1970 No. 1190 (S. 97)

CLEAN AIR

The Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1970

Made - - -	*5th August* 1970
Laid before Parliament	*19th August* 1970
Coming into Operation	*31st August* 1970

In exercise of the powers conferred on me by section 11(4) and (8) of the Clean Air Act 1956**(a)**, and of all other powers enabling me in that behalf, and being satisfied that fireplaces of the classes described can be used for burning fuel other than authorised fuel without producing a substantial quantity of smoke, I hereby make the following order:—

Title and commencement

1. This order may be cited as the Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1970 and shall come into operation on 31st August 1970.

Interpretation

2.—(1) The Interpretation Act 1889**(b)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order:—

"fireplace" includes any furnace, grate or stove, whether open or closed; and

"the standard conditions" mean the conditions specified in article 4 of this order.

Classes of fireplace exempt from section 11 *of the Clean Air Act* 1956

3. In Scotland any class of fireplace numbered and described in column (1) of Schedule 1 hereto shall, upon the standard conditions and such further conditions (if any) as are specified in column (2) against that class, be exempted from the provisions of section 11 of the Clean Air Act 1956 (which enables local authorities to establish smoke control areas in which emission of smoke is an offence, but provides for the exemption of certain fireplaces).

4. The standard conditions shall be that the fireplace is installed, maintained and operated:—

(*a*) so as to minimise the emission of smoke; and

(*b*) in accordance with the manufacturer's instructions as to operation (if any) or, in the case of the class of fireplace numbered 5 in Schedule 1 hereto, in accordance with such instructions of the National Coal Board.

Revocations

5.—(1) The orders set out in Schedule 2 hereto are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if this order were an Act of Parliament and as if the orders revoked by this order were Acts of Parliament repealed by an Act of Parliament.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
5th August 1970.

(a) 1956 c. 52. **(b)** 1889 c. 63.

SCHEDULE 1 Article 3

Column 1 Class of Fireplace	Column 2 Conditions
1. Any fireplace specially designed or adapted for combustion of liquid fuel.	
2. Any fireplace (other than a fireplace fired by pulverised fuel) constructed on or after 31st December 1956 and installed before 31st August 1970 and equipped with mechanical stokers, or adapted between those dates for use with such stokers.	No fuel shall be used other than that for which the mechanical stoker was designed.
3. Any fireplace designed to burn coal (other than a fireplace fired by pulverised coal) with a heating capacity exceeding 150,000 British thermal units per hour constructed and installed on or after 31st December 1956 and equipped with mechanical stokers or adapted on or after that date for use with such stokers.	
4. The fireplace known as the Fulgora Slow Combustion Stove, manufactured by Fulgora Stoves Limited.	No fuel shall be used other than wood waste in clean condition.
5. The fireplace known as the Housewarmer and manufactured for the National Coal Board by Ideal Standard Limited.	No fuel shall be used other than washed coal singles.
6. The fireplace known as the Wood Chip Fired Air Heater manufactured by Air Plants Limited.	No fuel shall be used other than clean wood waste of a size within the limits referred to in the manufacturer's instructions.
7. The fireplace known as the Hounsell Sawdust Burning Stove manufactured by John Hounsell (Engineers) Limited.	No fuel shall be used other than wood waste in clean condition.

SCHEDULE 2 Article 5

Column 1 Orders Revoked	Column 2 References
The Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1957	S.I. 1957/544 (1957 I, p. 420).
The Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1959	S.I. 1959/2264 (1959 I, p. 692).
The Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1965	S.I. 1965/1284 (1965 II, p. 3647).
The Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1966	S.I. 1966/715 (1966 II, p. 1641).
The Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 1969	S.I. 1969/686 (1969 II, p. 1855).

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. This Order consolidates with amendments the orders which exempt classes of fireplace from the provisions of that section, upon conditions as to proper operation. The amendments:—

(i) exclude from exemption certain fireplaces equipped with mechanical stokers, being fireplaces installed or adapted on or after the date of operation of this Order, but retain the exemption for such fireplaces installed or adapted before that date; and

(ii) introduce a new exemption relating to fireplaces designed to burn coal and with a heating capacity above 150,000 British thermal units per hour.

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