STATUTORY INSTRUMENTS

2005 No. 2304

CLEAN AIR, ENGLAND

The Smoke Control Areas (Exempted Fireplaces) (England) Order 2005

Made - - - -	*17th August 2005*
Laid before Parliament	*19th August 2005*
Coming into force - -	*1st October 2005*

The Secretary of State, in exercise of the power conferred upon her by section 21 of the Clean Air Act 1993(**a**), being satisfied that the classes of fireplace exempted by this Order can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke, hereby makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) (England) Order 2005 and shall come into force on 1st October 2005.

(2) This Order applies to England only(**b**).

Classes of fireplace exempted from section 20 of the Clean Air Act 1993

2. The classes of fireplace described in the Schedule shall, upon the conditions there specified, be exempted from the provisions of section 20 (prohibition on emission of smoke in smoke control area) of the Clean Air Act 1993.

Amendment of the Smoke Control Areas (Exempted Fireplaces) Order 1999

3. In the entry relating to the Dunsley Yorkshire Stove in the Schedule to the Smoke Control Areas (Exempted Fireplaces) Order 1999(**c**)—

(a) for the description "The Dunsley Yorkshire Stove manufactured by Dunsley Heat Limited", substitute the description "The Dunsley Yorkshire Stove, the Dunsley Yorkshire Multifuel Stove and the Dunsley Yorkshire Multifuel Stove and Boiler manufactured by Dunsley Heat Limited";

(b) after the words "reference "A/22160"" at the end of paragraph 1 of the Conditions, insert the words "as amended by the manufacturer's instructions dated 4th December 2004 bearing the reference "D13" with regard to the Stove and Multifuel Stove, and by the

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(**a**) 1993 c. 11.

(**b**) The relevant powers of the Secretary of State have been devolved in relation to Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (*see* the entry in Schedule 1 for the Clean Air Act 1993), and in relation to Scotland by section 53 of the Scotland Act 1998 (c. 46).

(**c**) S.I. 1999/1515, which applies to England and Wales; there are amendments to that Order not relevant to this Order.

manufacturer's instructions dated 4th October 2004 bearing the reference GHD/DUN4B/1 with regard to the Multifuel Stove and Boiler".

Ben Bradshaw
Parliamentary Under Secretary of State,
17th August 2005 Department for Environment, Food and Rural Affairs

SCHEDULE

Article 2

CLASSES OF FIREPLACE WHICH ARE EXEMPT

Class of fireplace	*Conditions*
The Quadra-Fire 2100 Millennium Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 9th October 2003 and bearing the reference 250-6931B. 2. No fuel shall be used other than dry cured untreated wood of maximum size 38.1cm x 10.16cm x 5.08cm.
The Quadra-Fire Yosemite Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4th June 2003 and bearing the reference 7004-187. 2. No fuel shall be used other than dry cured untreated wood of maximum size 38.1cm x 10.16cm x 5.08cm.
The Quadra-Fire Cumberland Gap Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 8th July 2003 and bearing the reference 7006-186. 2. No fuel shall be used other than dry cured untreated wood of maximum size 43.18cm x 10.16cm x 10.16cm.
The Orchard Ovens models: FVR Speciale 80, 100, 110, 110 x 160 and 120; TOP Superiore 100 and 120; GR 100, 120, 140, 120 x 160, 140 x 160, 140 x 180 and 180; OT 100, 120, 140, 120 x 160, 140 x 160, 140 x 180 and 180; the Valoriani Piccolo, all of which are manufactured by Valoriani of Via Caselli alla Fornace, 213, 50066 Reggello, Firenze, Italy.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 25th October 2004 and bearing the references: Instruction Model OOLinst.1 FVR 80 OOLinst.2 FVR 100 OOLinst.3 FVR 110 OOLinst.4 FVR 120 OOLinst.5 FVR 110 x 160 OOLinst.6 TOP 100 OOLinst.7 TOP 120 OOLinst.8 GR 100 and OT 100 OOLinst.9 GR 120 and OT 120 OOLinst.10 GR 140 and OT 140 OOLinst.11 GR 120 x 160 and OT

	120 x 160 OOLinst.12 GR 140 x 160 and OT 140 x 160 OOLinst.13 GR 140 x 180 and OT 140 x 180 OOLinst.14 GR 180 and OT 180 OOLinst.15 Valoriani Piccolo 2. No fuel shall be used other than untreated dry wood.
The Dunsley Yorkshire Woodburning Stove manufactured by Dunsley Heat Limited.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4th December 2004 and bearing the reference D13W. 2. No fuel shall be used other than untreated dry wood.
The Dunsley Yorkshire Woodburning Stove and Boiler manufactured by Dunsley Heat Limited.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 4th December 2004 and bearing the reference D13W together with the manufacturer's instructions dated 4th October 2004 and bearing the reference GHD/DUN4B/1. 2. No fuel shall be used other than untreated dry wood.
The Wood Waste Technology Heater, models WT10 and WT15, manufactured by Wood Waste Technology.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's instructions dated 19th January 2005 and bearing the reference WT10 and WT15. 2. No fuel shall be used other than hardwood and softwood offcuts, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings and, in particular, wood waste originating from construction and demolition waste.
The Binder Wood Fired Boiler models RRK 22 – 49 (49 kW output) manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH) of Austria.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference WELBinderManualrev0.doc, revision 0. 2. No fuel shall be used other than wood pellets or wood chips, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings and, in particular, wood waste originating from construction and demolition waste.
The Binder Wood Fired Boiler models RRK 80 – 175 (75 – 149 kW output) with cyclone models ZA 80 – 175 manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH) of Austria.	1. The fireplaces shall be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled 'Binder Equipment Installation, Commissioning and Maintenance dated 17th May 2005 and bearing the reference

	WELBinderManualrev0.doc, revision 0. 2. No fuel shall be used other than wood pellets or wood chips, but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings and, in particular, wood waste originating from construction and demolition waste.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 20 of the Clean Air Act 1993 prohibits the emission of smoke in smoke control areas. The Secretary of State may by order made under section 21 of the Act exempt specified classes of fireplace from the provisions of section 20, if she is satisfied that they can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

This Order applies to England only. Article 2 of the Order exempts the classes of fireplace listed in the first column of the Schedule to the Order from the provisions of section 20, subject to the conditions in the second column of that Schedule.

Article 3 makes minor amendments to the Smoke Control Areas (Exempted Fireplaces) Order 1999 (S.I. 1999/1515) to take account of a change in the class description and in the conditions relating to exempted fireplaces manufactured by Dunsley Heat Limited.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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