



Clean Air Act 1993

1993 CHAPTER 11

PART V

INFORMATION ABOUT AIR POLLUTION

35 Obtaining information.

- (1) Without prejudice to the generality of section 34 (research, etc. by local authorities), local authorities may obtain information about the emission of pollutants and other substances into the air—
- (a) by issuing notices under section 36 (information about emissions from premises);
 - (b) by measuring and recording the emissions, and for that purpose entering on any premises, whether by agreement or in exercise of the power conferred by section 56 (rights of entry and inspection); and
 - (c) by entering into arrangements with occupiers of premises under which they measure and record emissions on behalf of the local authority;
- but references to premises in paragraphs (b) and (c) do not include private dwellings or caravans.
- (2) A local authority shall not be entitled to exercise the power of entry mentioned in subsection (1)(b) for the purpose of measuring and recording such emissions on any premises unless—
- (a) the authority has given to the occupier of the premises a notice in writing—
 - (i) specifying the kind of emissions in question and the steps it proposes to take on the premises for the purpose of measuring and recording emissions of that kind; and
 - (ii) stating that it proposes to exercise that power for that purpose unless the occupier requests the authority to serve on him a notice under section 36 (information about emissions from premises) with respect to the emissions; and
 - (b) the period of twenty-one days beginning with the day on which the notice was given has expired;

Changes to legislation: Clean Air Act 1993, Section 35 is up to date with all changes known to be in force on or before 15 March 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

and the authority shall not be entitled to exercise that power if, during that period, the occupier gives a notice to the authority requesting it to serve on him a notice under section 36.

- (3) Nothing in this section shall authorise a local authority to investigate emissions from any [^{F1}process subject to Part I of the Environmental Protection Act 1990 [^{F2}or] activity subject to regulations under section 2 of the Pollution Prevention and Control Act 1999][^{F3}or section 18 of the Regulatory Reform (Scotland) Act 2014] otherwise than—
- (a) by issuing notices under section 36; or
 - (b) by exercising the powers conferred on the authority by section 34(1)(a) (investigation and research etc.) without entering the premises concerned.
- (4) So long as a local authority exercises any of its powers under subsection (1), it shall from time to time consult the persons mentioned in subsection (5)—
- (a) about the way in which the local authority exercises those powers (under this section and section 36); and
 - (b) about the extent to which, and the manner in which, any information collected under those powers should be made available to the public.
- (5) The consultations required by subsection (4) shall be with—
- (a) such persons carrying on any trade or business in the authority's area or such organisations appearing to the authority to be representative of those persons; and
 - (b) such persons appearing to the authority to be conversant with problems of air pollution or to have an interest in local amenity,
- as appear to the authority to be appropriate.
- (6) The consultations shall take place as the authority think necessary, but not less than twice in each financial year.

Textual Amendments

- F1** Words in s. 35(3) repealed (1.4.2015 for S.) by [Pollution Prevention and Control Act 1999 \(c. 24\)](#), s. 7(3), [Sch. 3](#); S.S.I. 2015/74, art. 2(2)(d)
- F2** Words in s. 35(3) inserted (21.3.2000 (E.W.) and 29.9.2000 (S.)) by 1999 c. 24, s. 6, [Sch. 2 para. 11](#); S.I. 2000/800, [art. 2](#); S.S.I. 2000/322, [art. 2](#)
- F3** Words in s. 35(3) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 4\(4\)](#); S.S.I. 2014/160, art. 2(1)(2), [sch.](#)

Changes to legislation:

Clean Air Act 1993, Section 35 is up to date with all changes known to be in force on or before 15 March 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.

[View outstanding changes](#)

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\(a\)](#)