OFFERYNNAU STATUDOL CYMRU

2009 Rhif 3225 (Cy.279)

AER GLÂN, CYMRU

Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) (Diwygio) 2009

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) 2008 (O.S. 2008/3100 (Cy.274)) er mwyn ychwanegu tri thanwydd newydd (Brics glo Briteheat, Brics glo Therma a Boncyffion tân Tiger Tim) at y rhestr o danwyddau y datganwyd eu bod yn danwyddau awdurdodedig at ddibenion Rhan III o Ddeddf Aer Glân 1993.

Mae adran 20 o Ddeddf Aer Glân 1993 ("Deddf 1993") yn darparu, pan fo simnai naill ai–

(a) yn simnai adeilad; neu

(b) yn simnai sy'n gwasanaethu ffwrnais bwyler sefydlog neu beiriannau diwydiannol,

fod meddiannydd yr adeilad, neu (yn ôl y digwydd) y person sy'n meddu ar y bwyler neu'r periannau yn euog o dramgwydd os yw'r simnai mewn ardal rheoli mwg ac yn gollwng mwg. Er hynny, mae'n amddiffyniad os gellir profi mai drwy ddefnyddio tanwydd awdurdodedig yn unig yr achoswyd y gollyngiad honedig.

Yng Nghymru, ystyr tanwydd awdurdodedig yw tanwydd y datganwyd ei fod yn awdurdodedig gan Reoliadau a wnaed gan Weinidogion Cymru.

Cafodd asesiad effaith rheoleiddiol ei baratoi ar gyfer yr offeryn hwn. Gellir cael copi ohono gan Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

WELSH STATUTORY INSTRUMENTS

2009 No. 3225 (W.279)

CLEAN AIR, WALES

The Smoke Control Areas (Authorised Fuels) (Wales) (Amendment) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008 (S.I. 2008/3100 (W.274)) to add three new fuels (Briteheat Briquettes, Therma Briquettes and Tiger Tim Firelogs) to the list of fuels declared to be authorised fuels for the purposes of Part III of the Clean Air Act 1993.

Section 20 of the Clean Air Act 1993 ("the 1993 Act") provides that where a chimney is either–

(a) a chimney of a building; or

(b) a chimney serving the furnace of a fixed boiler or industrial plant,

then the occupier of the building or (as the case may be) the person having possession of the boiler or plant is guilty of an offence if the chimney is in a smoke control area and emits smoke. However, it is a defence to prove that the alleged emission was caused solely by the use of an authorised fuel.

In Wales, an authorised fuel means a fuel declared to be authorised by Regulations made by the Welsh Ministers.

A full impact assessment has been prepared for this instrument. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 3225 (Cy.279)

AER GLÂN, CYMRU

Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) (Diwygio) 2009

Gwnaed	*4 Rhagfyr 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*8 Rhagfyr 2009*
Yn dod i rym	*31 Rhagfyr 2009*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 20(6) a 63(1) o Ddeddf Aer Glân 1993(**1**) ac a freiniwyd bellach yng Ngweinidogion Cymru(**2**), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

2.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) (Diwygio) 2009 a deuant i rym ar 31 Rhagfyr 2009.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Diwygiadau

3.–(1) Yn yr Atodlen (Tanwyddau Awdurdodedig) i Reoliadau Ardaloedd Rheoli Mwg (Tanwyddau Awdurdodedig) (Cymru) 2008(**3**), ar ôl paragraff 8, mewnosoder–

"**8A**. Brics glo Briteheat, a weithgynhyrchir gan Coal Products Limited yn Immingham Briquetting Works, Immingham, North East Lincolnshire–

(a) wedi'u cyfansoddi o lo carreg (yn cyfateb i ryw 60% i 85% o gyfanswm eu

(**1**) 1993 (p.11).

(**2**) Trosglwyddwyd pwerau perthnasol yr Ysgrifennydd Gwladol i'r Cynulliad Cenedlaethol gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac Atodlen 1 iddo, a'u trosglwyddo wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

(**3**) O.S. 2008/3100 (Cy.274).

WELSH STATUTORY INSTRUMENTS

2009 No. 3225 (W.279)

CLEAN AIR, WALES

The Smoke Control Areas (Authorised Fuels) (Wales) (Amendment) Regulations 2009

Made	*4 December 2009*
Laid before the National Assembly for Wales	*8 December 2009*
Coming into force	*31 December 2009*

The Welsh Ministers in exercise of the powers conferred upon the Secretary of State by section 20(6) and 63(1) of the Clean Air Act 1993(**1**) and now vested in the Welsh Ministers(**2**) make the following Regulations:

Title, commencement and application

2.–(1) The title of these Regulations is the Smoke Control Areas (Authorised Fuels) (Wales) (Amendment) Regulations 2009 and they come into force on 31 December 2009.

(2) These Regulations apply in relation to Wales.

Amendments

3.–(1) In the Schedule (Authorised Fuels) to the Smoke Control Areas (Authorised Fuels) (Wales) Regulations 2008 (**3**), after paragraph 8, insert–

"**8A**. Briteheat briquettes, manufactured by Coal Products Limited at Immingham Briquetting Works, North East Lincolnshire, which–

(a) comprise anthracite (as to approximately 60 to 85% of the total weight), petroleum

(**1**) 1993 (c.11).

(**2**) The relevant powers of the Secretary of State were transferred to the National Assembly by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and thereafter transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(**3**) S.I. 2008/3100 (W.274).

pwysau), golosg petrolewm (yn cyfateb i ryw 30% o gyfanswm eu pwysau), glo rhwym (yn cyfateb i ryw 15% o gyfanswm eu pwysau), a rhwymwr triagl ac asid ffosfforig (yn cyfateb i weddill eu pwysau);

(b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses rholio-wasgu a thriniaeth wres ar ryw 300°C;

(c) sy'n frics glo ar siâp clustogau a chanddynt linell wedi'i hindentio'n rhedeg o'u cwmpas ac sy'n pwyso 30 gram y fricsen ar gyfartaledd; ac

(ch) nad yw sylffwr yn cyfateb i fwy na 2% o gyfanswm eu pwysau."

(2) Ar ôl paragraff 41 o'r Atodlen, mewnosoder–

"**41A**. Brics glo Therma, a weithgynhyrchir gan Maxibrite Limited yn Llantrisant, Rhondda Cynon Taf–

(a) wedi'u cyfansoddi o ronynnau glo caled (yn cyfateb i ryw 84% o gyfanswm eu pwysau), golosg petrolewm (yn cyfateb i ryw 12% o gyfanswm eu pwysau) a rhwymwr starts (yn cyfateb i weddill eu pwysau);

(b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses rholio-wasgu a thriniaeth wres ar ryw 250°C;

(c) sy'n frics glo hirgrwn/ar siâp deigryn a chanddynt linell drwy'r canol ac sy'n pwyso 26 gram y fricsen ar gyfartaledd; a

(ch) nad yw sylffwr yn cyfateb i fwy na 2% o gyfanswm eu pwysau."

(3) Ar ôl paragraff 42 o'r Atodlen, mewnosoder–

"**42A**. Boncyffion tân Tiger Tim, a weithgynhyrchir gan De Lange B V., Rustenburgerweg 3, 1646 WJ Ursem, yr Iseldiroedd–

(a) wedi'u cyfansoddi o gŵyr hydrin (yn cyfateb i ryw 50% o gyfanswm eu pwysau) a blawd llif (yn cyfateb i ryw 50% o gyfanswm eu pwysau);

(b) a weithgynhyrchwyd o'r cyfansoddion hynny drwy broses triniaeth wres ac allwthio;

(c) sy'n foncyffion tân rhyw 280 o filimetrau o hyd a 75 o filimetrau x 75 o filimetrau x 75 o filimetrau a chanddynt un rhigol yn rhedeg ar hyd pob un o'u pedwar wyneb sy'n 280 o filimetrau o hyd ac sy'n pwyso 1.1 kilogram y boncyff ar gyfartaledd; a

(ch) nad yw sylffwr yn cyfateb i fwy na 0.2% o gyfanswm eu pwysau.".

coke (up to approximately 30% of the total weight), bituminous coal (up to approximately 15% of the total weight), and a molasses and phosphoric acid binder (as to the remaining weight);

(b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at about 300°C;

(c) are cushion-shaped briquettes with an indented line running longitudinally around the briquette and have an average weight of 30 grams per briquette; and

(d) have a sulphur content not exceeding 2% of the total weight."

(2) After paragraph 41 of the Schedule, insert–

"**41A**. Therma Briquettes, manufactured by Maxibrite Limited at Llantrisant, Rhondda Cynon Taff, which–

(a) comprise anthracite fines (as to approximately 84% of the total weight) petroleum coke (as to approximately 12% of the total weight) and starch binder (as to the remaining weight);

(b) were manufactured from those constituents by a process involving roll-pressing and heat treatment at 250°C;

(c) are oval/tear shaped briquettes with a line through the centre and have an average weight of 26 grams per briquette; and

(d) have a sulphur content not exceeding 2% of the total weight."

(3) After paragraph 42 of the Schedule, insert–

"**42A**. Tiger Tim Firelogs, manufactured by De Lange B V., Rustenburgerweg 3, 1646 WJ Ursem , the Netherlands, which–

(a) comprise slackwax (as to approximately 50% of the total weight) and sawdust (as to approximately 50% of the total weight);

(b) were manufactured from those constituents by a process of heat treatment and extrusion;

(c) are firelogs approximately 280 millimetres in length and 75 millimetres x 75 millimetres x 75 millimetres with a single groove running along each of the four 280 millimetre length faces and have an average weight of 1.1 kilograms per firelog; and

(d) have a sulphur content not exceeding 0.2% of the total weight.".

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru

4 Rhagfyr 2009

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Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

4 December 2009

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