



# Clean Air Act 1993

## CHAPTER 11

### CLEAN AIR ACT 1993

#### PART I

##### DARK SMOKE

- 1 Prohibition of dark smoke from chimneys.
- 2 Prohibition of dark smoke from industrial or trade premises.
- 3 Meaning of “dark smoke”.

#### PART II

##### SMOKE, GRIT, DUST AND FUMES

###### *Installation of furnaces*

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

###### *Limits on rate of emission of grit and dust*

- 5 Emission of grit and dust from furnaces.

###### *Arrestment plant for furnaces*

- 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.

###### *Measurement of grit, dust and fumes*

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

*Status: Point in time view as at 28/07/1995.*

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- 12 Information about furnaces and fuel consumed.

*Outdoor furnaces*

- 13 Grit and dust from outdoor furnaces, etc.

*Height of chimneys*

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

*Smoke nuisances in Scotland*

- 17 Abatement of smoke nuisances in Scotland.

**PART III**

SMOKE CONTROL AREAS

*Creation of smoke control areas*

- 18 Declaration of smoke control area by local authority.  
19 Power of Secretary of State to require creation of smoke control areas.

*Prohibition on emission of smoke in smoke control area*

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

*Dealings with unauthorised fuel*

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

*Adaptation of fireplaces*

- 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.

*Supplementary provisions*

- 27 References to adaptations for avoiding contraventions of section 20.  
28 Cases where expenditure is taken to be incurred on execution of works.  
29 Interpretation of Part III.

**PART IV**

CONTROL OF CERTAIN FORMS OF AIR POLLUTION

- 30 Regulations about motor fuel.  
31 Regulations about sulphur content of oil fuel for furnaces or engines.  
32 Provisions supplementary to sections 30 and 31.  
33 Cable burning.

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## PART V

### INFORMATION ABOUT AIR POLLUTION

- 34 Research and publicity.
- 35 Obtaining information.
- 36 Notices requiring information about air pollution.
- 37 Appeals against notices under section 36.
- 38 Regulations about local authority functions under sections 34, 35 and 36.
- 39 Provision by local authorities of information for Secretary of State.
- 40 Interpretation of Part V.

## PART VI

### SPECIAL CASES

- 41 Relation to Environmental Protection Act 1990.
- 41A Relation to the Pollution Prevention and Control Act 1999.
- 42 Colliery spoilbanks.
- 43 Railway engines.
- 44 Vessels.
- 45 Exemption for purposes of investigations and research.
- 46 Crown premises, etc.

## PART VII

### MISCELLANEOUS AND GENERAL

#### *Power to apply certain provisions to fumes and gases*

- 47 Application to fumes and gases of certain provisions as to grit, dust and smoke.

#### *Power to give effect to international agreements*

- 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.
- 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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### *General*

- 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...
- 7 In the application of this Schedule to Scotland, for any...

#### 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...

##### *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...
- 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

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*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

*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

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- 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

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