



# Alkali, &c. Works Regulation Act 1906

1906 CHAPTER 14 6 Edw 7

## PART III

### (IV)

#### PROCEDURE

#### 23 Actions in case of contributory nuisance.

- (1) Where a nuisance arising from the discharge of any noxious or offensive gas or gases is wholly or partially caused by the acts or defaults of the owners of several works to which any of the provisions of this Act applies, any person injured by such nuisance may proceed against any one or more of such owners, and may recover damages from each owner made a defendant in proportion to the extent of the contribution of that defendant to the nuisance, notwithstanding that the act or default of that defendant would not separately have caused a nuisance.
- (2) This section shall not authorise the recovery of damages from any defendant who can produce a certificate from [<sup>F1</sup>the appropriate Agency] that in the works of that defendant the requirements of this Act have been complied with and were complied with when the nuisance arose.

#### Annotations:

#### Amendments (Textual)

- F1** Words in s. 23(2) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 1(6)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**Changes to legislation:**

Alkali, &c. Works Regulation Act 1906, Section 23 is up to date with all changes known to be in force on or before 16 May 2018. 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.

**Commencement Orders yet to be applied to the Alkali, &c. Works Regulation Act 1906**

Commencement Orders bringing legislation that affects this Act into force:

- [S.R. 2005/77 art. 2](#) commences ([S.I. 1997/2777 \(N.I.\)](#))