EXPLANATORY MEMORANDUM TO

SMOKE CONTROL AREAS (AUTHORISED FUELS) REGULATIONS (NORTHERN IRELAND) 2012

SR 2012 No. 399

Introduction
This Explanatory Memorandum has been prepared by the Department of the Environment to accompany S.R. 2012 No. 399 which is laid before the Northern Ireland Assembly.

The Statutory Rule is made under Article 2(2) of the Clean Air (Northern Ireland) Order 1981 and is subject to negative resolution procedure.

Purpose
These Regulations specify fuels that have been declared as authorised fuels. They revoke the Smoke Control Areas (Authorised Fuels) Regulations (Northern Ireland) 2011, add six new authorised fuels and make an amendment to the previous entries for Briteheat briquettes and Stoveheat Premium briquettes.

Background
Clean air legislation was first introduced in Northern Ireland under the Clean Air Act (Northern Ireland) 1964 to deal with smogs and the high levels of smoke in our towns and cities. The legislation was subsequently repealed and updated by the Clean Air (Northern Ireland) Order 1981. Under the legislation district councils may, by Order, declare all or part of their district a smoke control area. The effect of a smoke control area is to prohibit the emission of smoke from chimneys in that area, to help to control air pollution. In smoke control areas, residents are required to use “authorised” smokeless fuels or install an “exempted” fireplace. These Regulations concern authorised fuels only. Authorised fuels are fuels that have been tested and found to be suitable for use in smoke control areas. They include gas, electricity and a range of solid smokeless fuels. As manufacturers produce new types of smokeless fuel it is necessary to review and update the list of authorised fuels deemed suitable for use in smoke control areas.

Consultation
No consultation has been carried out for these Regulations. This is because no new provisions, obligation, offences or penalties are introduced. Instead, the Regulations merely provide for new fuels to be added to the list of authorised fuels.

Equality Impact
There are no equality issues associated with these Regulations.

Regulatory Impact
A Regulatory Impact Assessment has not been undertaken as the Regulations will have no impact on business, charities or the voluntary sector.

Financial Implications
There are no financial implications arising from these new Regulations.

Section 24 of the Northern Ireland Act 1998
The Statutory Rule complies with the provisions set out in Section 24.

EU Implications
Not applicable.

Parity or Replicatory Measures
Provisions to include new fuels in English legislation have been in force since 1 October 2012 under the Smoke Control Areas (Authorised Fuels) (England) (No.2) Regulations 2012 (2012 No.2281).

Additional Information
Not applicable**.**