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*Status: Point in time view as at 27/08/1993.*

*Changes to legislation: Clean Air Act 1993, Cross Heading: Prohibition on emission of smoke in smoke control area is up to date with all changes known to be in force on or before 26 January 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)*

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# 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.**

- (1) If, on any day, smoke is emitted from a chimney of any building within a smoke control area, 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, 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.
- (6) In this Part “authorised fuel” means a fuel declared by regulations of the Secretary of State to be an authorised fuel for the purposes of this Part.

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#### **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](#)

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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](#)

## **21 Power by order to exempt certain fireplaces.**

The Secretary of State may by order exempt any class of fireplace, upon such conditions as may be specified in the order, from the provisions of section 20 (prohibition of smoke emissions in smoke control area), if he is satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

## **22 Exemptions relating to particular areas.**

- (1) The Secretary of State may, if it appears to him to be necessary or expedient so to do, by order suspend or relax the operation of section 20 (prohibition of smoke emissions in smoke control area) in relation to the whole or any part of a smoke control area.
- (2) Before making an order under subsection (1) the Secretary of State shall consult with the local authority unless he is satisfied that, on account of urgency, such consultation is impracticable.
- (3) As soon as practicable after the making of such an order the local authority shall take such steps as appear to them suitable for bringing the effect of the order to the notice of persons affected.

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