CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 426 (Cy.43)

AER GLÂN, CYMRU

Gorchymyn Ardaloedd Rheoli Mwg (Lleoedd Tân Esempt) (Cymru) 2005

NODYN ESBONIADOL

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

Mae adran 20 o Ddeddf Aer Glân 1993 ("y Ddeddf") yn gosod gwaharddiad cyffredinol ar ollwng mwg mewn ardaloedd rheoli mwg. Caiff Cynulliad Cenedlaethol Cymru, drwy orchymyn a wnaed o dan adran 21 o'r Ddeddf, esemptio dosbarthau penodedig ar leoedd tân rhag darpariaethau adran 20, os yw wedi'i fodloni y gallant gael eu defnyddio at losgi tanwydd nad yw'n danwydd awdurdodedig a hynny heb gynhyrchu unrhyw fwg neu faint sylweddol o fwg.

Mae'r Gorchymyn hwn yn gymwys i Gymru yn unig. Mae erthygl 2 o'r Gorchymyn yn esemptio'r dosbarthau ar leoedd tân a restrir yng ngholofn gyntaf yr Atodlen i'r Gorchymyn rhag darpariaethau adran 20 o'r Ddeddf, yn ddarostyngedig i'r amodau yn yr ail golofn o'r Atodlen honno.

Mae erthygl 3 o'r Gorchymyn yn diwygio Gorchymyn cynharach a wnaed o dan adran 21 o'r Ddeddf drwy ychwanegu at y rhestr o leoedd tân esempt sydd wedi'u gwneud gan Dunsley Heat Limited a thrwy ddiwygio'r cyfarwyddiadau sy'n gymwys i osod, cynnal a defnyddio'r lleoedd tân hynny.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 426 (W.43)

CLEAN AIR, WALES

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

EXPLANATORY NOTE

(This note is not part of the Order)

Section 20 of the Clean Air Act 1993 ("the Act") places a general prohibition on the emission of smoke in smoke control areas. The National Assembly for Wales may, by order made under section 21 of the Act, exempt specified classes of fireplace from the provisions of section 20, if it 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 Wales 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 of the Act, subject to the conditions in the second column of that Schedule.

Article 3 of the Order amends an earlier Order made under section 21 of the Act by adding to the list of exempted fireplaces manufactured by Dunsley Heat Limited and by amending the instructions that apply to the installation, maintenance and operation of those fireplaces.

2005 Rhif 426 (Cy.43)

AER GLÂN, CYMRU

Gorchymyn Ardaloedd Rheoli Mwg (Lleoedd Tân Esempt) (Cymru) 2005

Wedi'i wneud	*1 Mawrth 2005*
Yn dod i rym	*5 Mawrth 2005*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 21 o Ddeddf Aer Glân 1993(**1**) ac sydd bellach wedi'u breinio yn y Cynulliad Cenedlaethol(**2**), ac yntau wedi'i fodloni y gall y dosbarthau ar leoedd tân sy'n cael eu hesemptio gan y Gorchymyn hwn gael eu defnyddio i losgi tanwydd nad yw'n danwydd awdurdodedig a hynny heb gynhyrchu unrhyw fwg neu faint sylweddol o fwg, drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Ardaloedd Rheoli Mwg (Lleoedd Tân Esempt) (Cymru) 2005 a daw i rym ar 5 Mawrth 2005.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru.

Dosbarthau ar leoedd tân sy'n cael eu hesemptio rhag adran 20 o Ddeddf Aer Glân 1993

2. Mae'r dosbarthau ar leoedd tân a ddisgrifir yn yr Atodlen, ar yr amodau sy'n cael eu pennu yno, yn cael eu hesemptio rhag darpariaethau adran 20 o Ddeddf Aer Glân 1993 (sy'n gwahardd gollwng mwg mewn ardaloedd rheoli mwg).

(1) 1993 p.11.

(2) Trosglwyddwyd pwerau perthnasol yr Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo.

2005 No. 426 (W.43)

CLEAN AIR, WALES

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

Made	*1 March 2005*
Coming into force	*5 March 2005*

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon the Secretary of State by section 21 of the Clean Air Act 1993(**1**) and now vested in the National Assembly(**2**), and 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 application

1.-(1) This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2005 and comes into force on 5 March 2005.

(2) This Order applies to Wales.

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

2. The classes of fireplace described in the Schedule are, upon the conditions there specified, exempted from the provisions of section 20 of the Clean Air Act 1993 (which prohibits smoke emissions in smoke control areas).

(1) 1993 c.11.

(2) The relevant powers of the Secretary of State were transferred to the National Assembly for Wales by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

Diwygio Gorchymyn cynharach

3. Yn y cofnod sy'n ymwneud â'r Dunsley Yorkshire Stove yn yr Atodlen i Orchymyn Ardaloedd Rheoli Mwg (Lleoedd Tân Esempt) 1999(**1**)-

(a) yn y golofn o dan y pennawd "Class of fireplace", ar ôl "Dunsley Yorkshire Stove" rhodder "and Dunsley Yorkshire Multifuel Stove and Dunsley Yorkshire Multifuel Stove and Boiler"; a

(b) yn y golofn o dan y pennawd "Conditions", ar ôl "bearing the reference A/22160" rhodder ", as amended by the manufacturer's instructions dated 4 October 2004 bearing the reference D13 with regard to the Stove and Multifuel Stove and the manufacturer's instructions dated December 2004 bearing the reference GHD/DUN4B/1 with regard to the Multifuel Stove and Boiler".

Amendment of earlier Order

3. In the entry relating to the Dunsley Yorkshire Stove in the Schedule to the Smoke Control Areas (Exempted Fireplaces) Order 1999(**1**)-

(a) in the column headed "Class of fireplace", after "Dunsley Yorkshire Stove" insert "and Dunsley Yorkshire Multifuel Stove and Dunsley Yorkshire Multifuel Stove and Boiler"; and

(b) in the column headed "Conditions", after "bearing the reference A/22160" insert ", as amended by the manufacturer's instructions dated 4 October 2004 bearing the reference D13 with regard to the Stove and Multifuel Stove and the manufacturer's instructions dated December 2004 bearing the reference GHD/DUN4B/1 with regard to the Multifuel Stove and Boiler".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**)

1 Mawrth 2005

1 March 2005

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

(1) O.S. 1999/1515.

(2) 1998 p.38.

(1) S.I. 1999/1515.

(2) 1998 c.38.

YR ATODLEN

Erthygl 2

DOSBARTHAU AR LEOEDD TÂN SY'N ESEMPT

Dosbarth ar le tân	***Amodau***
Y Dunsley Yorkshire Woodburning Stove a wneir gan Dunsley Heat Limited	1. Rhaid i'r lle tân gael ei osod, ei gynnal a'i ddefnyddio yn unol â chyfarwyddiadau'r gwneuthurwr sy'n dwyn y dyddiad 4 Rhagfyr 2004 a'r cyfeirnod D13W. 2. Ni chaniateir defnyddio unrhyw danwydd nad yw'n bren sych heb ei drin.
Yr Home and Hearth Technologies Quadra-Fire 2100 Millennium Freestanding Wood Burning Stove a wneir gan Hearth & Home Technologies, 1445 North Highway, Colville, WA 99114, UDA.	1. Rhaid i'r lle tân gael ei osod, ei gynnal a'i ddefnyddio yn unol â chyfarwyddiadau'r gwneuthurwr sy'n dwyn y dyddiad 9 Hydref 2003 a'r cyfeirnod 250-6931B. 2. Ni chaniateir defnyddio unrhyw danwydd nad yw'n bren sydd wedi'i sychu ac sydd heb ei drin ac sydd heb fod yn fwy na 38.1 × 10.16 × 5.08cm.
Yr Home and Hearth Technologies Quadra-Fire Yosemite Freestanding Wood Burning Stove a wneir gan Home and Hearth Technologies, 1445 North Highway, Colville, WA 99114, UDA.	1. Rhaid i'r lle tân gael ei osod, ei gynnal a'i ddefnyddio yn unol â chyfarwyddiadau'r gwneuthurwr sy'n dwyn y dyddiad 4 Mehefin 2003 a'r cyfeirnod 7004-187. 2. Ni chaniateir defnyddio unrhyw danwydd nad yw'n bren sydd wedi'i sychu ac sydd heb ei drin ac sydd heb fod yn fwy na 38.1 × 10.16 × 5.08cm.
Yr Home and Hearth Technologies Quadra-Fire Cumberland Gap Freestanding Wood Burning Stove a wneir gan Home and Hearth Technologies, 1445 North Highway, Colville, WA 99114, UDA.	1. Rhaid i'r lle tân gael ei osod, ei gynnal a'i ddefnyddio yn unol â chyfarwyddiadau'r gwneuthurwr sy'n dwyn y dyddiad 8 Gorffennaf 2003 a'r cyfeirnod 7006-186. 2. Ni chaniateir defnyddio unrhyw danwydd nad yw'n bren sydd wedi'i sychu ac sydd heb ei drin ac sydd heb fod yn fwy na 43.18 × 10.16 × 10.16cm.
Modelau Orchard Ovens: FVR Speciale 80, 100, 110, 110 × 160 a 120; TOP Superiore 100 a 120; GR 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 a 180; OT 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 a 180; a'r Valoriani Piccolo; a wneir gan Valoriani o Via Caselli alla Fornace, 213, 50066 Reggello, Firenze, Yr Eidal.	1. Rhaid i'r lle tân gael ei osod, ei gynnal a'i ddefnyddio yn unol â chyfarwyddiadau'r gwneuthurwr sy'n dwyn y dyddiad 25 Hydref 2004 a'r cyfeirnodau: ***Cyfarwyddyd:*** ***Model*** OOLInst.1: FVR 80 OOLInst.2: FVR 100 OO LInst.3: FVR 110 OOLInst.4: FVR 120 OOLInst.5: FVR 110 × 160 OOLInst.6: TOP 100

	OOLInst.7: TOP 120 OOLInst.8: GR 100 ac OT 100 OOLInst.9: GR 120 ac OT 120 OOLInst.10: GR 140 ac OT 140 OOLInst.11: GR 120 × 160 ac OT 120 × 160 OOLInst.12: GR 140 × 160 ac OT 140 × 160 OOLInst.13: GR 140 × 180 ac OT 140 × 180 OOLInst.14: GR 180 ac OT 180 OOLInst.15: Valoriani Piccolo 2. Ni chaniateir defnyddio unrhyw danwydd nad yw'n bren sych heb ei drin.
Gwresogydd Wood Waste Technology, modelau WT10 ac WT15, a wneir gan Wood Waste Technology.	1. Rhaid i'r lle tân gael ei osod, ei gynnal a'i ddefnyddio yn unol â chyfarwyddiadau'r gwneuthurwr sy'n dwyn y dyddiad Ionawr 2005 a'r cyfeirnod WT/a/19/1/05 o ran model WT10 neu'r cyfeirnod WT15/a/19/01/05 o ran model WT15. 2. Ni chaniateir defnyddio unrhyw danwydd nad yw'n dorbrennau caled neu feddal sydd heb eu trin.

SCHEDULE

Article 2

CLASSES OF FIREPLACE WHICH ARE EXEMPT

Class of fireplace	*Conditions*
The Dunsley Yorkshire Woodburning Stove manufactured by Dunsley Heat Limited	1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 4 December 2004 and bearing the reference D13W. 2. No fuel may be used other than dry untreated wood.
The Home and Hearth Technologies Quadra-Fire 2100 Millennium Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies, 1445 North Highway, Colville, WA 99114, USA.	1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 9 October 2003 and bearing the reference 250-6931B. 2. No fuel may be used other than dry-cured untreated wood of maximum size 38.1 × 10.16 × 5.08cm.
The Home and Hearth Technologies Quadra-Fire Yosemite Freestanding Wood Burning Stove manufactured by Home and Hearth Technologies, 1445 North Highway, Colville, WA 99114, USA.	1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 4 June 2003 and bearing the reference 7004-187. 2. No fuel may be used other than dry-cured untreated wood of maximum size 38.1 × 10.16 × 5.08cm.
The Home and Hearth Technologies Quadra-Fire Cumberland Gap Freestanding Wood Burning Stove manufactured by Home and Hearth Technologies, 1445 North Highway, Colville, WA 99114, USA.	1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 8 July 2003 and bearing the reference 7006-186. 2. No fuel may be used other than dry-cured untreated wood of maximum size 43.18 × 10.16 × 10.16cm.
The Orchard Ovens models: FVR Speciale 80, 100, 110, 110 × 160 and 120; TOP Superiore 100 and 120; GR 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; OT 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; and the Valoriani Piccolo; manufactured by Valoriani of Via Caselli alla Fornace, 213, 50066 Reggello, Firenze, Italy.	1. The fireplace must be installed, maintained and operated in accordance with the manufacturers' instructions dated 25 October 2004 and bearing the references: ***Instruction:*** ***Model*** OOLInst.1: FVR 80 OOLInst.2: FVR 100 OO LInst.3: FVR 110 OOLInst.4: FVR 120 OOLInst.5: FVR 110 × 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 × 160 and OT 120 × 160 OOLInst.12: GR 140 × 160 and OT 140 × 160 OOLInst.13: GR 140 × 180 and OT 140 × 180 OOLInst.14: GR 180 and OT 180 OOLInst.15: Valoriani Piccolo 2. No fuel may be used other than untreated dry wood.
The Wood Waste Technology Heater, models WT10 and WT15, manufactured by Wood Waste Technology.	1. The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated January 2005 and bearing the reference WT/a/19/1/05 with regard to model WT10 or WT15/a/19/01/05 with regard to model WT15. 2. No fuel may be used other than offcuts of untreated hardwood or softwood.

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