

SL(5)009 – The Smoke Control Areas (Exempted Classes of Fireplace) (Wales) Order 2016

Background and Purpose

This Order revokes and replaces with amendments the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2015 (S.I. 2015 1513) (W. 175). The Order specifies classes of fireplace which are currently exempt from the provisions of section 20 of the Clean Air Act 1993 in Wales.

Procedure

Negative

Technical Scrutiny

The following points have been identified for reporting under Standing Order 21.2 (vi) and (vii) in respect of this instrument.

1. In the second column of the entry for the “Cascada 5CB 4.6kW multi-fuel stove”, the installation and operating instructions are said to be dated “1st November 2016”. This is either a typographical error or unlawful sub-delegation. (Standing Order 21.2 (vi) (defective drafting) or 21.2(i) (ultra vires))

2. In the second column of the entry for Barbas Unilux-6 40, the year of the instructions for use (2015) is missing from the Welsh text but included in the English text. The same applies to the following entries for Barbas Unilux-6 52, Barbas Unilux-6 55 and Barbas Unilux-6 65. (Standing Order 21.2 (vii): inconsistencies between the English and Welsh texts)

3. In the second column of the entry for Contura i6, the English specification provides for “the fitting of a system to prevent closure of the air control vent beyond the 30% open position”. The Welsh text provides for the prevention of opening beyond the 30% open position. (Standing Order 21.2 (vii): inconsistencies between the English and Welsh texts)

4. In the first column of the entry for Falun Model F9478 and other models, the English text includes a note that states “NB: Falun II model number changed from F9478 1



toF9480 1.” That does not appear in the Welsh text. (Standing Order 21.2 (vii): inconsistencies between the English and Welsh texts)

5.In the first column of the entry for “Horby Model F9473 N...”, a note included which states “NB: addition of ‘Colmar’ model F9472 X further to notification dated 6 August 2015” does not appear in the Welsh text. (Standing Order 21.2 (vii): inconsistencies between the English and Welsh texts)

6.In the second column of the two entries for Mendip Churchill 5 SE, the English text refers to a ‘secondary air control’ whilst the Welsh text refers simply to an air control. The following entry for a third type of this stove correctly refers to ‘rheolydd aer eilaidd’. (Standing Order 21.2 (vii): inconsistencies between the English and Welsh texts)

7.In the three entries for Piazzetta roomheaters, different addresses are given in the Welsh and English texts. (Standing Order 21.2 (vii): inconsistencies between the English and Welsh texts)

8.The entry that starts with reference to stove Scan 65–1 includes as the penultimate stove in the list model 65–9 in the English text and 64–9 in the Welsh text. (Standing Order 21.2 (vii): inconsistencies between the English and Welsh texts)

Merits Scrutiny

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

Committee Consideration

The Committee considered the instrument at its meeting on 19 September 2016. The Committee reports to the Assembly in line with the technical reporting points above.

Legal Advisers

Constitutional and Legislative Affairs Committee

19 September 2016

