



# Clean Air Act 1956 (repealed 27.8.1993)

1956 CHAPTER 52 4 and 5 Eliz 2

## *Special cases*

### 17 Relation to, and amendment of, Alkali Act. **E+W+S**

- (1) ..... F1
- (3) ..... F2
- (4) [<sup>F3</sup>The amendments specified in the Second Schedule to this Act, being amendments designed to assimilate the penalties for certain offences under the Alkali Act to the penalties for comparable offences under this Act, shall be made in the provisions of the Alkali Act.]
- (5) ..... F4

#### **Textual Amendments**

- F1** Ss. 2, 5, 17(1)(2) repealed by Clean Air Act 1968 (c. 62), **Sch. 2**
- F2** S. 17(3) repealed by S.I. 1974/2170, **art. 7**
- F3** S. 17(4) repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. I**
- F4** S. 17(5)(6) repealed by Clean Air Act 1968 (c. 62), **Sch. 2**

### 18 Colliery spoilbanks. **E+W+S**

- (1) Subject to the provisions of subsection (3) of this section, the owner of a mine or quarry from which coal or shale has been, is being or is to be got shall employ all practicable means for preventing combustion of refuse deposited from the mine or quarry and for preventing or minimising the emission of smoke and fumes from the refuse and if he fails so to do, he shall be guilty of an offence.
- (2) Subject to the provisions of subsection (3) of this section, neither [<sup>F5</sup>the provisions of Part III of the Environmental Protection Act 1990], nor any provision of this Act other than subsection (1) of this section shall apply in relation to smoke, grit or dust from

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the combustion of refuse deposited from any such mine or quarry as is mentioned in the said subsection (1).

- (3) Subsections (1) and (2) of this section shall not apply to any deposit of refuse deposited from a mine or quarry before the passing of this Act if, at the time of the passing of this Act, the deposit is no longer in use as such and is not under the control of the owner of the mine or quarry.
- (4) In this section, “mine”, “quarry” and “owner” have the same meanings as in the <sup>M1</sup>Mines and Quarries Act 1954.
- (5) In the application of this section to Scotland, subsection (2) shall have effect as if for the reference to [<sup>F6</sup>the provisions of Part III of the Environmental Protection Act 1990], there were substituted a reference to section sixteen of the <sup>M2</sup>Public Health (Scotland) Act 1897.

#### Textual Amendments

- F5** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 7(2)**
- F6** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 7(2)**

#### Modifications etc. (not altering text)

- C1** [S. 18](#) amended by [Clean Air Act 1968 \(c. 62\)](#), **Sch. 1 para.1**
- C2** Power to apply s. 18(2) with modifications conferred by [Clean Air Act 1968 \(c. 62\)](#), **s. 7(1)(a)**

#### Marginal Citations

- M1** 1954 c. 70.
- M2** 1897 c. 38.

## 19 Railway engines. **E+W+S**

- (1) Section one of this Act shall apply in relation to railway locomotive engines as it applies in relation to buildings, but as if for the references to the occupier of the building there were substituted references to the owner of the engine.
- (2) The owner of any railway locomotive engine shall use any practicable means there may be for minimising the emission of smoke from the chimney on the engine and if he fails so to do, he shall, if smoke is emitted therefrom, be guilty of an offence.
- (3) Save as provided in this section, nothing in this Act applies to smoke, grit or dust from any railway locomotive engine.

#### Modifications etc. (not altering text)

- C3** Power to apply s. 19(3) with modifications conferred by [Clean Air Act 1968 \(c. 62\)](#), **s. 7(1)(a)**; amended by *ibid.*, Sch. 1 para. 1

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## 20 Vessels. **E+W+S**

- (1) Section one . . . <sup>F7</sup> of this Act shall apply in relation to vessels in waters to which this section applies as they apply in relation to buildings, but as if for the references to the occupier of the building there were substituted references to the owner of, and to the master or other officer or person in charge of, the vessel and as if references to a furnace included references to an engine of the vessel.
- (2) For the purposes of this Act a vessel in any waters to which this section applies which are not within the district of any local authority shall be deemed to be within the district of the local authority whose district includes that point on land which is nearest to the spot where the vessel is.
- (3) The waters to which this section applies are—
  - (a) all waters not navigable by sea-going ships; and
  - (b) all waters navigable by sea-going ships which are within the seaward limits of the territorial waters of the United Kingdom and are contained within any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under any Act to make charges in respect of vessels entering it or using facilities therein.

In this subsection “charges” means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

- (4) Save as provided in this section, nothing in this Act applies to smoke, grit or dust from any vessel.

### Textual Amendments

**F7** Words repealed by [Clean Air Act 1968 \(c. 62\)](#), [Sch. 2](#)

### Modifications etc. (not altering text)

**C4** Power to apply s. 20(4) with modifications conferred by [Clean Air Act 1968 \(c. 62\)](#), [s. 7\(1\)\(a\)](#); amended by *ibid.*, Sch. 1 para. 1

## 21 Exemption for purposes of investigations and research. **E+W+S**

- (1) If the local authority are satisfied, on the application of any person interested, that it is expedient so to do for the purpose of enabling investigations or research relevant to the problem of the pollution of the air to be carried out without rendering the applicant liable to proceedings brought under or by virtue of any of [<sup>F8</sup>the under-mentioned provisions of this Act [<sup>F9</sup>, the Clean Air Act 1968 or the Environmental Protection Act 1990]] the local authority may by notice in writing given to the applicant exempt, wholly or to a limited extent,—
  - [<sup>F10</sup>(a) any chimney from the operation of sections 1, 11, 16 and 19 of this Act and section 2 of the <sup>M3</sup>Clean Air 1968 [<sup>F11</sup>and Part III of the Environmental Protection Act 1990];
  - (b) any furnace, boiler or industrial plant from the operation of section 3(1) of this Act;
  - (c) any premises from the operation of section 1 of the said Act of 1968;

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- (d) any furnace from the operation of sections 6 and 7 of this Act and section 3 of that Act;
- (e) the acquisition or sale of any fuel specified in the notice from the operation of section 9 of that Act,]

in each case subject to such conditions, if any, and for such period as may be specified in the notice.

- (2) Any person who has applied to the local authority for an exemption under this section may, if he is dissatisfied with the decision of the authority on the application, appeal to the Minister and the Minister may, if he thinks fit, by notice in writing given to the applicant and the local authority, give any exemption which the authority might have given or vary the terms of any exemption which they have given.

#### Textual Amendments

- F8** Words substituted by [Clean Air Act 1968 \(c. 62\)](#), s. 14(1), [Sch. 1 para. 6](#)
- F9** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 7\(3\)\(a\)](#)
- F10** [S. 21\(1\)\(a\)–\(e\)](#) substituted for [s. 21\(1\)\(a\)–\(c\)](#) by [Clean Air Act 1968 \(c. 62\)](#), [Sch. 1 para. 6](#)
- F11** Words inserted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), [Sch. 15 para. 7\(3\)\(b\)](#)

#### Marginal Citations

- M3** [1968 c. 62.](#)

## 22 Crown premises, &c. E+W+S

- (1) It shall be part of the functions of the local authority, in cases where it seems to them proper so to do, to report to the responsible Minister any cases of—
- (a) emissions of dark smoke, or of grit or dust, from any premises which are under the control of any Government department and are occupied for the public service of the Crown or for any of the purposes of any Government department; or
  - (b) emissions of smoke, whether dark smoke or not, from any such premises which are within a smoke control area; or
  - (c) emissions of smoke, whether dark smoke or not, from any such premises which appear to them to constitute a nuisance to the inhabitants of the neighbourhood; or
  - (d) emissions of dark smoke from any vessel of Her Majesty's navy, or any Government ship in the service of the [<sup>F12</sup>Secretary of State] while employed for the purposes of Her Majesty's navy, which appear to them to constitute such a nuisance as aforesaid,

and on receiving any such report the said Minister shall inquire into the circumstances and, if his inquiry reveals that there is cause for complaint, shall employ all practicable means for preventing or minimising the emission of the smoke, grit or dust or for abating the nuisance and preventing a recurrence thereof, as the case may be.

This subsection shall apply to premises occupied for the purposes of the Duchy of Lancaster or the Duchy of Cornwall as it applies to premises occupied for the public service of the Crown which are under the control of a Government department, with

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the substitution, in the case of the Duchy of Cornwall, for references to the responsible Minister of references to such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints.

- (2) The fact that there subsists in any premises an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, shall not affect the application of this Act to those premises so long as that interest is not the interest of the occupier of the premises, and this Act shall have effect accordingly in relation to the premises and that and all other interests therein.
- (3) Section twenty of this Act shall, with the omission of the reference in subsection (1) thereof to the owner, apply to vessels owned by the Crown, except that it shall not apply to vessels of Her Majesty's navy or to Government ships in the service of the [<sup>F12</sup>Secretary of State] while employed for the purposes of Her Majesty's navy.
- (4) This Act shall have effect in relation to premises occupied for the service of a visiting force as if the premises were premises occupied for the public service of the Crown and were under the control of the Government department by arrangement with whom the premises are occupied.

In this subsection "visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the <sup>M4</sup>Visiting Forces Act 1952.

- (5) In this section "Government ship" has the same meaning as in section eighty of the <sup>M5</sup>Merchant Shipping Act 1906.

#### Textual Amendments

**F12** Words substituted by [S.I. 1964/488](#), [Sch. 1 Pt. I](#)

#### Modifications etc. (not altering text)

**C5** [S. 22](#) amended by [Clean Air Act 1968 \(c. 62\)](#), [Sch. 1 para. 1](#)

**C6** Power to apply [s. 22\(1\)](#) with modifications conferred by [Clean Air Act 1968 \(c. 62\)](#), [s. 7\(1\)\(a\)](#)

**C7** [S. 22\(1\)](#) modified (E.W.)(25.9.1991) by [Atomic Weapons Establishment Act 1991 \(c. 46, SIF 8\)](#), [ss. 3, 6](#), [Sch. para. 4\(1\)](#) (with [s. 1](#))

**C8** [S. 22\(4\)](#) extended by [S.I. 1965/1536](#), [Sch. 3](#)

#### Marginal Citations

**M4** [1952 c. 67](#).

**M5** [1906 c. 48](#).

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