

### Sale of solid fuel and wood fuel

In the guide

Solid fuel

    Weighing

    Door-to-door deliveries

    Prepacked solid fuel from retail outlets

    Quality and safety of fuel

    Trade association

Wood fuel

    Quantity of wood fuel

Smoke control areas

The dangers of carbon monoxide poisoning

Other legislation

Trading standards

Key legislation

#### **This guidance is for England**

There are legal controls concerning the selling and delivery of solid fuel and wood fuel.

The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 include wood in their definition of 'solid fuel'; however, for the sake of clarity, we have kept them separate in this guide.

#### **Solid fuel**

Solid fuel includes coal, coke and solid fuel derived from coal or coke. It is normally sold to consumers by:

- deliveries in sacks
- ... or
- purchasing prepacked bags in retail outlets (petrol stations, for example)

It must always be sold by reference to weight in kilograms.

Manufactured solid fuel products (solid fuel made from coal, wood, plant-derived materials, waxes or petroleum products, mixed with other ingredients) must be certified for use. Certified fuels must meet certain emissions limits and must only be supplied if accompanied by the manufacturer's name, product certification number and the 'Ready to Burn' logo.



HETAS was appointed by the Department for Environment, Food and Rural Affairs (Defra) to run the Ready to Burn certification scheme for solid fuel (a different organisation runs the scheme for wood fuel - see below).

## **Weighing**

Scales that are used must be accurate, of an approved construction for retail sale use, and have certain required markings and stamps on them. For more detail please see 'Weighing equipment for legal use'.

## **Door-to-door deliveries**

Solid fuel merchants can either respond to specific orders from consumers or operate standard delivery rounds to regular customers. The fuel must be sold in sacks of 25 kg or multiples of 50 kg and, if delivering more than 110 kg to an individual consumer, the consumer must be given a delivery note before the fuel is unloaded. If the consumer is not in when you call, a delivery note must still be left.

The delivery note must contain the following information:

- your name and address
- consumer's name and address
- type of fuel
- total net weight
- net weight in each sack
- number of sacks

Your vehicle is required to display your name and address and a notice that states the following: 'All open sacks on this vehicle contain either 25 or 50 kg'.

If the consumer queries the weight delivered, they have the right (subject to certain conditions) to request that the merchant re-weighs the fuel in their presence; if it is correct you are entitled to reasonable expenses for doing this work.

Some delivery vehicles, called auto-baggers, weigh loose fuel into bags at the rear of the vehicle. These vehicles have a bag counter on them, which the driver should zero before starting; it shows the number of bags delivered at the end.

Merchants that are members of the Approved Coal Merchants Scheme will display the logo of the scheme on their vehicles and delivery notes.

## **Prepacked solid fuel from retail outlets**

This fuel comes in sealed bags, which must have the net weight marked on them. They will be in fixed quantities (10, 20 or 25 kg are usual). The packer is required to conform with rules designed to ensure that the correct weight is contained in each bag. For more detail please see 'Packaged goods: average quantity'.

Traditional house coal must not be sold prepacked by retail. It can only be sold by traders registered in the Approved Coal Merchants Scheme, either loose or in opened bags, and it can only be sold until 1 May 2023; after this date, sales of traditional house coal will be banned. See the GOV.UK website for further guidance on selling coal for domestic use in England.

## **Quality and safety of fuel**

There are industry standards for quality of solid fuel and experts exist who can examine fuel and ensure that any descriptive terms applied are accurate. A number of documents on solid fuel are available on the Solid Fuel Association (SFA) website.

## **Trade association**

The Approved Coal Merchants Scheme is run by the SFA.

Members are required to abide by the Coal Trade Code and:

- supply fuel that is correctly described and of good quality
- make sure that there is sufficient information supplied with packed fuels
- ensure that the correct fuel is supplied for the correct appliance
- make sure that the staff have adequate knowledge of the coal trade
- display a price list
- deal with consumer complaints properly
- be a reputable trader
- inform consumers about the dangers of carbon monoxide poisoning

The scheme also provides a range of leaflets concerning the safe use of appliances such as open fires, room heaters and boilers.

## **Wood fuel**

### **Quantity of wood fuel**

The local authority in your area may have passed bye-laws regarding the sale of wood fuel, and your local trading standards service should be able to confirm whether such bye-laws are in existence.

Where there are local bye-laws wood fuel must be sold by net weight, and if it is in a container ready for sale the net weight must be made known to the customer. The requirement to sell wood fuel by net weight does not apply for quantities of less than 7.5 kg or more than 500 kg.

If wood is sold by the 'truckload' with an indication of net weight, merchants are advised to weigh the vehicle on a weighbridge and obtain a weight ticket.

If there are no bye-laws in existence, you may still make a voluntary declaration of weight. If that declaration is incorrect in terms of quantity you may be liable to legal action under the Weights and Measures Act 1985.

The SFA website contains brief information on the Approved Wood Fuel Merchants Scheme. Scheme members must ensure that they:

- apply correct descriptions to wood fuel
- provide advice on the safe and efficient use of wood burning appliances
- have levels of customer service in line with SFA standards

Wood for domestic use can only be sold in quantities of less than 2 m<sup>3</sup> if it has been certified under the Ready to Burn scheme. Sales of wood fuel greater than 2 m<sup>3</sup> do not need to be certified. Woodsure was appointed by Defra to run the certification scheme for wood fuel; it applies to most wood fuel suppliers.

If you are a small-scale wood producer that supplied less than 600 m<sup>3</sup> of wood between 1 May 2020 and 30 April 2021, the scheme will apply from 1 May 2022.

See the GOV.UK website for further guidance on selling wood for domestic use in England.

## **Smoke control areas**

The Clean Air Act 1993 allows councils to establish smoke control areas, which are aimed at improving air quality by burning authorised smokeless fuels. In these areas the emission of smoke from chimneys is prohibited.

Coal and wood are not authorised smokeless fuels and therefore they can only be burnt in a smoke control area if they are used with an exempt heating appliance. Such appliances burn off or 'eat' the smoke produced by the fuel. For further information on this subject please contact your local environmental health service.

## **The dangers of carbon monoxide poisoning**

Carbon monoxide is an extremely poisonous gas, which can cause illness, damage to health and death. This gas is generated when carbon-based fuels have not combusted properly in, for example, a wood burning stove, open fire or barbecue (gas, charcoal and disposable). It is difficult to detect as you cannot see it, smell it or taste it.

For more information on carbon monoxide poisoning, ventilation, flue and chimney cleaning as well as a safety checklist, see the safety advice section of the SFA website.

## **Other legislation**

The Consumer Protection from Unfair Trading Regulations 2008 make it an offence to give any false or misleading statements about the price charged and descriptions applied to goods. For example, claiming solid fuel is suitable for use in a smoke control area or that wood fuel is of a premium kind such as hardwood, or from a particular area or region, when this is not the case.

Please see 'Consumer protection from unfair trading' for more information on the Regulations.

Contracts between traders and consumers are also controlled by the Consumer Rights Act 2015. The Act requires that goods and services provided by traders to consumers should be in accordance with the contract, provided with reasonable care and skill, at a reasonable price, etc. It also provides consumers with remedies they can require from the trader if goods and services provided do not meet the terms of the contract; these remedies include a reduction in the price paid.

Under the Consumer Rights Act 2015 solid fuel and wood fuel supplied to consumers should be:

- of satisfactory quality (for example, it should burn correctly)
- fit for purpose (for example, it should be compatible with any appliances for which it is specified; it must also be fit for any specific or particular purpose the consumer makes known to the merchant)
- as described (for example, if it is described as being a particular brand of smokeless fuel, wood logs of a particular size, etc, that is what should be delivered to the consumer)

See 'The sale and supply of goods' for detailed information on the Consumer Rights Act.

Where specific legal requirements, such as those detailed earlier in this guide, impose stricter duties and requirements on traders they take precedence and must be complied with.

## **Trading standards**

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

## **Key legislation**

Weights and Measures Act 1985

Consumer Protection from Unfair Trading Regulations 2008

Consumer Rights Act 2015

Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020

Last reviewed / updated: February 2022

## **In this update**

The guide has been split into separate versions - one for England, and one for Scotland and Wales - as the air quality requirements only apply in England

## **Please note**

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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