



Clean Air Act 1956

1956 CHAPTER 52

Miscellaneous provisions

24 Building byelaws

Building byelaws may require the provision in new buildings of such arrangements for heating or cooking as are calculated to prevent so far as practicable the emission of smoke.

25 Powers of local authorities as to research and publicity

A local authority may—

- (a) undertake, or contribute towards the cost of, investigations and research relevant to the problem of the pollution of the air;
- (b) arrange for the publication within their area of information on that problem;
- (c) arrange for the delivery of lectures and addresses, and the holding of discussions, on that problem ;
- (d) arrange for the display of pictures, cinematograph films or models, or the holding of exhibitions, relating to that problem; and
- (e) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

26 Unjustified disclosures of information

If any person discloses any information relating to any manufacturing process or trade secret used in carrying on any particular undertaking which has been furnished to or obtained by him under this Act or in connection with the execution thereof, he shall, unless the disclosure is made—

- (a) with the consent of the person carrying on that under taking ; or
- (b) in connection with the execution of this Act; or
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings,

be guilty of an offence.

27 Penalties

- (1) A person guilty of an offence under section one of this Act shall be liable on summary conviction, in the case of dark smoke from a chimney of a private dwelling, to a fine not exceeding ten pounds, and, in the case of dark smoke from any other chimney, to a fine not exceeding one hundred pounds.
- (2) A person guilty of an offence under subsection (3) of section three or section eleven of this Act shall be liable on summary conviction to a fine not exceeding ten pounds.
- (3) A person guilty of an offence under section twenty-six of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.
- (4) A person guilty of an offence under any of the other provisions of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that where a person is convicted of such an offence (not being an offence under section eight of this Act) and it is shown to the satisfaction of the court that the offence was substantially a repetition or continuation of an earlier offence by him after he had been convicted of the earlier offence, he shall be liable, on summary conviction, to a fine not exceeding one hundred pounds or not exceeding twenty pounds for every day on of which the earlier offence has been so repeated or continued by him within the three months next following his conviction therefor, whichever is the greater.

- (5) Any offence under any provision of this Act for which the maximum penalty which may be imposed does not exceed ten pounds may in Scotland be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed.

28 Power of county court to authorise works and order payments

- (1) If works are reasonably necessary in or in connection with a building in order to enable the building to be used for some purpose without contravention of any of the provisions of this Act, the occupier of the building—
 - (a) may, if by reason of a restriction affecting his interest in the building he is unable to carry out the works without the consent of the owner of the building or some other person interested therein and is unable to obtain that consent, apply to the county court for an order to enable the works to be carried out by him ; and
 - (b) may, if he considers that the whole or any proportion of the cost of carrying out the works should be borne by the owner of the building or some other person interested therein, apply to the county court for an order directing the owner or other person to indemnify him, either wholly or in part, in respect of the cost thereof,and on an application under either of the preceding paragraphs the court may make such order as may appear to the court to be just.
- (2) In the application of this section to Scotland for any reference to the county court there shall be substituted a reference to the sheriff.

29 Enforcement

- (1) It shall be the duty of the local authority to enforce the provisions of this Act :
- Provided that nothing in this section shall be construed as extending to the enforcement of—
- (a) any of the provisions of the Alkali, &c. Works Regulation Act, 1906; or
 - (b) any building byelaws.
- (2) A local authority in England and Wales may institute proceedings for an offence under section one of this Act in the case of any smoke which affects any part of their district notwithstanding that the smoke is emitted from a chimney outside their district.
- (3) Nothing in this section shall be construed as authorising a local authority in Scotland to institute proceedings for an offence against this Act.

30 Duty to notify occupiers of offences

- (1) If, in the opinion of an authorised officer of the local authority, an offence is being or has been committed under section one or section eleven of this Act or a nuisance to which section sixteen of this Act applies exists or has existed, he shall, unless he has reason to believe that notice thereof has already been given by or on behalf of the local authority, as soon as may be notify the occupier of the premises, the person having possession of the boiler or plant, the owner of the railway locomotive engine or the owner or master or other officer or person in charge of the vessel, as the case may be, and, if his notification is not in writing, shall, within forty-eight hours after he became aware of the offence, confirm the notification in writing.
- (2) In any proceedings for an offence under section one or section eleven of this Act it shall be a defence to prove that the provisions of subsection (1) of this section have not been complied with in the case of the offence, and if no such notification as is required by that subsection has been given before the end of the two days next following the day of the offence, the said subsection (1) shall be deemed not to have been complied with unless the contrary is proved.

31 Application of Public Health Act, 1936, &c

- (1) Parts I and XII of the Public Health Act, 1936 (which contain provisions relating to local administration and general and supplemental provisions) shall, so far as applicable and subject to the modifications and supplementary provisions contained in Part I of the Third Schedule to this Act, have effect in relation to this Act as if the provisions of this Act (other than the provisions amending the Alkali, &c. Works Regulation Act, 1906) were provisions of the first mentioned Act.
- (2) Any order made or having effect as if made under the Public Health Act, 1936, which confers or imposes functions, rights or liabilities on a port health authority, being an order in force immediately before the appointed day, shall, as from the appointed day, have effect as if any references therein to, or which are to be construed as references to, functions, rights or liabilities of a local authority under all or any of the provisions of sections one hundred and one to one hundred and six of that Act included references to the functions, rights or liabilities of a local authority under this Act.

Status: This is the original version (as it was originally enacted).

- (3) Without prejudice to the provisions of subsections (1) and (2) of this section, any two or more local authorities may combine for the purpose of declaring an area to be a smoke control area and in that event—
- (a) the smoke control area may be the whole of the districts of those authorities or any part thereof;
 - (b) the references in section eleven of this Act and the first Schedule to this Act, and the first reference in subsection (1) of section twelve of this Act, to the local authority shall be construed as references to the local authorities acting jointly;
 - (c) the reference in paragraph 2 of the said First Schedule to a place in the district of the local authority shall be construed as a reference to a place in each of the districts of the local authorities; but
 - (d) save as aforesaid the references in this Act to the local authority shall, in relation to a building or dwelling, or to a boiler or industrial plant, in the smoke control area, be construed as references to that one of the local authorities within whose district the building, dwelling, boiler or plant is situated.
- (4) For the avoidance of doubt it is hereby declared that where a port health authority or joint board has functions, rights or liabilities under this Act—
- (a) any reference in this Act to a local authority or its district includes, in relation to those functions, rights or liabilities, a reference to the port health authority or board or its district;
 - (b) for the purposes of this Act, no part of the district of any such port health authority or board is to be treated, in relation to any matter falling within the competence of the authority or board, as forming part of the district of any other authority.
- (5) Any power which, by virtue of section ninety-one of the Local Government Act, 1933 (either as originally enacted or as applied by or under any Act), is exercisable by any authority with functions under this Act to concur with other authorities in appointing a joint committee shall include power to appoint, for any of the purposes of this Act, a joint committee which includes persons who are not members of the appointing authorities, but any committee which includes such persons by virtue of this subsection shall be advisory only and no functions shall be delegated to it.
- (6) Any premises which extend into the districts of two or more authorities shall be treated for the purposes of this Act as being wholly within such one of those districts as may from time to time be agreed by those authorities, or, in default of agreement, determined by the Minister.
- (7) In the application of this section to Scotland—
- (a) for the reference to Parts I and XII of the Public Health Act, 1936, there shall be substituted a reference to the following provisions, that is to say, sections eighteen, one hundred and sixty-one, one hundred and sixty-four and one hundred and seventy-two of the Public Health (Scotland) Act, 1897, sections two, twenty to twenty-two, one hundred and sixty-one, one hundred and sixty-eight to one hundred and seventy-one, and subsections (1) and (2) of section one hundred and seventy-two of the Housing (Scotland) Act, 1950, and section fourteen of the Housing (Repairs and Rents) (Scotland) Act, 1954; and for the words " Part I of the Third Schedule " there shall be substituted the words " Part III of the Third Schedule ";

- (b) for references to the Public Health Act, 1936, and to sections one hundred and one to one hundred and six of that Act there shall be substituted respectively references to the Public Health (Scotland) Act, 1897, and to sections sixteen to twenty-seven of that Act in so far as they relate to the nuisances specified in paragraphs (9) and (10) of the said section sixteen ; and
- (c) for the reference to section ninety-one of the Local Government Act, 1933, there shall be substituted a reference to section one hundred and nineteen of the Local Government (Scotland) Act, 1947.

32 Application of Act to London

- (1) This Act, in relation to the administrative county of London and the port health district of the Port of London, shall have effect subject to the modifications specified in this section.
- (2) In the last preceding section, for the references to the Public Health Act, 1936, to Parts I and XII thereof and to sections one hundred and one to one hundred and six thereof there shall be respectively substituted references to the Public Health (London) Act, 1936, to Parts I and XIV thereof and to Part V thereof, and for the reference to Part I of the Third Schedule to this Act there shall be substituted a reference to Part II of that Schedule.
- (3) In section twelve of this Act, for the reference to the provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works there shall be substituted a reference to section two hundred and eighty-six of the Public Health (London) Act, 1936.
- (4) In subsection (1) of section sixteen of this Act—
 - (a) for the references to Part III of the Public Health Act, 1936, and to a statutory nuisance there shall be respectively substituted references to section two hundred and eighty-two of, and the Fifth Schedule to, the Public Health (London) Act, 1936, and to a nuisance which may be dealt with summarily under that Act, and the words from " and section one hundred and nine of that Act " to " shall not apply in relation to it" shall be omitted;
 - (b) proviso (i) shall not apply but, in proceedings brought by virtue of the said subsection (1), the maximum penalties shall, in a case falling within either of the provisions of paragraph 12 of the said Fifth Schedule, be five pounds for every day on which the offence continues and, in a case falling within the proviso to paragraph 14 of that Schedule, be five pounds for every day during which the appellant has contravened or failed to comply with the order.
- (5) For subsection (2) of the said section sixteen there shall be substituted the following subsection—
 - “(2) If the local authority are satisfied that such a nuisance as is mentioned in subsection (1) of this section has occurred and, although it has ceased, is likely to recur, they may, without serving a nuisance notice, cause a complaint to be made to a justice of the peace and a magistrates' court shall have power on that complaint to make an order on any person by reason of whose act, default or sufferance the nuisance arose prohibiting a recurrence of the nuisance ; and section two hundred and eighty-two of, and the Fifth Schedule to, the Public Health (London) Act, 1936, shall, with the necessary adaptations and modifications, apply in relation to proceedings under this subsection and

orders made thereunder as they apply in relation to proceedings under that Schedule and prohibition orders made thereunder.”

- (6) For any reference in this Act to building byelaws, there shall be substituted a reference to byelaws made by the London County Council under the London Building Act (Amendment) Act, 1935.

33 Regulations, orders and administrative expenses

- (1) Any power conferred on the Minister by this Act to make regulations or orders (other than orders under subsection (2) of section seventeen of this Act) shall be exercisable by statutory instrument, and any such statutory instrument shall, except in the case of an order under subsection (7) of section eleven of this Act, an order revoking or varying such an order or an order under subsection (4) of section thirty-five of this Act, be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) There shall be defrayed out of moneys provided by Parliament—
- (a) any administrative expenses incurred by the Minister under this Act; and
 - (b) any increase attributable to this Act in the moneys to be so provided under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954.

34 Interpretation

- (1) In this Act, except so far as the context otherwise requires.—
- " appointed day " means such day as the Minister may by order appoint and different days may be appointed for different purposes, different areas and different provisions of this Act;
- " authorised fuel " means a fuel declared by regulations of the Minister to be an authorised fuel for the purposes of this Act;
- " authorised officer " means, as respects Scotland, 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 byelaws " 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;
- " chimney " includes structures and openings of any kind from or through which smoke or (where the reference is to the chimney serving an oven) grit or dust may be emitted, 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 therefrom;
- " day " (except in the expression " the appointed day ") means a period of twenty-four hours beginning at midnight;
- " fireplace " includes any furnace, grate or stove, whether open or closed;
- " heating " in relation to a dwelling includes the heating of water;
- " hire-purchase agreement ", as respects England and Wales, has the meaning assigned to it by section twenty-one of the Hire-Purchase Act, 1938, and, as respects Scotland, means a contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies;

" 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 ", as respects Scotland, means a county or town council;

" the Minister " means, as respects England and Wales, the Minister of Housing and Local Government and, as respects Scotland, the Secretary of State;

" oven " includes any form of retort or container used to subject solid fuel to any process involving the application of heat;

" owner ", as respects Scotland, has the like meaning as in the Public Health (Scotland) Act, 1897;

" port health authority " means, as respects Scotland, a port local authority constituted under Part X of the Public Health (Scotland) Act, 1897 ;

" 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 the proper use thereof;

" smoke " includes soot, ash, grit and gritty particles emitted in smoke.

- (2) In this Act " dark smoke " means smoke which, if compared in the appropriate manner with a chart of the type known at the date of the passing of this Act as the Ringelmann Chart, would appear to be as dark as or darker than shade 2 on the chart.

For the avoidance of doubt it is hereby declared that, in proceedings brought under or by virtue of section one or section sixteen of this Act, the court may be satisfied that smoke is or is not dark smoke as hereinbefore defined notwithstanding that there has been no actual comparison thereof with a chart of the said type ; and, in particular, and without prejudice to the generality of the preceding provisions of this subsection, if the Minister by regulations prescribes any method of ascertaining whether smoke is dark smoke as so defined, proof in any such proceedings that that method was properly applied, and that the smoke was thereby ascertained to be or not to be dark smoke as so defined, shall be accepted as sufficient.

- (3) 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 construed as a reference to the occupier or other person in control of the part of the building in which the relevant fireplace is situated.
- (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 part of a building shall not be deemed 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 therein is or is to be required or permitted to reside therein in consequence of his employment or of holding an office; and " dwelling " shall be construed accordingly.
- (5) In this Act " new dwelling " means a dwelling which either—
- (a) was erected after the passing of this Act; or
 - (b) was produced by conversion, after the passing of this Act, of other premises, with or without the addition of premises erected after the passing of this Act,
- and for the purposes of this subsection, a dwelling or premises shall not be treated as erected or converted after the passing of this Act unless the erection or conversion was begun thereafter.

- (6) 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.
- (7) Any furnaces which are in the occupation of the same person and are served by a single chimney shall, for the purposes of sections six to eight of this Act, be taken to be one furnace.
- (8) Any reference in this Act to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any subsequent enactment (including this Act).

35 Repeals and transitional provisions

- (1) The provisions of this Act shall be in lieu of the provisions of section one hundred and fourteen of the Railways Clauses Consolidation Act, 1845, section one hundred and seven of the Railways Clauses Consolidation (Scotland) Act, 1845, section one hundred and eight of the Towns Improvement Clauses Act, 1847, the Smoke Nuisance (Scotland) Act, 1857, the Smoke Nuisance (Scotland) Act, 1865, section nineteen of the Regulation of Railways Act, 1868, paragraph (34) of section three hundred and eighty-one, so far as relating to smoke, and section three hundred and eighty-four of the Burgh Police (Scotland) Act, 1892, paragraphs (9) and (10) of section sixteen of the Public Health (Scotland) Act, 1897, sections one hundred and one to one hundred and six of the Public Health Act, 1936, Part V of the Public Health (London) Act, 1936, the Public Health (Coal Mine Refuse) (Scotland) Act, 1939, and the Public Health (Coal Mine Refuse) Act, 1939, and accordingly the enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The references in subsection (1) of this section and in the Fourth Schedule to this Act to section one hundred and fourteen of the Railways Clauses Consolidation Act, 1845, section one hundred and seven of the Railways Clauses Consolidation (Scotland) Act, 1845, and section one hundred and eight of the Towns Improvement Clauses Act, 1847, shall be construed as including references to those sections as incorporated or applied by any Act.
- (3) Any building or other byelaws which have effect by virtue of subsection (2) of section one hundred and four of the Public Health Act, 1936, or subsection (4) of section one hundred and fifty-one of the Public Health (London) Act, 1936, and are in force immediately before the appointed day shall, notwithstanding the repeal of those sections, continue in force and have effect as if they had been made by virtue of section twenty-four of this Act.
- (4) The Minister may, after consultation with any local authority or county council appearing to him to be concerned, by order repeal any provision of any local Act which appears to him to be unnecessary having regard to the provisions of this Act and may by that order make such amendments of that or any other local Act as appear to him to be necessary in consequence of the repeal and such transitional provision as appears to him to be necessary or expedient in connection with the matter:

Provided that in the case of a provision of a local Act which appears to the Minister to be unnecessary having regard to the provisions of sections eleven and twelve of this Act, the power conferred by this subsection shall not be exercised without the consent of the local authority.

36 Provisions as to Northern Ireland

The provisions of this Act other than this section, shall not extend to Northern Ireland, but, notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for any purposes similar to any of the purposes of this Act.

37 Short title and commencement

- (1) This Act may be cited as the Clean Air Act, 1956.
- (2) This Act shall come into operation on the appointed day.