STATUTORY INSTRUMENTS

1969 No. 1388 (S. 108)

CLEAN AIR

The Clean Air (Arrestment Plant) (Exemption) (Scotland) Regulations 1969

Made - - -	*25th September* 1969
Laid before Parliament	*30th September* 1969
Coming into Operation	*1st October* 1969

In exercise of the powers conferred on me by sections 4(1) and (3) and 13(1) of the Clean Air Act 1968(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Clean Air (Arrestment Plant) (Exemption) (Scotland) Regulations 1969 and shall come into operation on 1st October 1969.

Interpretation

2. The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Furnaces exempted from the operation of section 3(1) *of the Clean Air Act* 1968

3. The classes of furnace set out in column (1) of schedule 1 hereto shall while used for a purpose set out in column (2) opposite that class be exempted from the provisions of section 3(1) of the Clean Air Act 1968 (which requires the fitting of arrestment plant to certain new furnaces).

Prescribed form for the purposes of section 4(3) *of the Clean Air Act* 1968

4. For the purposes of section 4(3) of the Clean Air Act 1968 (which requires an application for exemption of a furnace from the requirement to fit arrestment plant pursuant to section 3(1) of that Act to be made to the local authority in the prescribed form and to be accompanied by the prescribed particulars) the prescribed form shall be the form set out in schedule 2 hereto and the prescribed particulars shall be the particulars set out in schedule 3.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
25th September, 1969.

(a) 1968 c. 62.

(b) 1889 c. 63.

Regulation 3

SCHEDULE 1

EXEMPTED FURNACES

(1) Class of Furnace	(2) Purpose
1. Mobile or transportable furnaces ...	(*a*) Providing a temporary source of heat or power during any building operation or work of engineering construction (within the meaning of section 176 of the Factories Act 1961(a)); (*b*) Providing a temporary source of heat or power for investigation or research; (*c*) Providing heat or power for the purposes of agriculture (within the meaning of section 86(3) of the Agriculture (Scotland) Act 1948(b)).
2. Furnaces other than furnaces designed to burn solid matter at a rate of 1 ton an hour or more which fall within any of the following descriptions and in which the matter being heated does not contribute to the emission of grit and dust:— (*a*) furnaces burning liquid matter, gas, or liquid matter and gas; (*b*) hand-fired sectional furnaces designed to burn solid matter at a rate of not more than 25 pounds an hour for each square foot of grate surface; (*c*) magazine type gravity-fed furnaces designed to burn solid matter at a rate of not more than 25 pounds an hour for each square foot of grate surface; (*d*) furnaces fitted with an under-feed stoker designed to burn solid matter at a rate of not more than 25 pounds an hour for each square foot of the plan area of the combustion chamber; (*e*) furnaces fitted with a chain grate stoker designed to burn solid matter at a rate of not more than 25 pounds an hour for each square foot of grate surface; (*f*) furnaces fitted with a coking stoker designed to burn solid matter at a rate of not more than 25 pounds an hour for each square foot of the area covered by the fire bars excluding the solid coking plate.	Any purpose except the incineration of refuse.

(a) 1961 c. 34.

(b) 1948 c. 45.

Regulation 4

SCHEDULE 2

CLEAN AIR ACT 1968

Section 4—Exemption from requirement to fit arrestment plant.
Application for exemption by the local authority of a furnace from the operation of Section 3(1) of the Act.

Name and address of local authority.

A. Full name and address of applicant.
Telephone No.
Address of premises where furnace is or will be situated (if different from above).
Name and address of consultant, contractor, or other agent (if employed).
Telephone No.

B. 1. Description of furnace for which exemption is sought.
2. Purpose for which it is to be used.

C. Grounds on which exemption is claimed (Note 1).
Signed by or on behalf of the applicant.
Date (Note 2).

Notes 1 and 2

1. Section 4(2) of the Clean Air Act 1968 provides:—
"If on the application of the occupier of a building a local authority are satisfied that the emission of grit and dust from any chimney serving a furnace in the building will not be prejudicial to health or a nuisance if the furnace is used for a particular purpose without compliance with section 3(1) above, they may exempt the furnace from the operation of that subsection while used for that purpose."

2. Section 4(4) of the Clean Air Act 1968 provides:—
"If a local authority to whom an application is duly made for an exemption under subsection (2) above fail to determine the application and to give a written notice of their decision to the applicant within eight weeks of receiving the application or such longer period as may be agreed in writing between the applicant and the authority the furnace shall be treated as having been granted an exemption from the operation of section 3(1) while used for the purpose specified in the application."

Regulation 4

SCHEDULE 3

Particulars to accompany application for exemption

1. Type and description of furnace.

2. Particulars of furnace:—
(*a*) Maximum continuous rating of furnace or of boiler served by furnace (B.T.U.'s per hour or pounds steam per hour from and at 100°C.).
(*b*) Type of fuel to be used (Note 3).
(*c*) If solid fuel, state area of grate in square feet.
(*d*) Maximum rate of fuel consumption (per hour).
(*e*) Method of firing (Note 4).
(*f*) Type of draught i.e. Natural
Mechanical—forced
—induced
—balanced
(Underline applicable words.)

3. Does the material being heated or processed itself contribute to the emission of grit and dust? YES/NO.
If Yes, state—
(*a*) nature of material;
(*b*) processing rate (per hour).

4. Pattern of operation:—

(*a*) Degree of use (i.e. permanent, temporary or standby).

(*b*) Working hours—

per day;
per week;
per year.

(*c*) Does load on plant vary? YES/NO.
If Yes, in what degree?

5. Any other information relevant to the application.

Notes 3 *and* 4

3. If oil specify type and viscosity. If solid fuel is coal, give Coal Board specification, or colliery source, if known.

4. If by mechanical stoker, state type.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

Section 3(1) of the Clean Air Act 1968 requires that certain new furnaces shall be provided with plant approved by the local authority for arresting grit and dust. Section 4(1) of the Act empowers the Secretary of State to exempt prescribed classes of furnaces from the above requirements while used for a prescribed purpose. The regulations prescribe such classes and purposes. Applications may also be made to the local authority under section 4(2) of the Act for the exemption of individual furnaces from the requirements of section 3(1). The regulations prescribe the form of application and the particulars to accompany that form.