



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART VI

#### SPECIAL CASES

#### **[<sup>F2</sup>41A Relation to the Pollution Prevention and Control Act 1999 [<sup>F1</sup>and Regulatory Reform (Scotland) Act 2014].**

- (1) Where an activity is subject to regulations under section 2 of the Pollution Prevention and Control Act 1999 (regulation of polluting activities) [<sup>F3</sup>or section 18 of the Regulatory Reform (Scotland) Act 2014], Parts I to III of this Act shall not apply as from the determination date for the activity in question.
- (2) The “determination date”, for an activity, is—
  - (a) in the case of an activity for which a permit [<sup>F4</sup>or authorisation] is granted, the date on which it is granted, whether in pursuance of the application, or on an appeal, of a direction to grant it;
  - (b) in the case of an activity for which a permit [<sup>F5</sup>or authorisation] is refused, the date of refusal or, on appeal, of the affirmation of the refusal;
  - <sup>F6</sup>(c) [ in the case of an activity that is an exempt waste operation, the date of the entry on the register maintained under [<sup>F7</sup>[<sup>F8</sup>paragraph 11 of Schedule 2] (exempt facilities: general) to the Environmental Permitting Regulations] of an establishment or undertaking in relation to that operation.]
- (3) In subsection (2)[<sup>F9</sup>—

“exempt waste operation” has the meaning given in [<sup>F10</sup>the Environmental Permitting Regulations];]

  - <sup>F11</sup>(a) [ “permit” means a permit under regulations under section 2 of the Pollution Prevention and Control Act 1999 and the reference to an appeal is a reference to an appeal under those regulations.

[<sup>F12</sup>; and

*Changes to legislation: Clean Air Act 1993, Section 41A 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. (See end of Document for details) View outstanding changes*

- (b) “authorisation” means an authorisation under regulations made under section 18 of the Regulatory Reform (Scotland) Act 2014, and the reference to an appeal is to an appeal under those regulations.]

[ In this section—  
<sup>F13</sup>(4) <sup>F14</sup>“activity” includes—  
 (a) a waste operation<sup>F15</sup>, or mining waste operation, within the meaning of the Environmental Permitting Regulations;], and  
 (b) a mining waste operation within the meaning of those Regulations;]  
<sup>F16</sup>“the Environmental Permitting Regulations” means <sup>F17</sup>the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] .]]]

### Textual Amendments

- F1** Words in s. 41A title inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 4(7)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F2** S. 41A inserted (E.W.) (1.8.2000) by S.I. 2000/1973, reg. 39, **Sch. para. 13**; and s. 41A inserted (S.) (28.9.2000) by S.S.I. 2000/323, reg. 36, **Sch. 10 para. 4(4)**
- F3** Words in s. 41A(1) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 4(6)(a)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F4** Words in s. 41A(2)(a) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 4(6)(b)(i)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F5** Words in s. 41A(2)(b) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 4(6)(b)(ii)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F6** S. 41A(2)(c) inserted (E.W.) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), **Sch. 21 para. 22(2)** (with reg. 72, Sch. 4)
- F7** Words in s. 41A(2)(c) substituted (E.W.) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 10(2)** (with reg. 1(2), Sch. 4)
- F8** Words in s. 41A(2)(c) substituted (E.W.) (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 11(a)** (with regs. 1(3), 77-79, Sch. 4)
- F9** Words in s. 41A(3) inserted (E.W.) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), **Sch. 21 para. 22(3)** (with reg. 72, Sch. 4)
- F10** Words in s. 41A(3) substituted (E.W.) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 10(3)** (with reg. 1(2), Sch. 4)
- F11** S. 41A(3)(a): words in s. 41A(3) renumbered as s. 41A(3)(a) (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 4(6)(c)(i)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F12** S. 41A(3)(b) and word inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), s. 61(2), **sch. 3 para. 4(6)(c)(ii)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F13** S. 41A(4) inserted (E.W.) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), **Sch. 21 para. 22(4)** (with reg. 72, Sch. 4)
- F14** Words in s. 41A(4) substituted (E.W.) (7.7.2009) by The Environmental Permitting (England and Wales) (Amendment) Regulations 2009 (S.I. 2009/1799), reg. 1, **Sch. 2 para. 3**
- F15** Words in s. 41A(4) substituted (E.W.) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 10(4)(a)** (with reg. 1(2), Sch. 4)
- F16** Words in s. 41A(4) substituted (E.W.) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 10(4)(b)** (with reg. 1(2), Sch. 4)
- F17** Words in s. 41A(4) substituted (E.W.) (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 11(b)** (with regs. 1(3), 77-79, Sch. 4)

**Changes to legislation:**

Clean Air Act 1993, Section 41A 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.

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**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\(a\)](#)