



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART II

#### SMOKE, GRIT, DUST AND FUMES

##### *Arrestment plant for furnaces*

#### **6 Arrestment plant for new non-domestic furnaces.**

- (1) A furnace other than a domestic furnace shall not be used in a building—
  - (a) to burn pulverised fuel; or
  - (b) to burn, at a rate of 45.4 kilograms or more an hour, any other solid matter; or
  - (c) to burn, at a rate equivalent to 366.4 kilowatts or more, any liquid or gaseous matter,unless the furnace is provided with plant for arresting grit and dust which has been approved by the local authority or which has been installed in accordance with plans and specifications submitted to and approved by the local authority, and that plant is properly maintained and used.
- (2) Subsection (1) has effect subject to any exemptions prescribed or granted under section 7.
- (3) The Secretary of State may by regulations substitute for any rate mentioned in subsection (1)(b) or (c) such other rate as he thinks fit: but no regulations shall be made so as to reduce any rate unless a draft of the regulations has been laid before and approved by each House of Parliament.
- (4) Regulations under subsection (3) reducing any rate shall not apply to a furnace which has been installed, the installation of which has been begun, or an agreement for the purchase or installation of which has been entered into, before the date on which the regulations come into force.

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*Changes to legislation: Clean Air Act 1993, Cross Heading: Arrestment plant for furnaces is up to date with all changes known to be in force on or before 15 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (5) If on any day a furnace is used in contravention of subsection (1), the occupier of the building shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## 7 Exemptions from section 6.

- (1) The Secretary of State may by regulations provide that furnaces of any class prescribed in the regulations shall, while used for a purpose so prescribed, be exempted from the operation of section 6(1).
- (2) If on the application of the occupier of a building a local authority are 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 section 6(1), they may exempt the furnace from the operation of that subsection while used for that purpose.
- (3) If a local authority to whom an application is duly made for an exemption under subsection (2) fail to determine the application and to give a written notice of their decision to the applicant within—
- (a) eight weeks of receiving the application; or
  - (b) such longer period as may be agreed in writing between the applicant and the authority,
- the furnace shall be treated as having been granted an exemption from the operation of section 6(1) while used for the purpose specified in the application.
- (4) If a local authority decide not to grant an exemption under subsection (2), they shall give the applicant a written notification of their decision stating their reasons, and the applicant may within twenty-eight days of receiving the notification appeal against the decision to the Secretary of State.
- (5) On an appeal under this section the Secretary of State—
- (a) may confirm the decision appealed against; or
  - (b) may grant the exemption applied for or vary the purpose for which the furnace to which the application relates may be used without compliance with section 6(1);
- and shall give the appellant a written notification of his decision, stating his reasons for it.
- (6) If on any day a furnace which is exempt from the operation of section 6(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 subsection (2), (3) or (5), the occupier of the building shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## 8 Requirement to fit arrestment plant for burning solid fuel in other cases.

- (1) A domestic furnace shall not be used in a building—
- (a) to burn pulverised fuel; or
  - (b) to burn, at a rate of 1.02 tonnes an hour or more, solid fuel in any other form or solid waste,
- unless the furnace is provided with plant for arresting grit and dust which has been approved by the local authority or which has been installed in accordance with plans

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and specifications submitted to and approved by the local authority, and that plant is properly maintained and used.

- (2) If a furnace is used in a building in contravention of subsection (1), the occupier of the building shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **9 Appeal to Secretary of State against refusal of approval.**

- (1) Where a local authority determine an application for approval under section 6 or 8, they shall give the applicant a written notification of their decision and, in the case of a decision not to grant approval, shall state their reasons for not doing so.

- (2) A person who—

- (a) has made such an application to a local authority; or
- (b) is interested in a building with respect to which such an application has been made,

may, if he is dissatisfied with the decision of the authority on the application, appeal within twenty-eight days after he is notified of the decision to the Secretary of State; and the Secretary of State may give any approval which the local authority might have given.

- (3) An approval given by the Secretary of State under this section shall have the like effect as an approval of the local authority.

**Changes to legislation:**

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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\(2\)](#)