



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **64 General provisions as to interpretation.**

(1) In this Act, except so far as the context otherwise requires,—

“authorised officer” means any officer of a local authority authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter;

“building regulations” means, as respects Scotland, any statutory enactments, byelaws, rules and regulations or other provisions under whatever authority made, relating to the construction, alteration or extension of buildings;

“caravan” means a caravan within the meaning of Part I of the <sup>M1</sup>Caravan Sites and Control of Development Act 1960, disregarding the amendment made by section 13(2) of the <sup>M2</sup>Caravan Sites Act 1968, which usually and for the time being is situated on a caravan site within the meaning of that Act;

“chimney” includes structures and openings of any kind from or through which smoke, grit, dust or fumes may be emitted, and, in particular, includes flues, and references to a chimney of a building include references to a chimney which serves the whole or a part of a building but is structurally separate from the building;

“dark smoke” has the meaning given by section 3(1);

“day” means a period of twenty-four hours beginning at midnight;

“domestic furnace” means any furnace which is—

- (a) designed solely or mainly for domestic purposes, and
- (b) used for heating a boiler with a maximum heating capacity of less than 16.12 kilowatts;

---

**Changes to legislation:** Clean Air Act 1993, Section 64 is up to date with all changes known to be in force on or before 06 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

---

“fireplace” includes any furnace, grate or stove, whether open or closed;

“fixed boiler or industrial plant” means any boiler or industrial plant which is attached to a building or is for the time being fixed to or installed on any land;

“fumes” means any airborne solid matter smaller than dust;

“industrial plant” includes any still, melting pot or other plant used for any industrial or trade purposes, and also any incinerator used for or in connection with any such purposes;

“local authority” means—

(a) in England <sup>F1</sup>. . . , the council of a district or a London borough, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple;

(aa) [<sup>F2</sup>in Wales, the council of a county or county borough;]

(b) in Scotland, [<sup>F3</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“owner”, in relation to premises—

(a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent; and

(b) as respects Scotland, means the person for the time being entitled to receive or who would, if the premises were let, be entitled to receive, the rents of the premises and includes a trustee, factor, [<sup>F4</sup>or person entitled to act as the legal representative of a person under disability by reason of nonage or mental or other incapacity] and, in the case of public or municipal property, includes the persons to whom the management of the property is entrusted;

[<sup>F5</sup>“port health authority” means, as respects Scotland, a port local authority constituted under Part X of the <sup>M3</sup>Public Health (Scotland) Act 1897 and includes a reference to a joint port health authority constituted under that Part;]

“practicable” means reasonably practicable having regard, amongst other things, to local conditions and circumstances, to the financial implications and to the current state of technical knowledge, and “practicable means” includes the provision and maintenance of plant and its proper use;

“premises” includes land;

“smoke”, includes soot, ash, grit and gritty particles emitted in smoke; and

“vessel” has the same meaning as [<sup>F6</sup>ship in the Merchant Shipping Act 1995].

- (2) Any reference in this Act to the occupier of a building shall, in relation to any building different parts of which are occupied by different persons, be read as a reference to the occupier or other person in control of the part of the building in which the relevant fireplace is situated.
- (3) In this Act any reference to the rate of emission of any substance or any reference which is to be understood as such a reference shall, in relation to any regulations or conditions, be construed as a reference to the quantities of that substance which may be emitted during a period specified in the regulations or conditions.
- (4) In this Act, except so far as the context otherwise requires, “private dwelling” means any building or part of a building used or intended to be used as such, and a building or

---

**Changes to legislation:** Clean Air Act 1993, Section 64 is up to date with all changes known to be in force on or before 06 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

---

part of a building is not to be taken for the purposes of this Act to be used or intended to be used otherwise than as a private dwelling by reason that a person who resides or is to reside in it is or is to be required or permitted to reside in it in consequence of his employment or of holding an office.

- (5) In considering for the purposes of this Act whether any and, if so, what works are reasonably necessary in order to make suitable provision for heating and cooking in the case of a dwelling or are reasonably necessary in order to enable a building to be used for a purpose without contravention of any of the provisions of this Act, regard shall be had to any difficulty there may be in obtaining, or in obtaining otherwise than at a high price, any fuels which would have to be used but for the execution of the works.
- (6) Any furnaces which are in the occupation of the same person and are served by a single chimney shall, for the purposes of sections 5 to 12, 14 and 15, be taken to be one furnace.

---

#### Textual Amendments

- F1** S. 64(1): words in definition of “local authority” para. (a) repealed (1.4.1996) by 1994 c. 19, ss. 22(3), 66(8), Sch. 9 para. 18, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**
- F2** S. 64(1): definition of “local authority” para. (aa) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F3** S. 64(1): words in definition of “local authority” para. (b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 180** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**
- F4** S. 64(1): words in definition of “owner” substituted (S.) (2.4.2001) by 2000 asp 4, s. 88(2), **Sch. 5 para. 25**; S.S.I. 2001/16, art. 2, **Sch. 1**
- F5** Words in s. 64(1) repealed (S.) (1.10.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **Sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/319, art. 2(a), Sch. 1
- F6** S. 64(1): words in definition of “vessel” substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 94(b)** (with s. 213, Sch. 14 para. 1)

---

#### Marginal Citations

- M1** 1960 c. 62.  
**M2** 1968 c. 52.  
**M3** 1897 c. 38.

**Changes to legislation:**

Clean Air Act 1993, Section 64 is up to date with all changes known to be in force on or before 06 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\(a\)](#)