



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART I

#### DARK SMOKE

#### **2 Prohibition of dark smoke from industrial or trade premises.**

- (1) Dark smoke shall not be emitted from any industrial or trade premises and if, on any day, dark smoke is so emitted the occupier of the premises and any person who causes or permits the emission shall be guilty of an offence.
- (2) This section does not apply—
  - (a) to the emission of dark smoke from any chimney to which section 1 above applies; or
  - (b) to the emission of dark smoke caused by the burning of any matter prescribed in regulations made by the Secretary of State, subject to compliance with such conditions (if any) as may be so prescribed.
- (3) In proceedings for an offence under this section, there shall be taken to have been an emission of dark smoke from industrial or trade premises in any case where—
  - (a) material is burned on those premises; and
  - (b) the circumstances are such that the burning would be likely to give rise to the emission of dark smoke,unless the occupier or any person who caused or permitted the burning shows that no dark smoke was emitted.
- (4) In proceedings for an offence under this section, it shall be a defence to prove—
  - (a) that the alleged emission was inadvertent; and
  - (b) that all practicable steps had been taken to prevent or minimise the emission of dark smoke.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to [<sup>F1</sup>a fine not exceeding [<sup>F2</sup>£20,000][<sup>F1</sup>a fine]] .

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*Changes to legislation: Clean Air Act 1993, Section 2 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (6) In this section “industrial or trade premises” means—
- (a) premises used for any industrial or trade purposes; or
  - (b) premises not so used on which matter is burnt in connection with any industrial or trade process.
- (7) This section has effect subject to section 51 (duty to notify offences to occupier or other person liable).

#### Textual Amendments

- F1** Words in s. 2(5) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 25** (with reg. 5(1))
- F2** Words in s. 5(2) substituted (28.7.1995 for specified purposes and otherwise 1.4.1996) by [1995 c. 25](#), s. 120(1), **Sch. 22 para. 195** (with ss. 7(6), 115, 117); [S.I. 1995/1983](#), **art. 2**; [S.I. 1996/186](#), **art. 3**

**Changes to legislation:**

Clean Air Act 1993, Section 2 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(4A)(4B) inserted by [S.I. 2023/908 reg. 16](#)
- s. 19E-19H and cross-heading inserted by [2024 asc 2 s. 19\(2\)](#)
- s. 20(5D)-(5F) inserted by [2021 c. 30 Sch. 12 para. 10\(2\)](#)
- s. 21(4A)-(4D) inserted by [2021 c. 30 Sch. 12 para. 11\(2\)](#)
- s. 28B inserted by [2024 asc 2 s. 20](#)
- s. 63(2A) inserted by [2024 asc 2 Sch. 1 para. 20\(b\)](#)
- Sch. 1 para. 1A1B inserted by [2024 asc 2 Sch. 1 para. 21\(a\)](#)
- Sch. 1 para. 6B inserted by [2024 asc 2 Sch. 1 para. 21\(c\)](#)
- Sch. 1A para. 3(5) inserted by [2024 asc 2 Sch. 1 para. 4\(c\)](#)
- Sch. 1A para. 4(7) inserted by [2024 asc 2 Sch. 1 para. 5\(d\)](#)
- Sch. 5 para. 12A12B inserted by [2024 asc 2 Sch. 1 para. 22\(a\)](#)