



Clean Air Act 1993

CHAPTER 11

CLEAN AIR ACT 1993

PART I

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- 1 Prohibition of dark smoke from chimneys.
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- 3 Meaning of “dark smoke”.

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- 4 Requirement that new furnaces shall be so far as practicable smokeless.

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- 5 Emission of grit and dust from furnaces.

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- 6 Arrestment plant for new non-domestic furnaces.
- 7 Exemptions from section 6.
- 8 Requirement to fit arrestment plant for burning solid fuel in other cases.
- 9 Appeal to Secretary of State against refusal of approval.

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- 10 Measurement of grit, dust and fumes by occupiers.
- 11 Measurement of grit, dust and fumes by local authorities.

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- 12 Information about furnaces and fuel consumed.

Outdoor furnaces

- 13 Grit and dust from outdoor furnaces, etc.

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- 14 Height of chimneys for furnaces.
15 Applications for approval of height of chimneys of furnaces.
16 Height of other chimneys.

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- 17 Abatement of smoke nuisances in Scotland.

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- 19A Penalty for emission of smoke in smoke control area in England
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19C Exemptions relating to particular areas in England
19D Interpretation: “approved fireplace” and “controlled solid fuel”

Prohibition on emission of smoke in smoke control area

- 20 Prohibition on emission of smoke in smoke control area in Wales.
21 Power ... to exempt certain fireplaces in Wales.
22 Exemptions relating to particular areas in Wales.

Dealings with unauthorised fuel

- 23 Acquisition and sale of unauthorised fuel in a smoke control area in Wales.

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- 24 Power of local authority to require adaptation of fireplaces in private dwellings.
25 Expenditure incurred in relation to adaptations in private dwellings.
26 Power of local authority to make grants towards adaptations to fireplaces in churches, chapels, buildings used by charities etc.
26A Duty of local authority to reimburse for adaptations of vessels in England

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- 27 References to adaptations for avoiding contraventions of section 20 or Schedule 1A.
28 Cases where expenditure is taken to be incurred on execution of works.

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- 28A Guidance for local authorities in England
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- 43 Railway engines.
- 44 Vessels.
- 45 Exemption for purposes of investigations and research.
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- 47 Application to fumes and gases of certain provisions as to grit, dust and smoke.

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- 48 Power to give effect to international agreements.

Administration and enforcement

- 49 Unjustified disclosures of information.
- 50 Cumulative penalties on continuance of certain offences.
- 51 Duty to notify occupiers of offences.
- 52 Offences committed by bodies corporate.
- 53 Offence due to act or default of another.

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- 54 Power of county court to authorise works and order payments.
- 55 General provisions as to enforcement.
- 56 Rights of entry and inspection etc.
- 57 Provisions supplementary to section 56.
- 58 Power of local authorities to obtain information.
- 59 Inquiries.
- 60 Default powers.
- 61 Joint exercise of local authority functions.
- 62 Application of certain provisions of Part XII of Public Health Act 1936 and corresponding Scottish legislation.

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- 63 Regulations and orders.
- 64 General provisions as to interpretation.
- 65 Application to Isles of Scilly.
- 66 Transitory provisions relating to Alkali, &c. Works Regulation Act 1906.
- 67 Consequential amendments, transitional provisions and repeals.
- 68 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Coming into Operation of Smoke Control Orders

- 1 Before making a smoke control order the local authority shall...
- 2 Besides publishing such a notice, the local authority shall post,...
- 3 If an objection is duly made to the local authority...
- 4 Subject to paragraphs 5 and 6, an order shall come...
- 5 An order varying a previous order so as to exempt...
- 6 If, before the date on which the order is to...
- 6A When a local authority in England has made an order,...
- 7 In the application of this Schedule to Scotland, for any...

SCHEDULE 1A — Penalty for emission of smoke in smoke control area in England

- 1 Key definitions
- 2 Notice of intent
- 3 Amount of penalty
- 4 Right to object to proposed financial penalty
- 5 Decision regarding a final notice
- 6 Final notice
- 7 Withdrawal or amendment of notices
- 8 Appeals
- 9 Recovery of penalties
- 10 Delegation
- 11 Notices
- 12 Notices: vessels which are moored

SCHEDULE 2 — Smoke control orders: expenditure on old private dwellings

Grants for expenditure incurred in adaptation of fireplaces

- 1 (1) This paragraph applies if, after the making of a...

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Exclusion of grants in case of unsuitable appliances

- 2 For the purposes of this Schedule, an appliance is unsuitable...
- 3 (1) Sub-paragraph (2) applies if— (a) after a local authority...

Exchequer contributions to certain expenditure

- 4 (1) The Secretary of State may, out of money provided...

SCHEDULE 3 — Provisions having effect until repeal of Alkali, &c Works Regulation Act 1906

Part I — RELATION OF THIS ACT TO ALKALI, &C. WORKS REGULATION ACT 1906

- 1 (1) In this Part of this Schedule— “ the Alkali...
 - 2 Subject to paragraphs 3 and 4, Parts I to III...
 - 3 If, on the application of the local authority, the Secretary...
 - 4 While, by virtue of an order under paragraph 3 above,...
 - 5 Any order made under paragraph 3 may be varied or...
 - 6 Nothing in section 55 shall be taken as extending to...
- Part II — MODIFICATIONS OF THIS ACT
- 7 In section 31(4)— (a) in paragraph (a), after “1990” there...
 - 8 In section 33(1), after “1990” there is inserted “ or...
 - 9 In section 35(3), after “1990” there is inserted “ or...
 - 10 In section 36, after subsection (3) there is inserted—
 - 11 At the end of section 40 there is inserted— “...

SCHEDULE 4 — Consequential amendments

The Health and Safety at Work etc. Act 1974 (c. 37)

- 1 Section 80(1) of the Health and Safety at Work etc....

The Control of Pollution Act 1974 (c. 40)

- 2 In section 96(1) of the Control of Pollution Act 1974...

The Public Health (Control of Disease) Act 1984 (c. 22)

- 3 In section 7(4) of the Public Health (Control of Disease)...

The Environmental Protection Act 1990 (c. 43)

- 4 In section 79(7) of the Environmental Protection Act 1990—

The Atomic Weapons Establishment Act 1991 (c. 46)

- 5 In the Schedule to the Atomic Weapons Establishment Act 1991...

The Radioactive Substances Act 1993 (c. 12)

- 6 In Schedule 3 to the Radioactive Substances Act 1993—

SCHEDULE 5 — Transitional provisions

Part I — GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

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Continuity of the law

- 1 The substitution of this Act for the enactments repealed by...
- 2 Any reference, whether express or implied, in this Act or...
- 3 Any document made, served or issued after the commencement of...
- 4 Paragraphs 2 and 3 have effect without prejudice to the...

General saving for old transitional provisions and savings

- 5 (1) The repeal by this Act of a transitional provision...
Part II — EXCLUSION AND MODIFICATION OF CERTAIN PROVISIONS OF THIS ACT

Requirements to fit arrestment plant: sections 6 & 8

- 6 (1) Section 6(1) (arrestment plant for new non-domestic furnaces) does...

Height of chimneys for furnaces: section 14

- 7 (1) Subject to sub-paragraph (2) below, section 14 (height of...

Smoke control orders

- 8 (1) In relation to any smoke control order made by...
- 9 The provisions of Part III of this Schedule (which are...

Colliery spoilbanks: section 42

- 10 Subsections (2) to (4) of section 42 (colliery spoilbanks) shall...
Part III — CONFIRMATION AND COMING INTO OPERATION OF CERTAIN SMOKE CONTROL ORDERS
- 11 In this Part of this Schedule “order” means a smoke...
- 12 After making an order, the local authority shall publish in...
- 13 Besides publishing a notice as required by paragraph 12, the...
- 14 If no objection is duly made to the Secretary of...
- 15 In any case other than one within paragraph 14 the...
- 16 Section 250(2) to (5) of the Local Government Act 1972...
- 17 Subject to paragraphs 18 and 19, an order when confirmed...
- 18 An order varying a previous order so as to exempt...
- 19 (1) If, before the date on which an order is...
- 20 In the application of this Part of this Schedule to...

SCHEDULE 6 — Repeals

TABLE OF DERIVATIONS

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 20(6) omitted by [2021 c. 30 Sch. 12 para. 10\(3\)](#)
- s. 21(5) omitted by [2021 c. 30 Sch. 12 para. 11\(3\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(4A)(4B) inserted by [S.I. 2023/908 reg. 16](#)
- s. 20(5D)-(5F) inserted by [2021 c. 30 Sch. 12 para. 10\(2\)](#)
- s. 21(4A)-(4D) inserted by [2021 c. 30 Sch. 12 para. 11\(2\)](#)