

SL(5)084 – The Smoke Control Areas (Exempted Classes of Fireplace) (Wales) Order 2017

Background and Purpose

This Order revokes and replaces with amendments the Smoke Control Areas (Exempted Classes of Fireplace) (Wales) Order 2016 (“the 2016 Order”).

Section 20 of the Clean Air Act 1993 (“the 1993 Act”) places a general prohibition on the emission of smoke in smoke control areas.

The Welsh Ministers may, by order made under section 21(5) of the 1993 Act, exempt, in relation to Wales, specified classes of fireplace from the provisions of section 20, if they are satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

Article 2 of this Order exempts the classes of fireplace listed in the first column of the Schedule to this Order from the provisions of section 20 of the 1993 Act, subject to the conditions in the second and third columns of that Schedule in relation to that class of fireplace.

Procedure

Negative

Technical Scrutiny

The following point was identified for reporting under Standing Order 21.2 in respect of this instrument (Standing Order 21.2 (vi): that its drafting appears to be defective or it fails to fulfil statutory requirements).

Article 3 of this Order seeks to revoke the 2016 Order. However, the revoked Order is referred to in the article as the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2016. This title is incorrect.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Government response

A Government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

27 March 2017

