



Clean Air Act 1993

1993 CHAPTER 11

PART V

INFORMATION ABOUT AIR POLLUTION

38 Regulations about local authority functions under sections 34, 35 and 36.

- (1) The Secretary of State shall by regulations prescribe the manner in which, and the methods by which, local authorities are to perform their functions under sections 34(1)(a) and (b), 35 and 36 (investigation and research etc. into, and the obtaining of information about, air pollution).
- (2) It shall be the duty of the Secretary of State, before he makes regulations under this section, to consult—
 - (a) such persons appearing to him to represent local authorities;
 - (b) such persons appearing to him to represent industrial interests; and
 - (c) such persons appearing to him to be conversant with problems of air pollution, as he considers appropriate.
- (3) Regulations under this section may in particular—
 - (a) prescribe the kinds of emissions to which notices under section 36 (power to require information about air pollution) may relate;
 - (b) prescribe the kinds of information which may be required by those notices;
 - (c) prescribe the manner in which any such notice is to be given, and the evidence which is to be sufficient evidence of its having been given, and of its contents and authenticity;
 - (d) require each local authority to maintain in a prescribed form a register containing—
 - (i) information obtained by the authority by virtue of section 35(1) (powers of local authorities to obtain information), other than information as to which a direction under section 37(2) (appeals against notices under section 36) provides that the information is not to be disclosed to the public; and

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- (ii) such information (if any) as the Secretary of State may determine, or as may be determined by or under regulations, with respect to any appeal under section 37 against a notice served by the authority which the Secretary of State did not dismiss;
 - (e) specify the circumstances in which local authorities may enter into arrangements with owners or occupiers of premises under which they will record and measure emissions on behalf of the local authorities; and
 - (f) specify the kinds of apparatus which local authorities are to have power to provide and use for measuring and recording emissions, and for other purposes.
- (4) Regulations made by virtue of subsection (3)(b) may in particular require returns of—
 - (a) the total volume of gases, whether pollutant or not, discharged from the premises in question over any period;
 - (b) the concentration of pollutant in the gases discharged;
 - (c) the total of the pollutant discharged over any period;
 - (d) the height or heights at which discharges take place;
 - (e) the hours during which discharges take place; or
 - (f) the concentration of pollutants at ground level.
- (5) A register maintained by a local authority in pursuance of regulations made by virtue of subsection (3)(d) shall be open to public inspection at the principal office of the authority free of charge at all reasonable hours, and the authority shall afford members of the public reasonable facilities for obtaining from the authority, on payment of reasonable charges, copies of entries in the register.

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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\(2\)](#)