



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART III

#### SMOKE CONTROL AREAS

##### *Prohibition on emission of smoke in smoke control area*

#### **20 Prohibition on emission of smoke in smoke control area [<sup>F1</sup>in Wales].**

- (1) If, on any day, smoke is emitted from a chimney of any building within a smoke control area [<sup>F2</sup>in Wales], the occupier of the building shall be guilty of an offence.
- (2) If, on any day, smoke is emitted from a chimney (not being a chimney of a building) which serves the furnace of any fixed boiler or industrial plant within a smoke control area [<sup>F3</sup>in Wales], the person having possession of the boiler or plant shall be guilty of an offence.
- (3) Subsections (1) and (2) have effect—
  - (a) subject to any exemptions for the time being in force under section 18, 21 or 22;
  - (b) subject to section 51 (duty to notify offences to occupier or other person liable).
- (4) In proceedings for an offence under this section it shall be a defence to prove that the alleged emission was not caused by the use of any fuel other than an authorised fuel.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

<sup>F4</sup>(5ZA) .....

<sup>F4</sup>(5ZB) .....

<sup>F4</sup>(5ZC) .....

*Changes to legislation: Clean Air Act 1993, Section 20 is up to date with all changes known to be in force on or before 04 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*

- [<sup>F5</sup>(5A) In this Part, “authorised fuel” means a fuel included in a list of authorised fuels kept by the Scottish Ministers for the purposes of this Part.
- (5B) The Scottish Ministers must—
- (a) publish the list of authorised fuels; and
  - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.
- (5C) The list must be published in such manner as the Scottish Ministers consider appropriate.]
- (6) <sup>F6</sup>... [<sup>F7</sup>Except as provided in subsection (5A), in] this Part “authorised fuel” means a fuel declared by regulations of the [<sup>F8</sup>Secretary of State][<sup>F8</sup>Welsh Ministers] to be an authorised fuel for the purposes of this Part.

#### Textual Amendments

- F1** Words in s. 20 heading inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(2)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F2** Words in s. 20(1) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(3)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F3** Words in s. 20(2) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(3)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F4** S. 20(5ZA)-(5ZC) omitted (E.W.) (1.5.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(4)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F5** S. 20(5A)-(5C) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), **ss. 50(2)(a)**, 61(2); S.S.I. 2014/160, art. 2(1)(2), sch.
- F6** Words in s. 20(6) omitted (cond.) (E.W.) (1.5.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(5)(a)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F7** Words in s. 20(6) substituted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), **ss. 50(2)(b)**, 61(2); S.S.I. 2014/160, art. 2(1)(2), sch.
- F8** Words in s. 20(6) substituted (cond.) (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(5)(b)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

#### Modifications etc. (not altering text)

- C1** Power to exclude conferred (27.8.1993) by 1993 c. 11, **s. 45(1)(a)**
- C2** S. 20 excluded (9.1.1998) by S.I. 1997/3009, art. 2, **Sch. 1**  
S. 20 excluded (S.) (8.10.1999) by S.S.I. 1999/58, **art. 2**  
S. 20 excluded (28.6.1999) by S.I. 1999/1515, **art. 2**  
S. 20 excluded (S.) (16.2.2001) by S.S.I. 2001/16, **art. 2**
- C3** S. 20 restricted (W.) (3.4.2013) by The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2013 (S.I. 2013/561), arts. 1(1), **2**
- C4** S. 20 excluded (7.4.2017) by The Smoke Control Areas (Exempted Classes of Fireplace) (Wales) Order 2017 (S.I. 2017/423), arts. 1(1), **2**, **Sch.**
- C5** S. 20 excluded (6.2.2019) by The Smoke Control Areas (Exempted Classes of Fireplace) (Wales) Order 2019 (S.I. 2019/51), arts. 1(1), **2**, **Sch.**

**Changes to legislation:**

Clean Air Act 1993, Section 20 is up to date with all changes known to be in force on or before 04 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 :**

- s. 20(6) omitted by [2021 c. 30 Sch. 12 para. 10\(3\)](#)

**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\(a\)](#)