



Clean Air Act 1993

1993 CHAPTER 11

PART V

INFORMATION ABOUT AIR POLLUTION

37 Appeals against notices under section 36.

- (1) A person served with a notice under section 36 (information about air pollution), or any other person having an interest in the premises to which the notice relates, may appeal to the Secretary of State—
 - (a) on the ground that the giving to the authority or the disclosure to the public of all or part of the information required by the notice would—
 - (i) prejudice to an unreasonable degree some private interest by disclosing information about a trade secret; or
 - (ii) be contrary to the public interest; or
 - (b) on the ground that the information required by the notice is not immediately available and cannot readily be collected or obtained by the recipient of the notice without incurring undue expenditure for the purpose.
- (2) If the Secretary of State allows the appeal he may direct the local authority to withdraw or modify the notice, or to take such steps as he may specify to ensure that prejudicial information is not disclosed to the public; and it shall be the duty of the authority to comply with the direction.
- (3) The Secretary of State may make regulations as to appeals under this section, including regulations about the time for bringing an appeal and the circumstances in which all or any part of the appellant's case is to be withheld from the respondent.
- (4) It shall be the duty of the Secretary of State, before he makes any regulations under subsection (3), to consult—
 - (a) such persons appearing to him to represent local authorities;
 - (b) such persons appearing to him to represent industrial interests; and
 - (c) such persons appearing to him to be conversant with problems of air pollution, as he considers appropriate.

Changes to legislation:

Clean Air Act 1993, Section 37 is up to date with all changes known to be in force on or before 04 April 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\(a\)](#)