



Clean Air Act 1993

1993 CHAPTER 11

PART III

SMOKE CONTROL AREAS

Supplementary provisions

27 References to adaptations for avoiding contraventions of section 20 ^[F1] or Schedule 1A].

(1) References in this Part to adaptations in or in connection with a dwelling to avoid contraventions of section 20 (prohibition of smoke emissions from smoke control area ^[F2]in Wales) ^[F3]or the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England) shall be read as references to the execution of any of the following works (whether in or outside the dwelling), that is to say—

- (a) adapting or converting any fireplace;
- (b) replacing any fireplace by another fireplace or by some other means of heating or cooking;
- (c) altering any chimney which serves any fireplace;
- (d) providing gas ignition, electric ignition or any other special means of ignition; or
- (e) carrying out any operation incidental to any of the operations mentioned in paragraphs (a) to (d);

being works which are reasonably necessary in order to make what is in all the circumstances suitable provision for heating and cooking without contraventions of section 20 ^[F4]or incurring liability under Schedule 1A].

(2) For the purposes of this section the provision of any igniting apparatus or appliance (whether fixed or not) operating by means of gas, electricity or other special means shall be treated as the execution of works.

(3) Except for the purposes of section 24 (power of local authority to require certain adaptations), works which make such suitable provision as is mentioned in

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subsection (1) shall not be treated as not being adaptations to avoid contraventions of section 20 of this Act [^{F5}or liability under Schedule 1A to this Act] by reason that they go beyond what is reasonably necessary for that purpose, but any expenditure incurred in executing them in excess of the expenditure which would have been reasonably incurred in doing what was reasonably necessary shall be left out of account.

- (4) References in this section to a dwelling include references to any premises or part of any premises to which section 26 (grants towards certain adaptations in churches and other buildings) applies [^{F6}, and to any vessel to which section 26 or 26A (adaptations of vessels in England) applies].

Textual Amendments

- F1** Words in s. 27 heading inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 20(a)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F2** Words in s. 27(1) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 20(b)(i)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F3** Words in s. 27(1) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 20(b)(ii)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F4** Words in s. 27(1) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 20(b)(iii)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F5** Words in s. 27(3) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 20(c)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F6** Words in s. 27(4) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 20(d)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

28 Cases where expenditure is taken to be incurred on execution of works.

- (1) References in this Part to expenses incurred in the execution of works include references to the cost of any fixed cooking or heating appliance installed by means of the execution of the works, notwithstanding that the appliance can be readily removed from the dwelling without injury to itself or the fabric of the dwelling.
- (2) For the purposes of this Part a person who enters into either—
- a conditional sale agreement for the sale to him, or
 - a hire-purchase agreement for the bailment or (in Scotland) hiring to him,
- of a cooking or heating appliance shall be treated as having incurred on the date of the agreement expenditure of an amount equal to the price which would have been payable for the appliance if he had purchased it for cash on that date.
- (3) References in this section to a dwelling include references to any premises or part of any premises to which section 26 (grants towards certain adaptations in churches and other buildings) applies [^{F7}, and to any vessel to which section 26 or section 26A (adaptations of vessels in England) applies].

Textual Amendments

- F7** Words in s. 28(3) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 21** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

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[^{F8}28A Guidance for local authorities in England

A local authority in England must have regard to any guidance published by the Secretary of State about the exercise of the authority's functions under this Part.]

Textual Amendments

F8 S. 28A inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 6 (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

29 Interpretation of Part III.

In this Part, except so far as the context otherwise requires—

“authorised fuel” has the meaning given in section [^{F9}20];

“conditional sale agreement” means an agreement for the sale of goods under which—

- (a) the purchase price or part of it is payable by instalments; and
- (a) the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

“heating”, in relation to a dwelling, includes the heating of water;

“hire-purchase agreement” means an agreement, other than a conditional sale agreement, under which—

- (a) goods are bailed or (in Scotland) hired in return for periodical payments by the person to whom they are bailed or hired; and
- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs—
 - (i) the exercise of an option to purchase by that person;
 - (ii) the doing of any other specified act by any party to the agreement; and
 - (iii) the happening of any other specified event;

“old private dwelling” has the meaning given in section 25; [^{F10}and]

“smoke control order” means an order made by a local authority under section 18; [^{F11}and]

[^{F12}“smoke control order in England” means a smoke control order made by a local authority in England.]

Textual Amendments

- F9** Word in s. 29 substituted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), ss. 50(5), 61(2); S.S.I. 2014/160, art. 2(1)(2), sch.
Word in s. 29 substituted (E.W.) (1.10.2015) by Deregulation Act 2015 (c. 20), ss. 15(7), 115(7); S.I. 2015/1732, art. 2(b)
- F10** Word in s. 29 omitted (E.W.) (1.5.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 22(a) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F11** Word in s. 29 inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 22(b) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F12** Words in s. 29 inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 22(c) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

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