



STATUTORY INSTRUMENTS.

S.I. No. 326 of 2012

AIR POLLUTION ACT (MARKETING, SALE, DISTRIBUTION AND
BURNING OF SPECIFIED FUELS) REGULATIONS 2012

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BURNING OF SPECIFIED FUELS) REGULATIONS 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 10, 14 and 53 of the Air Pollution Act, 1987 (No. 6 of 1987), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012.

Commencement

2. These Regulations (other than Schedule 2) come into operation on 31st August 2012.

3. Schedule 2 comes into operation on 1 May 2013.

Definitions

4. In these regulations-

a reference to an International Standard or a British Standard is a reference to a standard published by the International Organisation for Standardisation or the British Standards Institution and should be construed as the most current such standard in effect;

“Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act 1992;

“Authorised Person” means a person authorised by a local authority under Regulation 10(3);

“Bag” means a receptacle containing a quantity of coal, which is sealable;

“Bagging Operator” means any person or body who or which carries out the business of bagging coal for residential supply within the State;

“Bituminous Coal” means coal falling within CN Code 2701 12 placed on the market for residential heating;

“Owner of a Vehicle” means the person in possession of or, for the time being, in charge of a vehicle, howsoever propelled or drawn and, with respect to a mechanically propelled vehicle, includes the registered owner of the purposes of the Road Vehicles (Registration and Licensing) Regulations 1992-2008;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th September, 2012.*

“Solid Fuel” means any solid substance that is burnt to produce heat and shall include specified fuels;

“Solid Fuel Supplier” means any person or body which, within the State,-

- (a) wholesales or distributes bituminous coal, or
- (b) retails 50% or more of their total annual sales proceeds from bituminous coal;

“Specified Area” means an area listed under Schedule 1 or Schedule 2 to these Regulations that has been designated by the Minister under section 53 of the Air Pollution Act 1987 for the purpose of prohibiting the marketing, sale, distribution and burning of specified fuels;

“Specified Fuel” means-

- (a) any bituminous coal,
- (b) any admixture of solid fuel containing bituminous coal,
- (c) any manufactured fuel containing bituminous coal where such manufactured fuel contains more than 14% volatile matter by weight on a dry ash-free basis save where such fuel has a smoke emission rate of not more than 10 grams per hour, or
- (d) any solid fuel having a sulphur content greater than 2% by weight on a dry ash-free basis.

Prohibition on the Marketing, Sale and Distribution of Specified Fuel within Specified Areas

5. (1) A person or body shall not place on the market, sell or distribute any specified fuel within a specified area.

(2) A person or body shall not place on the market, sell or distribute, within a specified area, any solid fuel in a bag unless—

- (a) it is sealed,
- (b) there is printed on such bag a notice in the form set out in Schedule 3 to these regulations,
- (c) such a person or body holds a record showing that the bagged product is not a specified fuel.

(3) A person or body may store specified fuel at a premises located within a specified area for the purpose of placing on the market or sale at an address outside the specified area provided that a register is maintained in the form set out in Schedule 4 to these Regulations.

(4) A person or body may transport specified fuel within a specified area provided—

- (a) that such fuels are so transported on or in a vehicle in a total quantity of not less than 3 metric tonnes in weight at any one time in the case of the specified area of Dublin and not less than 1 metric tone in weight at any one time in the case of any other specified area, and
 - (b) that such vehicle is not being used at the same time within that specified area for the sale or distribution of any other fuels.
- (5) The owner of any vehicle which is used for the transport of specified fuel within a specified area shall retain on the vehicle—
- (a) a record of the quantity of each type of specified fuel on the vehicle and the name and address of the person or body who supplied the fuel, and
 - (b) a record of the destination or destinations of the specified fuel and the name and address of the person or persons purchasing the fuel.

Prohibition on the Burning of Specified Fuel within Specified Areas

6. The occupier of any private dwelling located within a specified area shall not burn at such private dwelling any specified fuel.

Restrictions on the Sale of Bituminous Coal outside Specified Areas

7. (1) A person or body shall not place on the market, sell or distribute bituminous coal in a bag or any other unit of sale outside specified areas unless—

- (a) its sulphur content is not greater than 0.7% by weight,
- (b) the product was bagged by a bagging operator registered with the Agency,
- (c) where the unit of sale is a bag, it is sealed, and
- (d) such a person or body holds a current record setting out, inter alia, the registration number issued by the Agency to the bagging operator who supplied the product verifying that the product is compliant with Regulation 5(a) and (b).

Registration

8. (1) All bagging operators supplying bituminous coal for residential use within the State shall:

- (a) register with the Agency on an annual basis by 1 September each year in such form as the Agency may specify,
- (b) furnish such information as the Agency may reasonably require for the purpose of fulfilling its functions under the Environmental Protection Agency Act, 1992 (Registration of Coal Bagging Operators and Fuel Suppliers) Regulations 2011 (S.I. No. 271 of 2011), and

- (c) in cases where a bagging operator ceases to supply bituminous coal for residential use within the State they must inform the Agency within 30 days of cessation of activities.
- (2). All fuel suppliers supplying bituminous coal for residential use within the State shall:
- (a) register with the Agency and thereafter register every 2 years in such form as the Agency may specify,
 - (b) if entering the market for the first time after these regulations have come into effect, register with the Agency within 14 days of commencing operations and thereafter register every 2 years in such form as the Agency may specify,
 - (c) furnish such information as the Agency may reasonably require for the purpose of fulfilling its functions under the Environmental Protection Agency Act, 1992 (Registration of Coal Bagging Operators and Fuel Suppliers) Regulations 2011 (S.I. No. 271 of 2011), and
 - (d) in cases where a fuel supplier ceases to supply bituminous coal for residential use within the State they must inform the Agency within 30 days of cessation of activities.

Assessment

9. (1) The requirements of Regulation 7(1)(a) shall be satisfied by compliance with:

- (a) a relevant standard or code of practice of a national standards body or equivalent body in another EU Member State, an EFTA State or Turkey,
- (b) any relevant international standard recognised for use in another EU Member State, an EFTA State or Turkey, or
- (c) any relevant technical regulation with mandatory or de facto mandatory application for marketing or use in, another EU Member State, an EFTA State or Turkey

insofar as the standard, code of practice, technical regulation or process in question enables the sulphur content of coal to be certified in an equivalent manner.

(2) The sulphur content of a solid fuel shall be determined by the method for the time being specified in International Standard reference ISO 351.

(3) The gross calorific value shall be determined by the method for the time being specified in International Standard reference ISO 1928 and the moisture level for the purposes of expressing gross calorific value on a moist ash-free basis shall be the level corresponding to moisture holding capacity as determined by the method for the time being specified in International Standard reference ISO 1018.

(4) The volatile matter content shall be determined by the method for the time being specified in International Standard reference ISO 562.

(5) The smoke emission rate of a manufactured fuel shall be determined by the method for the time being specified in British Standard 3841.

(6) The ash content of a solid fuel shall be determined by the method for the time being specified in International Standard reference ISO 1171.

(7) The method to be used for calculating analyses of fuels to different bases shall be the method for the time being specified in International Standard reference ISO 1170.

(8) A laboratory or test facility may carry out any test, examination or analysis of any sample of fuel taken pursuant to these Regulations in accordance with the methods specified in this Regulation.

Enforcement

10. (1) These Regulations shall be enforced by a local authority within its functional area.

(2) Each local authority shall submit annual returns to the Agency, in such form as the Agency may specify, detailing activities relating to the implementation and enforcement of these regulations in their functional areas.

(3) The local authority may authorise in writing any person, hereinafter referred to as an "authorised person", for the purposes of the enforcement of these Regulations.

(4) An authorised person may be authorised by more than one local authority for the purpose of the enforcement of these Regulations in a Specified Area than spans more than one functional area.

(5) Every authorised person shall be furnished with a certificate of his or her authorisation and when exercising any power provided by or under these Regulations, the authorised person shall, if requested by any person affected, produce the certificate to that person.

(6) An authorised person may, in respect of any vehicle or any premises which, in his or her opinion, is being used in connection with the placing on the market, sale or distribution of solid fuel—

- (a) inspect and take samples of any solid fuel on the vehicle or at the premises,
- (b) inspect such records or such documents as the authorised person, having regard to all the circumstances, considers necessary for the purposes of these Regulations, or
- (c) require from the owner or occupier of the premises or from any other person on the premises, or require from the owner of a vehicle, such

information as the authorised person, having regard to all the circumstances, considers necessary for the purposes of these Regulations.

- (d) in the cases where the solid fuel is bituminous coal, require from the owner or occupier of the premises or from any other person on the premises, or require from the owner of a vehicle, the registration number issued by the Agency to the bagging operator or fuel supplier that supplied the product.

(7) An authorised person may stop any vehicle which the authorised person reasonably suspects is being used in connection with the placing on the market, sale or distribution of solid fuel for the purpose of inspecting records or inspecting and taking samples of solid fuel.

(8) A person shall not obstruct an authorised person in the exercise of his or her powers under these Regulations or wilfully withhold any information which the authorised person requires.

Evidence

11. (1) Where an authorised person takes a sample of any solid fuel from any vehicle or premises pursuant to these Regulations, the authorised person shall—

- (a) forthwith notify an appropriate person that a sample has been so taken and give a receipt in respect of the sample to the appropriate person, and
- (b) at the time of taking the sample, attach to the sample's container or packaging, as appropriate, a label specifying the date on which the sample was taken and an appropriate identification number for that sample.

(2) In this Regulation "appropriate person" means the owner or occupier of, or any other person who appears for the time being to be in charge of, the premises at which the sample is taken, or the owner of a vehicle from which the sample is taken.

(3) Any evidence given or to be given in respect of any test, examination or analysis of any sample of solid fuel taken pursuant to these Regulations shall identify such sample by reference to its identification number and shall in relation to that sample be evidence, without further proof, of the result of the test, examination or analysis, until the contrary is shown.

Offences

12. A person who contravenes a provision of these Regulations shall be guilty of an offence under section 11 of the Air Pollution Act, 1987 (No. 6 of 1987).

Revocation

13. The following are revoked

- (a) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations 1998 (S.I. No. 118 of 1998);

- (b) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2000 (S.I. No. 278 of 2000),
- (c) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2003 (S.I. No.111 of 2003),
- (d) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2004 (S.I. No. 713 of 2004),
- (e) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2011 (S.I. No. 270 of 2011), and
- (f) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) (No.2) Regulations 2011 (S.I. No. 714 of 2011).

SCHEDULE 1**SPECIFIED AREAS WHERE THE BAN ON THE SALE, MARKETING,
DISTRIBUTION AND BURNING OF SPECIFIED FUEL APPLIES****SPECIFIED AREA OF DUBLIN**

The city of Dublin.

The county of Dún Laoghaire-Rathdown.

The county of Fingal.

The county of South Dublin.

SPECIFIED AREA OF CORK

The city of Cork together with the included areas in the county of Cork.

The included areas in the county of Cork are:—

The Electoral Divisions of:—

Ballincollig	Bishopstown	Blarney
Caherlag	Carrigaline (Cork Rural)	Carrigrohane Beg
Douglas	Inishkenny	Lehenagh
Monkstown Rural	Monkstown Urban	Ovens
Rathcooney	St. Mary's	

In the Electoral Division of Ballygorman, the townlands of:-

Grange	Killumney
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In the Electoral Division of Carrigtohill, the townlands of:-

Ballycurreen	Killacloyne	Killahora
Johnstown		

In the Electoral Division of Carrigaline (Kinsale Rural), the townlands of:-

Commeen Kilnaglery

In the Electoral Division of Kilpatrick, the townland of Knocknalurgan.

In the Electoral Division of Liscleary, the townlands of:-

Ballea Kilmoney

In the Electoral Division of Matehy, the townlands of:-

Cloghphilip Cloghroe Coolflugh
Dromin Killeen Loughane East

In the Electoral Division of Riverstown, the townlands of:-

Hermitage Killacloyne Killydonoghoe
Riverstown Sarsfieldscourt Templeusque

In the Electoral Division of Whitechurch, the townlands of:-

Carhoo Coolowen Kilcronan
Monard Rathpeacon

SPECIFIED AREA OF LIMERICK

The city of Limerick together with the included areas in the county of Limerick and the included areas in the county of Clare.

The included areas in the county of Limerick are:-

The Electoral Divisions of:-

Ballycummin Limerick South Rural

In the Electoral Division of Ballysimon, the townlands of:-

Ballybrennan	Ballysimon	Ballysimon (Dickson)
Ballysimon (Staunton)	Ballysimon Commons	Coolyhenan
Drombanny	Dromroe	Garryglass
Kilbane	Killonan	Knockananty
Milltown	Newcastle	Newtown
Peafield	Sreelane	Towlerton

In the Electoral Division of Ballyvarra, the townlands of:-

Ballyclogh	Casteltroy	Garraun
Garraunykee	Rivers	Woodstown

In the Electoral Division of Roxborough, the townlands of:-

Bohereen	Ballyclogh	Ballysheedy West
Derrybeg	Derryknockane	Rathurd
Rootiagh	Routagh	Roxborough

The included areas in the county of Clare are:-

The Electoral Division of Ballyglass.

In the Electoral Division of Cappavilla, the townlands of:-

Clooncarhy	Derryfada	Garraun
Gilloge	Strawickeen	

SPECIFIED AREA OF GALWAY

The city of Galway together with the included areas in the county of Galway.

The included areas in the county of Galway are:-

The Electoral Divisions of:-

Ballintemple Barna Carrowbrowne

Galway Rural

SPECIFIED AREA OF WATERFORD

The city of Waterford together with the included areas in the county of Waterford and the included areas in the county of Kilkenny.

The included areas in the county of Waterford are:-

The Electoral Divisions of:-

Ballynakill Killoteran Kilbarry

In the Electoral Division of Faithlegg, the townland of Ballygunnertemple.

In the Electoral Division of Tramore, the townland of Knockeen.

The included areas in the county of Kilkenny are:-

The Electoral Division of Kilculliheen.

In the Electoral Division of Aglish, the townlands of:-

Ballygriffin Granny

In the Electoral Division of Dunkitt, the townlands of:-

Ballynamona Blossomhill Cloone

Dunkitt Killaspy Mullinabro

Strangsmill

In the Electoral Division of Rathpatrick, the townlands of:-

Kilmurry Luffany Rathpatrick

SPECIFIED AREA OF ARKLOW

The town of Arklow and its environs in the county of Wicklow, comprising the following areas:-

The Electoral Divisions of:-

Arklow No.1 Urban Arklow No.2 Urban

In the Electoral Division of Kilbride, the townlands of:-

Coolboy Kilbride Killiniskyduff

Seabank

In the Electoral Division of Arklow Rural, the townlands of:-

Ballyraine Lower Ballyraine Middle Ballyraine Upper

Money Little

SPECIFIED AREA OF ATHLONE

The town of Athlone and its environs in the county of Westmeath and the county of Roscommon, comprising the following areas:-

In the county of Westmeath:-

The Electoral Divisions of:-

Athlone East Urban Athlone West Urban Athlone East Rural

Moydrum

In the county of Roscommon:-

The Electoral Division of Athlone West Rural.

SPECIFIED AREA OF BRAY

The town of Bray and its environs in the county of Wicklow, comprising the following areas:-

The Electoral Divisions of-

Bray No.1	Bray No. 2	Bray No. 3
Rathmichael		

In the Electoral Division of Kilmacanoge, the townlands of:-

Ballymorris	Ballynamuddagh	Ballywaltrin
Bray Commons	Fassaroe	Giltspur
Hollybrook	Irishtown	Kilbride
Kilcrony	Killarney	Kilruddery Demesne East
Kilruddery Demesne West	Oldcourt	Springfield
Wingfield		

SPECIFIED AREA OF CARLOW

The town of Carlow and its environs in the county of Carlow and the county of Laois, comprising the following areas:-

In the county of Carlow:-

The Electoral Divisions of:-

Carlow Urban	Carlow Rural	Graigie Urban
Ballinacarrig		

The included area of the administrative county of Laois is:-

The Electoral Division of Graigue Rural.

SPECIFIED AREA OF CELBRIDGE AND LEIXLIP

The towns of Celbridge and Leixlip and their environs in the county of Kildare, comprising the following areas:-

The Electoral Division of Celbridge.

The Electoral Division of Leixlip.

In the Electoral Division of Donaghcumper, the townlands of:-

Backweston Park	Ballymadeer	Ballyoulster
Balscott	Celbridge Abbey	Commons Lower
Commons	Commons Upper	Coneyburrow
Coolfitch	Dangan	Donaghcumper
Elmhall	Loughlinstown	Newtown
Simmonstown	St Wolstans	Stacumny
Stacumny Cottage	Straleek	

SPECIFIED AREA OF CLONMEL

The borough of Clonmel and its environs in the county of South Tipperary and the county of Waterford, comprising the following areas:-

In the county of South Tipperary:-

The Electoral Divisions of:-

Clonmel East Urban	Clonmel West Urban	Clonmel Rural
Inishlounaght		

In the county of Waterford:-

In the Electoral Division of Kilmacomma, the townlands of-

Kilmacomma	Greenan
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In the Electoral Division of St. Mary's, the townlands of-

Croan Lower	Croan Upper	Glennagad
Kilgainy Lower	Kilgainy Upper	Knocklucas
Knocknagriffin	Lyranearla	Monacallee
Poulboy	Poulnagunoge	Scrothea East
Scrothea West	Spa	

In the Electoral Division of Gurteen, the townlands of-

Tikincor Lower	Tikincor Upper
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SPECIFIED AREA OF DROGHEDA

The borough of Drogheda and its environs in the county of Louth and the county of Meath, comprising the following areas:-

In the county of Louth:-

The Electoral Divisions of-

Fair Gate	St. Laurence Gate	St. Mary's
St. Peter's	West Gate	

In the county of Meath:-

The Electoral Division of St. Mary's.

In the Electoral Division of Julianstown, the following townlands:-

Betaghstown	Ministown	Ninch
Pilltown	Sevitsland	

SPECIFIED AREA OF DUNDALK

The town of Dundalk and its environs in the county of Louth, comprising the following areas:-

The Electoral Divisions of-

Dundalk Urban No.1	Dundalk Urban No.2	Dundalk Urban No.3
Dundalk Urban No.4	Dundalk Rural	Haggardstown

In the electoral Division of Castletown, the townlands of:-

Acarreagh	Balregan	Castletown
Donaghmore	Farrandreg	Newtownbalregan
Stranacarry	Tankardsrock	Tateetra
Thomastown		

SPECIFIED AREA OF ENNIS

The town and environs of Ennis in the county of Clare, comprising the following areas:-

The Electoral Divisions of-

Ennis No.1 Urban	Ennis No.2 Urban	Ennis No.3 Urban
Ennis No.4 Urban	Clareabbey	Doora
Ennis Rural	Spancelhill	

In the Electoral Division of Templemaley, the townlands of:-

Ballyallia	Ballymulqueeney	Cloonteen
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SPECIFIED AREA OF KILKENNY

The borough of Kilkenny and its environs in the county of Kilkenny, comprising the following areas:-

The Electoral Divisions of:-

Kilkenny No.1 Urban Kilkenny No.2 Urban Kilkenny Rural

In the Electoral Division of Dunmore, the townlands of:-

Baun Loughmerans

SPECIFIED AREA OF NAAS AND SALLINS

The towns of Naas and Sallins and their environs in the county of Kildare, comprising the following areas:-

The Electoral Divisions of:-

Naas Urban Naas Rural

In the Electoral Division of Bodenstown, the townlands of:-

Bodenstown Castlesize Sallins

In the Electoral Division of Kill, the townlands of:-

Johnstown Kerdiffstown Palmerstown

SPECIFIED AREA OF SLIGO

The borough of Sligo and its environs in the county of Sligo, comprising the following areas:-

The Electoral Divisions of:-

Sligo East Sligo North Sligo West

In the Electoral Division of Calry, the townlands of:-

Ballytivnan Barroe Carns
Carns (Duke) Cleaveragh Demesne Farranacardy

Hazelwood Demesne Kiltycahill Rathbraghan
 Tonaphubble

In the Electoral Division of Drumcliff East, the townlands of:-

Ballinvoher Lisnalurg Shannon Eighter
 Shannon Oughter Teesan

In the Electoral Division of Drumcliff West, the townland of Ballincar.

In the Electoral Division of Kilmacowen, the townlands of:-

Ballydoogan Ballyfree Carrowroe
 Derrydarragh Tonafortes Tullynagracken North
 Tullynagracken South

In the Electoral Division of Knockaree, the townlands of:-

Barnasrahy Cummeen Drinaghan
 Finisklin Knappagh More Lissawully
 Rathonoragh Scardan More

SPECIFIED AREA OF TRALEE

The town of Tralee and its environs in the county of Kerry, comprising the following areas:-

The Electoral Division of Tralee Urban.

That part of the Electoral Division of Tralee Rural that lies north of the L-6515.

In the Electoral Division of Ballyseedy, the townlands of:-

Ballingowan Caherweesheen Camp

In the Electoral Division of Blennerville, that part of the townlands of Curragraigue and Tonavane that lie north of the N86 and L-6515.

In the Electoral Division of Clogherbrien, the townlands of:-

Ballyenaghty	Bawnboy	Clogherbrien
Kerries East		

In the Electoral Division of Doon, the townlands of:-

Garrane	Listellick South
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In the Electoral Division of Ratass, the townlands of:-

Ballinorig South	Ballinorig West	Ballybeggan
Dromthacker		

SPECIFIED AREA OF WEXFORD

The borough of Wexford and its environs in the county of Wexford, comprising the following areas:-

The Electoral Divisions of:-

Wexford No.1 Urban	Wexford No.2 Urban	Wexford No.3 Urban
Wexford Rural		

In the Electoral Division of Ardavan, the townlands of:-

Ardavan	Burgess	Craanagam
Crosstown	Ferrybank North	Ferrybank South
Knottown	Tincone	

In the Electoral Division of Carrick, the townland of Newtown.

In the Electoral Division of Drinagh, the townlands of:-

Blackhorse	Drinagh North	Drinagh South
Kellystown	Rochestown	Roughmead
Sinnotstown	Starvehall	Whitestown Lower

Whitestown Upper

In the Electoral Division of Rathaspick, the townland of Moorfields.

SCHEDULE 2

SPECIFIED AREAS WHERE THE BAN ON THE SALE, MARKETING, DISTRIBUTION AND BURNING OF SPECIFIED FUEL APPLIES WITH EFFECT FROM 01 MAY 2013

SPECIFIED AREA OF GREYSTONES

The town of Greystones and its environs in the county of Wicklow, comprising the following areas:-

The Electoral Divisions of:-

Greystones Delgany

In the Electoral Division of Kilcoole, the townlands of:-

Charlesland Drummin East Farrankelly

Priestsnewtown Stilebawn

SPECIFIED AREA OF LETTERKENNY

The town of Letterkenny and its environs in the administrative county of Donegal, comprising the following areas:-

The Electoral Divisions of:-

Letterkenny Urban Letterkenny Rural

In the Electoral Division of Ballymacool the townlands of:-

Ballyconnelly Ballymacool Bomany

Conwal Creeve Glebe Creeve (Smith)

Kirkstown Magheran Rockhill

Tullygay

In the Electoral Division of Castlewray the townlands of:-

Ardarawer	Ballymaleel	Bogay
Camblestown	Castlebane	Castlewray
Cornagil	Deenystown	Glebe
Greenhill	Kiltyoy	Knockybrin
Lanehead	Lisnanees Lower	Lisnanees Upper
Loughnagin	Magheranan	Roughpark
Woodland		

In the Electoral Division of Coravaddy the townlands of:-

Carrygally	Coaghmill	Cullion
Lismonaghan	Scribly	Woodpark

In the Electoral Division of Edenacarna the townlands of-

Killyclug	Killylastin
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In the Electoral Division of Gortnavern the townlands of:-

Ballaghderg	Coolboy Little	Curraghlea
Ellistrin Little	Fallard (Calhame)	Gorthnavern

In the Electoral Division of Magheraboy the townlands of:-

Dromore	Drumany
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SPECIFIED AREA OF MULLINGAR

The town of Mullingar and its environs in the county of Westmeath, comprising the following areas:-

The Electoral Divisions of:-

Mullingar North Urban	Mullingar South Urban	Mullingar Rural
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In the Electoral Division of Ladytown, the townlands of:-

Ladytown Moortown Newhall

In the Electoral Division of Oldconnell, the townlands of:-

Littleconnell Morristown Upper Oldconnell

Tankardsgarden

SPECIFIED AREA OF PORTLAOISE

The town of Portlaoise and its environs in the county of Laois, comprising the following areas:-

The Electoral Divisions of:-

Portlaoighise (Maryborough) Urban Portlaoighise (Maryborough) Rural

In the Electoral Division of Borris, the townlands of:-

Ballytegan Clonreher Gorteen

Kyleclonhobert Rathnamanagh Rossleaghan

In the Electoral Division of Clondarrig, the townlands of:-

Boghlone Clonboyne Clonroosk

Clonroosk Little Pallas Big

In the Electoral division of Kilcolmanbane, the townland of Ballymackan.

In the Electoral Division of Shaen, the townlands of:-

Ballydavis Derrygarran

SPECIFIED AREA OF WICKLOW AND RATHNEW

The towns of Wicklow and Rathnew and their environs in the county of Wicklow, comprising the following areas:-

The Electoral Division of Wicklow Urban.

In the Electoral Division of Wicklow Rural, the townlands of:-

Ashtown (Arklow Barony)	Ashtown (Newcastle Barony)	Ballybeg
Ballyguile Beg	Ballyguile Mor	Ballynerrin
Ballynerrin Lower	Ballynerrin Upper	Bollarney Murragh
Bollarney North	Broomhall	Burkeen
Commons	Dunbur Head	Dunbur Lower
Glebe	Hawkstown Lower	Hawkstown Upper
Merrymeeting	Knockrobin	Tinakelly

In the Electoral Division of Glenealy, the townlands of:-

Milltown North	Milltown South	Newrath
Rossana Lower		

SCHEDULE 3

Form of notice referred to in Regulation 5.2(b)

In letters at least 2 centimetres high and in a form which is clearly legible—

- (i) the name and address of the person who packed the bag, and
- (ii) "SMOKELESS FUEL — Contents comply with the Air Pollution Act Regulations".

For the purposes of this Schedule, a reference to the "Air Pollution Act Regulations" shall be construed as a reference to these Regulations.

SCHEDULE 4

Form of register referred to in Regulation 5(3) for the storing of specified fuel in specified areas.

This section to be completed on the last day of every month

Date:

Name of business:

Location of premises:

VAT Registration number:

Quantity of fuel stored at premises (i) Coal:

(ii) Peat:

(iii) Petcoke:

(iv) Other:

This section to be completed on each occasion that specified fuel is transported from the premises

Date of transportation:

Name of person transporting specified fuel:

Address of person transporting specified fuel:

Vehicle registration number used to transport specified fuel:

Type and quantity of specified fuel transported:

Address to which specified fuel was transported:

Owner of premises to which specified fuel was transported:

This form is maintained for the purpose of recording instances of storage and transportation of specified fuel by, or on behalf of, a person or body whose premises is located within a specified area.



GIVEN under the Official Seal of the Minister for the Environment,
Community and Local Government.
31 August 2012.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations revoke, and replace with some amendments, the Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations 1998-2011 relating to the ban on the marketing, sale and distribution of specified bituminous (or 'smoky') fuels within specified areas in Dublin, Cork, Limerick, Galway, Waterford, Arklow, Athlone, Bray, Carlow, Celbridge, Clonmel, Drogheda, Dundalk, Ennis, Kilkenny, Leixlip, Naas, Sligo, Tralee and Wexford.

These Regulations introduce a ban on the residential burning of specified bituminous fuels in private dwellings in specified areas to complement the existing ban on the marketing, sale and distribution.

The Regulations extend the Specified Area of Dublin to include the full administrative area of the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin. The Regulations make boundary revisions that enlarge existing specified areas in the cities of Cork, Limerick, Galway and Waterford. The Regulations make further boundary revisions that enlarge existing specified areas in the boroughs/towns of Arklow, Bray, Celbridge, Drogheda, Dundalk, Ennis, Kilkenny, Leixlip, Naas, Sligo, Tralee and Wexford. Celbridge and Leixlip are now merged into a single specified area. The Regulations do not alter the boundaries in the existing specified areas in the boroughs/towns of Athlone, Carlow and Clonmel.

The Regulations also provide for the introduction of the ban on the marketing, sale, distribution and burning of specified bituminous fuels in specified areas of Greystones, Letterkenny, Mullingar, Navan, Newbridge, Portlaoise and Wicklow-Rathnew with effect from 1st May 2013.

The Regulations require that bags of solid fuel sold in specified areas where the ban applies must be sealed and have a printed notice in accordance with Schedule 3.

The Regulations require that all bituminous ('smoky') coal supplied for residential heating outside specified areas where the ban applies must have a sulphur content not greater than 0.7%. Coal bagging operators and fuel suppliers who supply smoky coal must register with the Environmental Protection Agency. There is an obligation on those placing smoky coal on the market outside specified areas to hold a record showing that the coal complies with the 0.7% maximum sulphur limit. Bags of smoky coal supplied as a unit of sale must be sealed.

The Regulations are enforced by authorised persons who have been certified by a local authority. An authorised person may hold certification from more than one local authority. Authorised persons may apply fixed payment notices of between €250 and €1,000 for alleged offences under certain provisions of these Regulations, as provided for under section 11 of the Environment (Miscellaneous Provisions) Act 2011. Failure to pay a fixed payment notice

within 21 days may result in prosecution. Section 12 of the Air Pollution Act 1987 provides for fines of up to €5,000 and/or imprisonment for up to six months on summary conviction.

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
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€6.60

