



Control of Smoke Pollution Act 1989

1989 CHAPTER 17

An Act to amend section 16(1)(a) of the Clean Air Act 1956 and section 1 of the Clean Air Act 1968. [21st July 1989]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Removal of exemption from statutory nuisance of smoke from certain domestic chimneys

In section 16 of the Clean Air Act 1956, in paragraph (a) of subsection (1) (which exempts smoke emitted from a chimney of a private dwelling from types of smoke deemed to be a statutory nuisance for the purposes of Part III of the Public Health Act 1936) after the words “private dwelling” there shall be inserted the words “within a smoke control area”.

2 Extension of offence of emitting dark smoke from industrial or trade premises

(1) In subsection (1) of section 1 of the Clean Air Act 1968 (occupier of premises from which dark smoke is emitted to be guilty of an offence) after the words “occupier of the premises” there shall be inserted the words “and any person who causes or permits the emission”.

(2) After that subsection there shall be inserted—

“(1A) For the purposes of subsection (1) above, there shall be taken to have been an emission of dark smoke from industrial or trade premises in any case where—

- (a) material is burned on those premises, and
- (b) the circumstances are such that the burning would be likely to give rise to the emission of dark smoke,

unless the occupier or any person who caused or permitted the burning shows that no dark smoke was emitted.”

Status: This is the original version (as it was originally enacted).

3 Short title, commencement and extent

- (1) This Act may be cited as the Control of Smoke Pollution Act 1989.
- (2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act shall not extend to Northern Ireland.