



# Clean Air Act 1956

## 1956 CHAPTER 52

### *Dark Smoke*

#### **1 Prohibition of dark smoke from chimneys**

- (1) Subject to the provisions of this Act, dark smoke shall not be emitted from a chimney of any building, and if, on any day, dark smoke is so emitted, the occupier of the building shall be guilty of an offence.
- (2) Emissions of smoke from any chimney lasting for not longer than such periods as may be specified by the Minister by regulations shall, in such classes of case and subject to such limitations as may be so specified, be left out of account for the purposes of this section.
- (3) In any proceedings for an offence under this section, it shall be a defence to prove either—
  - (a) that the contravention complained of was solely due to the lighting up of a furnace which was cold and that all practicable steps had been taken to prevent or minimise the emission of dark smoke ; or
  - (b) that the contravention complained of was solely due to some failure of a furnace or of apparatus used in connection with a furnace, that that failure could not reasonably have been foreseen, or, if foreseen, could not reasonably have been provided against, and that the contravention could not reasonably have been prevented by action taken after the failure occurred ; or
  - (c) that the contravention complained of was solely due to the use of unsuitable fuel, that suitable fuel was unobtainable, that the least unsuitable fuel which was available was used and that all practicable steps had been taken to prevent or minimise the emission of dark smoke as the result of the use thereof ; or
  - (d) that the contravention complained of was due to the combination of two or more of the causes specified in paragraphs (a) to (c) of this subsection and that the other conditions specified in those paragraphs are satisfied in relation to those causes respectively.

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*Status: This is the original version (as it was originally enacted).*

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- (4) This section shall apply in relation to a chimney serving the furnace of any boiler or industrial plant (being a boiler or plant attached to a building or for the time being fixed to or installed on any land) as it applies in relation to a chimney of a building:

Provided that in relation to any such chimney as aforesaid which is not a chimney of a building, the reference in this section to the occupier of the building shall be construed as a reference to the person having possession of the boiler or plant.