EXPLANATORY MEMORANDUM TO

The Smoke Control Areas (Exempted Fireplaces) (Amendment) Regulations (Northern Ireland) 2015

SR 2015 No. 274

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 17(7) of the Clean Air (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Regulations amend the Smoke Control Areas (Exempted Fireplaces) (No. 2) Regulations (Northern Ireland) 2013 by prescribing additional classes of fireplace in the Schedule. These fireplaces have been tested and found to be suitable for use in a smoke control area.The Regulations also make amendments to the details of some existing exempted fireplaces.

3. Background

3.1. Clean air legislation was first introduced in Northern Ireland under the Clean Air Act (Northern Ireland) 1964 to deal with smog 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 The legislation was subsequently repealed and updated by the Clean Air (Northern Ireland) Order 1981.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 Order is to limit the emission of smoke from chimneys in the area. In smoke control areas, residents are required to use “authorised” smokeless fuels or install an “exempted fireplace”. These Regulations concern exempted fireplaces only. The Department may allow certain classes of fireplace to be used in smoke control areas if it is satisfied they can be used for burning fuel other than authorised fuels without producing smoke or a substantial quantity of smoke. As manufacturers produce new types of heating appliances, it is necessary to review and update the list of exempted fireplaces deemed suitable for use in smoke control areas. These Regulations amend the Schedule to the existing Smoke Control Regulations on exempted fireplaces by adding a number of newly approved fireplaces to the Schedule, and also by updating the details of some existing fireplaces in the Schedule.

4. Consultation

4.1. No public consultation has been carried out for these Regulations. The Regulations do not introduce any new provisions, obligations, offences or penalties. Instead, the Regulations merely provide for new appliances to be added to the list of exempted fireplaces in the Schedule, and for amendments to be made to other current exempted fireplaces on the same list.

5. Equality Impact

5.1. It is considered that the Statutory Rule will have no differential impact on any of the groups specified in section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been undertaken as the Regulations will have no impact on business, charities or the voluntary sector. This is because the provisions on smoke control and on exempted fireplaces remain the same. The only changes are that newly approved fireplaces have been added to the Schedule, and updates have been made to some of the existing fireplaces in the Schedule.

7. Financial Implications

7.1. The Regulations are not expected to have any financial impact upon any sector in Northern Ireland.

8. Section 24 of the Northern Ireland Act 1998

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

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. DEFRA has made equivalent legislation, namely the Smoke Control Areas (Exempted Fireplaces) (England) Order 2015, which came into force on 6 April 2015.

11. Additional Information

11.1. Not applicable.