
STATUTORY INSTRUMENTS

1981 No. 158

Clean Air (Northern Ireland) Order 1981

Grit and dust from furnaces

Exemptions from Article 9

10^{F1}.—(1) The Department may by regulations provide that furnaces of any prescribed class shall while used for a prescribed purpose be exempted from the operation of Article 9(1).

(2) If on the application of the occupier of a building a district council is satisfied that the emission of grit and dust from any chimney serving a furnace in the building will not be prejudicial to health or a nuisance if the furnace is used for a particular purpose without compliance with Article 9(1), it may exempt the furnace from the operation of that paragraph while used for that purpose.

Para. (3) rep. by 1985 NI 15

(4) If a district council to which an application is duly made for an exemption under paragraph (2) fails to determine the application and to give a written notice of its decision to the applicant within eight weeks of receiving the application or such longer period as may be agreed in writing between the applicant and the council, the furnace shall be treated as having been granted an exemption from the operation of Article 9(1) while used for the purpose specified in the application.

(5) If a district council decides not to grant an exemption under paragraph (2), it shall give the applicant a written notification of its decision stating its reasons, and the applicant may within twenty-eight days of receiving the notification appeal against the decision to the Department.

(6) On an appeal under this Article the Department may confirm the decision appealed against, or may grant the exemption applied for or may vary the purpose for which the furnace to which the application relates may be used without compliance with Article 9(1), and shall give the appellant a written notification of any decision of the Department on an appeal under this Article, stating the reasons for the decision.

(7) If on any day a furnace which is exempt from the operation of Article 9(1) is used for a purpose other than a prescribed purpose or, as the case may be, a purpose for which the furnace may be used by virtue of paragraph (2), (4) or (6), the occupier of the building shall be guilty of an offence.

F1 prosp. rep. by [1997 NI 18](#)

Changes to legislation:

There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, Section 10 .