STATUTORY INSTRUMENTS

1989 No. 2282

CLEAN AIR

The Smoke Control Areas (Exempted Fireplaces) Order 1988

Made - - - -	*23rd December 1988*
Laid before Parliament	*10th January 1989*
Coming into force	*31st January 1989*

The Secretary of State, in exercise of the powers conferred by sections 11(4) and 33(1)**(a)** of the Clean Air Act 1956**(b)**, and now vested in him**(c)**, and of all other powers enabling him in that behalf, being satisfied that fireplaces of the classes described in the Schedule hereto 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:

Title, commencement and extent

1.—(1) This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) Order 1988 and shall come into force on 31st January 1989.

(2) This Order shall extend to England and Wales.

Classes of fireplace exempted from section 11 of the Clean Air Act 1956

2. The classes of fireplace described in the Schedule shall, upon the conditions there specified, be exempted from the provisions of section 11 of the Clean Air Act 1956 (which empowers a local authority to declare the whole or any part of its district to be a smoke control area).

Revocation of Smoke Control Areas (Exempted Fireplaces) Order 1987

3. The Smoke Control Areas (Exempted Fireplaces) Order 1987**(d)** is hereby revoked.

Nicholas Ridley
One of Her Majesty's
Principal Secretaries of State

23rd December 1988

(a) *See* the definition of "Minister" in section 34(1).
(b) 1956 c.52.
(c) S.I. 1970/1681.
(d) S.I. 1987/1394.

SCHEDULE

Class of fireplace	*Conditions*
The Babcock Worsley Fluidised Bed Combuster manufactured by Babcock Robey Limited.	1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated 30th April 1986 and which bear the reference "No. C06/0016". 2. No fuel shall be used other than the waste derived fuel recommended in the manufacturer's instructions. 3. The fireplace shall be operated as a single unit with– (a) the Tollemache Drier manufactured by Newell Dunford Limited; and (b) the Venturi Scrubber manufactured by Air Pollution Control Limited.
The CBR Flexifuel Heater, models 300, 400 and 600 manufactured by CBR Fabrications Limited.	1. The fireplaces shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions, which bear the reference FF/CBR Flexifuel 87. 2. No fuel shall be used other than hard or soft wood off-cuts, chipboard or plastic coated chipboard. 3. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.
The CBR Turbo Heat, models 200, 300, 400, 500, 600 and 800 manufactured by CBR Fabrications Limited.	1. The fireplaces shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions, which bear the reference FF/CBR Turbo Heat 88. 2. No fuel shall be used other than hard or soft wood off-cuts, chipboard or plastic coated chipboard. 3. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.
The Eclipse Junior, Standard, Senior, Jumbo 30 and Jumbo 50 incinerators, manufactured by Northern Incinerators Limited.	1. The fireplaces shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated 21st June 1988 and which bear the reference "NORCIN/TECH/88". 2. No fuel shall be used, other than fuel consisting of paper, cardboard cartons, scrap wood, foliage, combustible floor sweepings and other waste from domestic, commercial and industrial activities containing no more than 20 per cent of restaurant and cafeteria waste, and containing less than 5 per cent by weight of coated papers, plastic or rubber waste.
The Haat LD, MD and HD Incinerators manufactured by Haat Incineration Limited.	1. The fireplaces shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated March 1988 and which bear the reference "HAAT/I/CAA". 2. No fuel shall be used, other than fuel consisting of paper, cardboard cartons, scrap wood, foliage, combustible floor sweepings and other waste from domestic, commercial and industrial activities containing no more than 20 per cent of restaurant and cafeteria waste, and containing less than 5 per cent by weight of coated papers, plastic or rubber waste.

Class of fireplace	*Conditions*
The Holden Heat House 29.3 kw and 45.4 kw underfeed bituminous coal burning boilers manufactured by Holden Heat plc.	1. The fireplaces shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions which– (a) in the case of the installation instructions bear the reference "HH861B"; and (b) in the case of the user instructions bear the reference "HH861A". 2. No fuel shall be used other than the washed coals recommended in the manufacturer's user instructions.
The RanHeat Boiler Type RHA20, manufactured by RanHeat, Energy A/S.	1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated 30th March 1988 and which bear the reference "RHGBEA 30388". 2. No fuel shall be used other than hard and soft wood shavings.
The Talbott Pirojet P150 Heater manufactured by Talbott's Heating Limited.	1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated February 1987 and which bear the reference "No. P150-2-87". 2. No fuel shall be used other than hard or soft wood offcuts, chipboard or plastic coated chipboard. 3. When the fireplace is used to burn chipboard and plastic coated chipboard, an afterburner which is supplied with the fireplace and which must be capable of continuously producing 20 megajoules of heat per hour, shall be used. 4. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.
The Talbott Pirojet P300 Heater manufactured by Talbott's Heating Limited.	1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated February 1987 and which bear the reference "No. P300-2-87". 2. No fuel shall be used other than hard or soft wood offcuts, chipboard or plastic coated chipboard. 3. When the fireplace is used to burn chipboard and plastic coated chipboard an afterburner which is supplied with the fireplace and which must be capable of continuously producing 40 megajoules of heat per hour, shall be used. 4. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.
The Talbott Pirojet P600 Heater manufactured by Talbott's Heating Limited.	1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated December 1986 and which bear the reference "P600-12-86". 2. No fuel shall be used other than hard or soft wood offcuts, or chipboard or plastic coated chipboard. 3. When the fireplace is used to burn chipboard, and plastic coated chipboard an afterburner which is supplied with the fireplace and which must be capable of continuously producing 75 megajoules of heat per hour, shall be used. 4. The fireplace shall not be used to burn sawdust in bulk or plastic materials other than plastic coated chipboard.

Class of fireplace	*Conditions*
The Triancomatic 90 boiler manufactured by Trianco Redfyre Limited.	1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated July 1987 and which– (a) in the case of the installation instructions bear the reference "No. 46576"; and (b) in the case of the user instructions bear the reference "No. 46574". 2. No fuel shall be used other than the washed coals recommended in the manufacturer's user instructions.
The Triancomatic 140 boiler manufactured by Trianco Redfyre Limited.	1. The fireplace shall be installed, maintained and operated so as to minimise the emission of smoke at all times, and in accordance with the manufacturer's instructions dated November 1986 and which (a) in the case of the installation instructions bear the reference "No. 48375"; and (b) in the case of the user instructions bear the reference "No. 48374". 2. No fuel shall be used other than the washed coals recommended in the manufacturer's user instructions.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 11 of the Clean Air Act 1956 empowers local authorities to declare the whole or any part of their district to be a smoke control area in which the emission of smoke is generally prohibited. Specified classes of fireplace may be exempted from control by order.

This Order, which applies to England and Wales, exempts twenty-six classes of fireplace from the provisions of the section subject to certain conditions as to installation, maintenance and operation.

Article 3 revokes the Smoke Control Areas (Exempted Fireplaces) Order 1987.

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