



Clean Air Act 1956

1956 CHAPTER 52

Special cases

17 Relation to, and amendment of, Alkali Act

- (1) Subject to the provisions of subsection (2) of this section, the preceding provisions of this Act shall not apply to premises controlled under the Alkali, &c. Works Regulation Act, 1906 (hereinafter referred to as "the Alkali Act"), but the Alkali Act shall have effect in relation to smoke, grit and dust from any such premises as it has effect in relation to noxious or offensive gases, and references therein to noxious or offensive gases shall be construed accordingly:

Provided that the preceding provisions of this subsection shall not affect the operation of sections one, five and sixteen of this Act in relation to premises controlled under the Alkali Act, but, in England and Wales, no proceedings shall be brought by virtue of the said section one, the said section five or the said section sixteen in the case of any such premises except with the consent of the Minister.

- (2) The Minister may, if, on the application of the local authority, he is satisfied that in all the circumstances it is expedient so to do, by order apply the provisions of this subsection to the whole or any specified part of any premises controlled under the Alkali Act, and, in that event, in relation to any period for which the order is in force—
- (a) subsection (1) of this section shall not apply to the premises or, as the case may be, to the specified part thereof; but
 - (b) it shall be a defence to any proceedings under section one of this Act in respect of dark smoke from the premises or, as the case may be, from the specified part thereof, to prove that the best practicable means had been employed to prevent or minimise the emission of dark smoke therefrom; and
 - (c) in any proceedings brought by virtue of section sixteen of this Act in respect of smoke from the premises or, as the case may be, from the specified part thereof, the defence provided for by proviso (ii) to subsection (1) of that section shall be available whether the smoke was emitted from a chimney or not.

Status: This is the original version (as it was originally enacted).

Any order under this subsection may be revoked or varied by a subsequent order of the Minister.

- (3) The power conferred on the Minister by subsection (1) of section four of the Public Health (Smoke Abatement) Act, 1926, to make orders extending the list of noxious or offensive gases contained in section twenty-seven of, and the list of works mentioned in the First Schedule to, the Alkali Act shall include a power, exercisable in the like manner, to vary or revoke any such order; and where by virtue of an order under the said subsection (1), or under section one of the Alkali, &c, Works Regulation (Scotland) Act, 1951, works of any description which would not otherwise be included in the First Schedule to the Alkali Act become included therein, the references in the proviso to subsection (5) of section nine of the Alkali Act to the commencement of that Act shall, in relation to works of that description, be construed as references to the coming into operation of the order.
- (4) 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) In this section the references to premises controlled under the Alkali Act are references to so much of any work registered under section nine of that Act as is directly concerned in the processes which necessitate its registration thereunder.

The Minister may from time to time determine how much of any such work is directly concerned as aforesaid and his determination shall, until revoked or varied by him, be conclusive.

- (6) Nothing in subsection (1) of this section shall extend the operation of subsection (3) of section four of the Public Health (Smoke Abatement) Act, 1926, or section two of the Alkali, &c, Works Regulation (Scotland) Act, 1951 (which authorise inspectors to enter and inspect, in certain cases, works not registered under section nine of the Alkali Act).

18 Colliery spoilbanks

- (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 section ninety-two of the Public Health Act, 1936, nor any provision of this Act other than subsection (1) of this section shall apply in relation to smoke, grit or dust from 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 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 section ninety-two of the Public Health Act, 1936, there were substituted a reference to section sixteen of the Public Health (Scotland) Act, 1897.

19 Railway engines

- (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.

20 Vessels

- (1) Sections one and two 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.

21 Exemption for purposes of investigations and research

- (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 the provisions of this Act, the local authority may by notice in writing given to the applicant exempt, wholly or to a limited extent.—

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

- (a) any chimney from the operation of sections one, five, eleven, sixteen and nineteen of this Act;
 - (b) any furnace, boiler or industrial plant from the operation of subsection (1) of section three of this Act;
 - (c) any furnace or oven from the operation of sections six and seven of this 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.

22 Crown premises, &c

- (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 Admiralty 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 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 Admiralty 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 Visiting Forces Act, 1952.

- (5) In this section " Government ship " has the same meaning as in section eighty of the Merchant Shipping Act, 1906.