



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Status: This is the original version (as it was originally enacted).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