



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART V

#### INFORMATION ABOUT AIR POLLUTION

#### **36 Notices requiring information about air pollution.**

- (1) A local authority may by notice in writing require the occupier of any premises in its area to furnish, whether by periodical returns or by other means, such estimates or other information as may be specified or described in the notice concerning the emission of pollutants and other substances into the air from the premises.
  - (2) This section does not apply to premises in so far as they consist of a private dwelling or a caravan.
- [<sup>F1</sup>(2A) If the notice relates to an installation subject to regulations made under section 2 of the Pollution Prevention and Control Act 1999 [<sup>F2</sup>or to an activity subject to regulation by the Scottish Environment Protection Agency under regulations under section 18 of the Regulatory Reform (Scotland) Act 2014] , the person on whom the notice is served shall not be obliged to supply any information which, as certified by the Scottish Environment Protection Agency, is not of a kind which is being supplied to it for the purposes of those regulations.]
- [<sup>F3</sup>(2A) If the notice relates to an installation subject to regulation by the [<sup>F4</sup>appropriate agency] under regulations made under section 2 of the Pollution Prevention and Control Act 1999, the person on whom the notice is served shall not be obliged to supply any information which, as certified by the [<sup>F4</sup>appropriate agency] , is not of a kind which is being supplied to the [<sup>F4</sup>appropriate agency] for the purposes of those regulations.]
- [<sup>F5</sup>(3) If the notice relates to a process subject to Part I of the Environmental Protection Act 1990, the person on whom the notice is served shall not be obliged to supply any information which, as certified by an inspector appointed under that Part, is not of a kind which is being supplied to the inspector for the purposes of that Part.]

---

**Changes to legislation:** Clean Air Act 1993, Section 36 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

---

- (4) The person on whom a notice is served under this section shall comply with the notice within six weeks of the date of service, or within such longer period as the local authority may by notice allow.
- (5) A notice under this section shall not require returns at intervals of less than three months, and no one notice (whether or not requiring periodical returns) shall call for information covering a period of more than twelve months.
- (6) Except so far as regulations made by the Secretary of State provide otherwise, this section applies to premises used for, and to persons in, the public service of the Crown as it applies to other premises and persons.
- (7) A local authority shall not be entitled by virtue of subsection (6) to exercise, in relation to premises used for and persons in the public service of the Crown, any power conferred on the authority by virtue of sections 56 to 58 (rights of entry and other local authority powers).
- (8) A person who—
- (a) fails without reasonable excuse to comply with the requirements of a notice served on him in pursuance of this section; or
  - (b) in furnishing any estimate or other information in compliance with a notice under this section, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) Where a person is convicted of an offence under subsection (8) in respect of any premises and information of any kind, nothing in section 35(2) (limits on exercise of power of entry) shall prevent a local authority from exercising the power of entry there mentioned for the purpose of obtaining information of that kind in respect of the premises.

#### Textual Amendments

- F1** S. 36(2A) inserted (S.) (28.9.2000) by [S.I. 2000/323](#), reg. 36, **Sch. 10 para. 4(3)**
- F2** Words in s. 36(2A) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014](#) (asp 3), s. 61(2), **sch. 3 para. 4(5)**; [S.S.I. 2014/160](#), art. 2(1)(2), sch.
- F3** S. 36(2A) inserted (E.W.) (1.8.2000) by [S.I. 2000/1973](#), reg. 39, **Sch. 10 para. 12**
- F4** Words in s. 36(2A) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (S.I. 2013/755), art. 1(2), **Sch. 2 para. 344** (with Sch. 7)
- F5** S. 36(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)

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

- C1** S. 36 excluded (E.) (7.1.2015) by [The Clean Air \(Miscellaneous Provisions\) \(England\) Regulations 2014](#) (S.I. 2014/3318), regs. 2(1), 11, **Sch. 3**

**Changes to legislation:**

Clean Air Act 1993, Section 36 is up to date with all changes known to be in force on or before 22 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.

[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. 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\(2\)](#)