*
Charitable or not-for-profit supplier	215.00
Smaller forester	268.75
Group scheme	455.00
Other supplier	455.00

Charges for a wood fuel supplier's recertification application

6. The charges specified in the second column of table 2 apply where a wood fuel supplier of a type specified in the corresponding row of the first column makes a wood fuel recertification application.

Table 2

Type of wood supplier	*Charge (£)*
Charitable or not-for-profit supplier	215.00
Smaller forester	268.75
Group scheme	345.00
Other supplier	345.00

Annual compliance charges for direct standard wood fuel suppliers

7. The amounts specified in the second column of table 3 are the maximum annual compliance charges that may be imposed by an approved wood certification body in respect of a direct standard wood fuel supplier having a size of operation specified in the corresponding row of the first column.

Table 3

Size of operation (m^3)	*Maximum annual compliance charge (£)*
Up to 2,000	125.00
Between 2,001 and 3,500	215.00
Between 3,501 and 8,500	505.00
Between 8,501 and 20,000	730.00
Between 20,001 and 40,000	1,125.00
Between 40,001 and 80,000	2,120.00
Above 80,000	3,600.00

Annual compliance charges for indirect standard wood fuel suppliers

8. The amounts specified in the second column of table 4 are the maximum annual compliance charges that may be imposed by an approved wood certification body in respect of an indirect standard wood fuel supplier having a size of operation specified in the corresponding row of the first column.

Table 4

Size of operation (m^3)	*Maximum annual compliance charge (£)*
Up to 2,000	250.00
Between 2,001 and 3,500	430.00
Between 3,501 and 8,500	1,010.00

Between 8,501 and 20,000	1,460.00
Between 20,001 and 40,000	2,250.00
Between 40,001 and 80,000	3,532.50
Above 80,000	6,000.00

Compliance check charges for non-standard wood fuel suppliers

9. The charges specified in the second column of table 5 apply in respect of each compliance check conducted in relation to the type of non-standard wood fuel supplier specified in the corresponding row of the first column.

Table 5

Type of non-standard wood fuel supplier	*Compliance check charge (£)*
Direct non-standard wood fuel supplier	125.00
Indirect non-standard wood fuel supplier	250.00

PART 3

Charges for the certification of manufactured solid fuel under the DSFS Regulations

Interpretation of Part 3

10. In this Part—

"approved manufactured solid fuel certification body" means a person appointed by the Secretary of State under regulation 11(1) of the DSFS Regulations(**a**);

"certification audit" means a check carried out by an approved manufactured solid fuel certification body to determine whether a certified MS fuel continues to be free of prohibited characteristics;

"certified MS fuel" means a manufactured solid fuel in respect of which an MS fuel certificate has been granted(**b**);

"manufactured solid fuel" has the meaning given in regulation 9(1) of the DSFS Regulations;

"MS fuel application" means an application made by a solid fuel manufacturer to an approved manufactured solid fuel certification body under regulation 11(2) of the DSFS Regulations;

"MS fuel certificate" means a certificate issued by an approved manufactured solid fuel certification body under regulation 11(5) of the DSFS Regulations;

"MS fuel rebrand application" means an MS fuel application, other than a new MS fuel brand application, made in respect of a brand under which a certified MS fuel is to be marketed;

"new MS fuel" means a manufactured solid fuel comprising materials or proportions of materials that are different from those of a certified MS fuel;

"new MS fuel application" means an MS fuel application made in respect of a new MS fuel;

"new MS fuel brand application" means an MS fuel application made in respect of the brand under which a new MS fuel is to be marketed;

"prohibited characteristics" has the meaning given in regulation 11(9) of the DSFS Regulations;

(**a**) The current approved manufactured solid fuel certification body is HETAS Limited. More information about HETAS assessments may be found on their website (www.hetas.co.uk) or by telephoning them (01684 278170).

(**b**) A list of certified manufactured solid fuels my be viewed online at https://smokecontrol.defra.gov.uk/fuels-php/england/. A hard copy of the list may be obtained by contacting the Head of Domestic Combustion Policy, Air Quality and Industrial Emissions, Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF.

"recertification application" means an MS fuel application to extend the period during which an MS fuel certificate has effect; and

"solid fuel manufacturer" means a manufacturer of manufactured solid fuel.

Manufactured solid fuel certification charges

11. The charges specified in the second column of table 6 apply in respect of the type of MS fuel application specified in the corresponding row of the first column.

Table 6

Type of MS fuel application	*Charge (£)*
New MS fuel application	950.00
New MS fuel brand application	475.00
MS fuel rebrand application	475.00
Recertification application	475.00

Certification audit charges

12.—(1) Subject to paragraph (2), a charge of £750 applies in respect of each certification audit.

(2) In any 36 month period, the aggregate charges for certification audits payable by a solid fuel manufacturer may not exceed £750.

(3) Paragraph (2) does not apply where an approved manufactured solid fuel certification body has reason to suspect that, during any 36 month period referred to in paragraph (2), the manufacturer is supplying manufactured solid fuel that has prohibited characteristics.

PART 4

Approval of solid fuels under the Clean Air Act 1993 – assessment charges

Interpretation of Part 4

13. In this Part—

"approved solid fuel" means a solid fuel in respect of which a solid fuel assessment body has issued a solid fuel approval notice;

"list of approved fuels" means the list of approved fuels published by the Secretary of State(**a**) under section 19D(4) of the 1993 Act(**b**) (interpretation of "approved fuel" for the purposes of section 19B of that Act (acquisition and sale of controlled solid fuel in England));

"new solid fuel" means a solid fuel comprising materials or proportions of materials that are different from those of—

(a) an approved solid fuel; or

(b) any other solid fuel included in the list of approved fuels from time to time;

"new solid fuel application" means a solid fuel application made in respect of a new solid fuel;

"new solid fuel brand application" means a solid fuel application made in respect of the first brand under which a new solid fuel is intended to be marketed;

"other supplier" means a solid fuel supplier that is not a solid fuel manufacturer;

(**a**) The list of approved fuels may be viewed online at https://smokecontrol.defra.gov.uk/fuels-php/england/. A hard copy of the list may be obtained by contacting the Head of Domestic Combustion Policy, Air Quality and Industrial Emissions, Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF.

(**b**) Sections 19A to 19D were inserted by the Environment Act 2021 (c. 30), Schedule 12, paragraphs 2 and 4. The inserted sections apply in relation to England only.

"recertification application" means a solid fuel application to extend the period during which a solid fuel approval notice has effect;

"solid fuel application" means an application made by a solid fuel manufacturer or other supplier to a solid fuel assessment body for solid fuel assessment;

"solid fuel approval notice" means a notice recording the fact that a solid fuel is suitable for inclusion in the list of approved fuels;

"solid fuel assessment" means an assessment of a solid fuel's suitability for inclusion in the list of approved fuels;

"solid fuel assessment body" means an organisation appointed by the Secretary of State to provide solid fuel assessments(**a**); and

"solid fuel rebrand application" means a solid fuel application, other than a new solid fuel brand application, made in respect of a brand under which an approved solid fuel is to be marketed.

Charges for the assessment of solid fuel

14. The charges specified in the second column of table 7 apply in respect of the type of solid fuel application specified in the corresponding row of the first column.

Table 7

Type of solid fuel application	*Charge (£)*
New solid fuel application	950.00
New solid fuel brand application	475.00
Solid fuel rebrand application	475.00
Recertification application	475.00

PART 5

Approval of fireplaces under the Clean Air Act 1993 – assessment charges

Interpretation of Part 5

15. In this Part—

"approved fireplace" means—

(a) a fireplace in respect of which a fireplace assessment body has issued a fireplace approval notice; or

(b) a fireplace included in the list of approved fireplaces from time to time;

"approved range of fireplaces" means a range of fireplaces, one or more of which is an approved fireplace;

"core characteristics" means characteristics of a fireplace that are taken into account by a fireplace assessment body when conducting a fireplace assessment;

"fireplace" has the meaning given in section 64(1) of the 1993 Act(**b**);

"fireplace application" means an application for a fireplace assessment made by a person to a fireplace assessment body;

"fireplace approval notice" means a notice recording the fact that a fireplace is suitable for inclusion in the list of approved fireplaces;

(**a**) The current solid fuel assessment body is HETAS Limited.
(**b**) There are amendments to section 64(1) but none is relevant to these Regulations.

"fireplace assessment" means an assessment of a fireplace's suitability for inclusion in the list of approved fireplaces;

"fireplace assessment body" means an organisation appointed by the Secretary of State to conduct fireplace assessments(**a**);

"initial fireplace application" means a fireplace application made in respect of a fireplace that is not part of an approved range of fireplaces;

"list of approved fireplaces" means the list of approved fireplaces published by the Secretary of State(**b**) under section 19D(1) of the 1993 Act (interpretation of "approved fireplace" for the purpose of section 19B of that Act);

"range of fireplaces" means a range of fireplaces all of which—

(a) are variants of the same basic design; and

(b) have the same core characteristics; and

"subsequent fireplace application" means a fireplace application made in respect of a fireplace that is part of an approved range of fireplaces.

Charges for fireplace assessments

16. The charges specified in the second column of Table 8 apply in respect of the type of fireplace application specified in the corresponding row of the first column.

Table 8

Type of fireplace application	*Charge (£)*
Initial fireplace application	1,610.00
Subsequent fireplace application	470.00

Emma Hardy
Parliamentary Under Secretary of State
6th March 2025 Department for Environment, Food and Rural Affairs

We consent

Jeff Smith
Vicky Foxcroft
5th March 2025 Two of the Lords Commissioners of His Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations extend to England and Wales but apply in relation to smoke control measures as they affect England only.

They prescribe the charges that may be made in connection with the certification of wood fuel, other solid fuels and fireplaces for the purposes of smoke control legislation that implements (in respect of England) a number of the United Kingdom's obligations under the United Nations Economic Commission for Europe Convention on Long-range Transboundary Air Pollution 1979 and its 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (more often referred to as the Gothenburg Protocol).

(**a**) The current fireplace assessment body is HETAS Limited.
(**b**) The list of approved fireplaces may be viewed online at smokecontrol.defra.gov.uk/exempt-appliances/england/. A hard copy of the list may be obtained by contacting the Head of Domestic Combustion Policy, Air Quality and Industrial Emissions, Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF.

Part 2 of these Regulations prescribes charges payable to an approved wood certification body for processing an application for a certificate relating to the moisture content of wood under regulation 5(2) of the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 (S.I. 2020/1095) ("the DSFS Regulations 2020"). It also prescribes charges for carrying out ongoing compliance checks in connection with that certification.

Part 3 of these Regulations prescribes charges payable to an approved manufactured solid fuel certification body for processing an application for a certificate under regulation 11(2) of the DSFS Regulations 2020 relating to the standards applicable to analysts engaged to test solid manufactured fuel for prohibited characteristics. It also prescribes charges for carrying out audits in connection with that certification.

Part 4 of these Regulations prescribes charges payable to a solid fuel assessment body for processing an application to assess a solid fuel in relation to its potential designation as an approved fuel under section 19D(4) of the Clean Air Act 1993 (c. 11).

Part 5 of these Regulations prescribes charges payable to a fireplace assessment body for processing an application to assess a fireplace in relation to its potential designation as an approved fireplace under section 19D(1) of the Clean Air Act 1993.

An impact assessment has not been produced for this instrument because none of its provisions is within the scope of the Better Regulation Framework.

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