WELSH STATUTORY INSTRUMENTS

2006 No. 2980 (W.271)

CLEAN AIR, WALES

The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2006

Made - - - -	*14 November 2006*
Coming into force - -	*24 November 2006*

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:

Title, commencement and application

1.—(1) The title of this Order is the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2006 and it comes into force on 24 November 2006.

(2) This Order applies in relation 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 by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**)

D. Elis-Thomas

14 November 2006 — The Presiding Officer of the National Assembly

(**3**) 1998 c. 38.

SCHEDULE

Article 2

CLASSES OF FIREPLACE WHICH ARE EXEMPT

Classes of Fireplace	*Conditions*
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 pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating.
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 pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating.
The Binder Wood Fired Boiler model RRK 130 — 250 (185 — 230 kW output) with cyclone (model type ZA) 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 pellets or chips (in particular those originating from construction and demolition waste) which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating.
The Binder Wood Fired Boiler model RRK 200 — 350 (250 — 300 kW output) with	**1.** The fireplaces shall be installed, maintained and operated in accordance with