



# Clean Air Act 1956

## 1956 CHAPTER 52

### *Grit and Dust from furnaces*

#### **5 Requirement that grit and dust from furnaces shall be minimised**

- (1) The occupier of any building in which a furnace is used to burn solid fuel or solid waste, or of any building or land in or on which an oven is used to subject solid fuel to any process involving the application of heat, shall use any practicable means there may be for minimising the emission of grit and dust from any chimney which serves the furnace or oven and if he fails so to do, he shall be guilty of an offence.
- (2) This section shall not apply to furnaces designed solely or mainly for domestic purposes, not being furnaces of boilers with a maximum heating capacity of fifty-five thousand or more British thermal units per hour.

#### **6 Requirement that new furnaces shall be fitted with plant to arrest grit and dust**

- (1) Subject to the provisions of this section, no furnace in any building shall be used—
  - (a) to burn pulverised fuel; or
  - (b) to burn, at a rate of one ton an hour or more, solid fuel in any other form or solid waste;

and no oven in any building or on any land shall be used to subject solid fuel to any process involving the application of heat, unless the furnace or oven is provided with plant for arresting grit and dust which has been approved by the local authority or which has been installed in accordance with plans and specifications submitted to and approved by the local authority, and that plant is properly maintained and used, and if a furnace or oven is used in contravention of this subsection the occupier of the building or land shall be guilty of an offence.

- (2) Subsection (1) of this section shall not apply to a furnace or oven which has been installed, the installation of which has been begun, or an agreement for the purchase or installation of which has been entered into, before the appointed day.
- (3) The Minister may give directions to any local authority, or to local authorities generally, requiring that any application for approval under this section, or all such

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applications of any class specified in the directions, shall be referred to the Minister and shall be dealt with by him instead of by the local authority, and any such application shall be so referred accordingly.

- (4) Any person who has applied to the local authority for an approval under this section or is interested in a building or land with respect to which such an application is made may, if he is dissatisfied with the decision of the authority on the application, appeal to the Minister and the Minister may give any approval which the local authority might have given.
- (5) Any approval given by the Minister under subsection (3) or subsection (4) of this section shall have the like effect as an approval of the local authority.

## **7 Measurement of grit and dust emitted from furnaces**

- (1) If a furnace in a building is used—
  - (a) to burn pulverised fuel; or
  - (b) to burn, at a rate of one ton an hour or more, solid fuel in any other form or solid waste;

or if an oven in any building or on any land is used to subject solid fuel to any process involving the application of heat, the local authority may, by notice in writing served on the occupier of the building or land, direct that the provisions of subsection (2) of this section shall apply to the furnace or oven and those provisions shall apply accordingly :

Provided that the local authority may, by a subsequent notice in writing served on the occupier of the building or land, revoke any direction given under this subsection, without prejudice, however, to their power to give another direction thereunder.

- (2) In the case of a furnace or oven to which this subsection is applied, the occupier of the building or land shall comply with such requirements as may be prescribed by regulations made by the Minister as to—
  - (a) making and recording measurements from time to time of the grit and dust emitted from the furnace or oven ;
  - (b) making adaptations for that purpose to the chimney serving the furnace or oven ;
  - (c) providing and maintaining apparatus for making and recording the measurements ; and
  - (d) informing the local authority of the results obtained from the measurements or otherwise making those results available to them,and if he fails so to do, he shall be guilty of an offence.
- (3) Regulations under subsection (2) of this section may make different provision in relation to different classes of furnace or oven.

## **8 Information about furnaces and fuel consumed**

- (1) For the purpose of enabling the local authority properly to perform their functions under and in connection with the two last preceding sections, the local authority may, by notice in writing served on the occupier of any building or land, require the occupier of the building or land to furnish to them, within fourteen days or such longer time as may be limited by the notice, such information as to the furnaces or ovens in the

building or on the land and the fuel or waste burned in those furnaces or subjected to any process in those ovens as they may reasonably require for that purpose.

- (2) Any person who, having been duly served with a notice under subsection (1) of this section, fails to comply with the requirements thereof within the time limited or furnishes any information in reply thereto which he knows to be false in a material particular shall be guilty of an offence.

## **9 Grit and dust from outdoor furnaces, &c**

The four last preceding sections shall apply in relation to the furnace of any boiler or industrial plant (being a boiler or plant attached to a building or for the time being fixed to or installed on any land) as they apply in relation to a furnace in a building:

Provided that—

- (a) in relation to a furnace which is not in a building, the references in those sections to the occupier of the building shall be construed as references to the person having possession of the boiler or plant; and
- (b) in relation to a furnace which is already contained in any such boiler or industrial plant, the references in subsection (2) of section six of this Act to the installation and to the purchase of a furnace shall be construed as references to attaching the boiler or plant to the building or fixing it to or installing it on any land and to purchasing it respectively.

## **10 Height of chimneys**

- (1) Where plans for the erection or extension of a building outside the administrative county of London, other than a building used or to be used wholly for one or more of the following purposes, that is to say as a residence or residences, a shop or shops or an office or offices, are in accordance with building bye-laws deposited with the local authority and the plans show that it is proposed to construct a chimney for carrying smoke, grit, dust or gases from the building, the local authority shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent, so far as practicable, the smoke, grit, dust or gases from becoming prejudicial to health or a nuisance having regard to—
- (a) the purpose of the chimney ;
  - (b) the position and description of buildings near thereto ;
  - (c) the levels of the neighbouring ground ; and
  - (d) any other matters requiring consideration in the circumstances.
- (2) If a local authority reject plans under the authority of this section, the notice given under subsection (2) of section sixty-four of the Public Health Act, 1936, shall specify that the plans have been so rejected.
- (3) Where plans are rejected under the authority of this section, any person interested in the building may appeal to the Minister and the Minister may confirm or cancel the rejection and, where he cancels the rejection, may, if he thinks it necessary, direct that the time for rejecting the plans otherwise than under the authority of this section shall be extended so as to run from the date on which his decision is notified to the local authority.

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- (4) This section shall not apply to the erection or extension of a generating station as defined in the Electricity (Supply) Act, 1919, other than a private generating station as so defined.
- (5) In the application of this section to Scotland, any reference to the local authority shall, in the case of a local authority being the town council of a burgh, be construed as a reference to the dean of guild court or the body exercising the functions of a dean of guild court, any reference to the deposit of plans in accordance with building byelaws shall include a reference to the deposit of plans in accordance with any requirement of the common law and subsections (2) and (3) shall be omitted.