

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, PART 3. (See end of Document for details)

PROSPECTIVE

SCHEDULE 1 SMOKE CONTROL

PART 3

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Clean Air Act 1993 (c. 11)

10 The Clean Air Act 1993 is amended as follows.

Commencement Information

I1 Sch. 1 para. 10 not in force at Royal Assent, see [s. 30\(3\)](#)

11 In section 18 (declaration of smoke control area by local authority)—

- (a) in subsection (2)(b), for the words from “section 20” to “in England)” substitute “Schedule 1A (penalty for emission of smoke in England or in Wales)”;
- (b) in subsection (2A), after “England” insert “or in Wales (as the case may be)”.

Commencement Information

I2 Sch. 1 para. 11 not in force at Royal Assent, see [s. 30\(3\)](#)

12 Sections 20 to 23 (including the italic headings above sections 20 and 23) are repealed.

Commencement Information

I3 Sch. 1 para. 12 not in force at Royal Assent, see [s. 30\(3\)](#)

13 In section 24 (power of local authority to require adaptation of fireplaces in private dwellings), in subsection (1), for the words from “contraventions” to the end substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”.

Commencement Information

I4 Sch. 1 para. 13 not in force at Royal Assent, see [s. 30\(3\)](#)

14 In section 26 (power of local authority to make grants towards adaptations to fireplaces in certain buildings), in subsection (1), for the words from

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“contraventions” to “England”) substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”.

Commencement Information

I5 Sch. 1 para. 14 not in force at Royal Assent, see [s. 30\(3\)](#)

15 In section 27 (references to adaptations for avoiding contraventions of section 20 or Schedule 1A)—

- (a) in the heading, omit “section 20 or”;
- (b) in subsection (1)—
 - (i) in the opening words, for the words from “contraventions” to “England”) substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”;
 - (ii) in the words after paragraph (e), omit “contraventions of section 20 or”;
- (c) in subsection (3), omit “contraventions of section 20 of this Act or”.

Commencement Information

I6 Sch. 1 para. 15 not in force at Royal Assent, see [s. 30\(3\)](#)

16 In section 29 (interpretation of Part 3)—

- (a) omit the definition of “authorised fuel”;
- (b) after the definition of “smoke control order in England” insert—

““smoke control order in Wales” means a smoke control order made by a local authority in Wales.”

Commencement Information

I7 Sch. 1 para. 16 not in force at Royal Assent, see [s. 30\(3\)](#)

17 In section 45 (exemption for purposes of investigations and research)—

- (a) in subsection (1)(a), omit “, 20 (smoke in smoke control area)”;
- (b) in subsection (1)(e), for “section 23” substitute “section 19F”.

Commencement Information

I8 Sch. 1 para. 17 not in force at Royal Assent, see [s. 30\(3\)](#)

18 In section 51 (duty to notify occupiers of offences)—

- (a) in subsection (1)(a), for “, 2 or 20” substitute “or 2”;
- (b) in subsection (3), for “, 2 or 20” substitute “or 2”.

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I9 Sch. 1 para. 18 not in force at Royal Assent, see [s. 30\(3\)](#)

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- 19 In section 61 (joint exercise of local authority functions), in subsection (3)(b) for “, Schedule 1 and paragraph 1 of Schedule 2” substitute “and Schedule 1”.

Commencement Information

I10 Sch. 1 para. 19 not in force at Royal Assent, see [s. 30\(3\)](#)

- 20 In section 63 (regulations and orders)—
- (a) in subsection (2), after “made under this Act” insert “by the Secretary of State”;
 - (b) after subsection (2) insert—

“(2A) Any statutory instrument containing regulations made under this Act by the Welsh Ministers, except an instrument containing regulations a draft of which is required by section 6(3), 10(5) or 47(2) or paragraph 3(5) or 4(7) of Schedule 1A to be approved by a resolution of Senedd Cymru, is subject to annulment in pursuance of a resolution of Senedd Cymru.”
 - (c) in subsection (3), omit “, 21 or 22”.

Commencement Information

I11 Sch. 1 para. 20 not in force at Royal Assent, see [s. 30\(3\)](#)

- 21 In Schedule 1 (coming into operation of smoke control orders)—
- (a) after paragraph 1 insert—

“1A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 1(b).

(1B) The requirement in paragraph 1A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”
 - (b) in paragraph 5, for the words from “section 20” to “in England)” substitute “Schedule 1A (penalty for emission of smoke in England or Wales)”;
 - (c) after paragraph 6A insert—

“6B When a local authority in Wales has made an order, the authority must—

 - (a) inform the Welsh Ministers that it has done so, and
 - (b) provide the date on which the order is to come, or came, into operation.”

Commencement Information

I12 Sch. 1 para. 21 not in force at Royal Assent, see [s. 30\(3\)](#)

- 22 In Schedule 5 (transitional provisions)—
- (a) after paragraph 12 insert—

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“12A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 12(b)

“12B The requirement in paragraph 12A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”

(b) in paragraph 13, after “paragraph 12” insert ”and (if relevant) paragraph 12A”.

Commencement Information

I13 Sch. 1 para. 22 not in force at Royal Assent, see [s. 30\(3\)](#)

Commencement Information

I1 Sch. 1 para. 10 not in force at Royal Assent, see [s. 30\(3\)](#)

I2 Sch. 1 para. 11 not in force at Royal Assent, see [s. 30\(3\)](#)

I3 Sch. 1 para. 12 not in force at Royal Assent, see [s. 30\(3\)](#)

I4 Sch. 1 para. 13 not in force at Royal Assent, see [s. 30\(3\)](#)

I5 Sch. 1 para. 14 not in force at Royal Assent, see [s. 30\(3\)](#)

I6 Sch. 1 para. 15 not in force at Royal Assent, see [s. 30\(3\)](#)

I7 Sch. 1 para. 16 not in force at Royal Assent, see [s. 30\(3\)](#)

I8 Sch. 1 para. 17 not in force at Royal Assent, see [s. 30\(3\)](#)

I9 Sch. 1 para. 18 not in force at Royal Assent, see [s. 30\(3\)](#)

I10 Sch. 1 para. 19 not in force at Royal Assent, see [s. 30\(3\)](#)

I11 Sch. 1 para. 20 not in force at Royal Assent, see [s. 30\(3\)](#)

I12 Sch. 1 para. 21 not in force at Royal Assent, see [s. 30\(3\)](#)

I13 Sch. 1 para. 22 not in force at Royal Assent, see [s. 30\(3\)](#)

Environment Act 2021 (c. 30)

23 In the Environment Act 2021—

(a) in section 147(4) (commencement powers of Welsh Ministers), omit paragraph (f);

(b) Part 2 of Schedule 12 (principal amendments to the Clean Air Act 1993: Wales) is repealed.

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I14 Sch. 1 para. 23 not in force at Royal Assent, see [s. 30\(3\)](#)

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