



Clean Air Act 1993

1993 CHAPTER 11

PART III

SMOKE CONTROL AREAS

[^{F1}Regulation of smoke and fuel in smoke control areas in England

Textual Amendments

F1 S. 19A and cross-heading inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 2 (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

19A Penalty for emission of smoke in smoke control area in England

Schedule 1A makes provision for financial penalties in relation to the emission of smoke in smoke control areas in England.]

[^{F2}19B Acquisition and sale of controlled solid fuel in England

- (1) A person who acquires in England any controlled solid fuel for use in—
 - (a) a building to which a smoke control order in England applies,
 - (b) a fireplace to which such an order applies, or
 - (c) a fixed boiler or industrial plant to which such an order applies,is guilty of an offence.
- (2) Where a smoke control order in England applies to a moored vessel (see section 44), subsection (1)(a) does not apply in relation to the acquisition of controlled solid fuel for use in the propulsion of the vessel or to provide electric power to the vessel.
- (3) Subsection (1)(b) does not apply where the fireplace was an approved fireplace at the time of the acquisition.
- (4) A person who—

Changes to legislation: Clean Air Act 1993, Cross Heading: Regulation of smoke and fuel in smoke control areas in England is up to date with all changes known to be in force on or before 18 March 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

- (a) offers controlled solid fuel for sale by retail in England where the fuel is to be taken away by a purchaser, and
 - (b) fails to take reasonable steps to notify potential purchasers that it is an offence to acquire that fuel for any of the uses mentioned in subsection (1),
- is guilty of an offence.
- (5) A person who sells any controlled solid fuel by retail in England for delivery by that person, or on that person's behalf, to—
- (a) a building to which a smoke control order in England applies, or
 - (b) premises in which there is any fixed boiler or industrial plant to which such an order applies,
- is guilty of an offence.
- (6) In proceedings for an offence under subsection (5) it is a defence for the person accused to prove that the person believed and had reasonable grounds for believing that—
- (a) the building referred to in subsection (5)(a) was not one to which the smoke control order in question applied, or
 - (b) the fuel was acquired for use in—
 - (i) a fireplace that was, at the time of the delivery, an approved fireplace, or
 - (ii) a boiler or plant to which the smoke control order did not apply.
- (7) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) A person guilty of an offence under subsection (4) or (5) is liable on summary conviction to a fine.

Textual Amendments

F2 Ss. 19B-19D inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 4 (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

19C Exemptions relating to particular areas in England

- (1) The Secretary of State may, if it appears to the Secretary of State to be necessary or expedient to do so, by order suspend or relax the operation of—
- (a) Schedule 1A (penalty for emission of smoke), or
 - (b) section 19B(1), (4) or (5) (offences relating to acquisition and sale of fuel),
- in relation to the whole or part of a smoke control area in England.
- (2) Before making an order under subsection (1) the Secretary of State must consult the local authority that declared the smoke control area in question unless satisfied that, on account of urgency, such consultation is impracticable.
- (3) As soon as practicable after the making of such an order the local authority must take such steps as appear to them suitable for bringing the effect of the order to the notice of persons affected.

Changes to legislation: Clean Air Act 1993, Cross Heading: Regulation of smoke and fuel in smoke control areas in England is up to date with all changes known to be in force on or before 18 March 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](#)

Textual Amendments

F2 Ss. 19B-19D inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 4](#) (with s. 144, [Sch. 12 para. 26](#)); [S.I. 2022/48](#), reg. 4(d)

19D Interpretation: “approved fireplace” and “controlled solid fuel”

- (1) In section 19B, “approved fireplace” means a fireplace of a type specified in a list published by the Secretary of State.
- (2) The Secretary of State may only specify a type of fireplace in the list if satisfied that such a fireplace can, if used in compliance with any conditions specified in the list, be used for burning controlled solid fuel without producing any smoke or a substantial quantity of smoke.
- (3) In section 19B and this section, “controlled solid fuel” means any solid fuel other than an approved fuel.
- (4) In subsection (3), “approved fuel” means a solid fuel specified in a list which has been published by the Secretary of State for the purposes of this section.]

Textual Amendments

F2 Ss. 19B-19D inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 4](#) (with s. 144, [Sch. 12 para. 26](#)); [S.I. 2022/48](#), reg. 4(d)

Changes to legislation:

Clean Air Act 1993, Cross Heading: Regulation of smoke and fuel in smoke control areas in England is up to date with all changes known to be in force on or before 18 March 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.

[View outstanding changes](#)

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. 19E-19H and cross-heading inserted by [2024 asc 2 s. 19\(2\)](#)
- 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\(2\)](#)
- s. 28B inserted by [2024 asc 2 s. 20](#)
- s. 63(2A) inserted by [2024 asc 2 Sch. 1 para. 20\(b\)](#)
- Sch. 1 para. 1A1B inserted by [2024 asc 2 Sch. 1 para. 21\(a\)](#)
- Sch. 1 para. 6B inserted by [2024 asc 2 Sch. 1 para. 21\(c\)](#)
- Sch. 1A para. 3(5) inserted by [2024 asc 2 Sch. 1 para. 4\(c\)](#)
- Sch. 1A para. 4(7) inserted by [2024 asc 2 Sch. 1 para. 5\(d\)](#)
- Sch. 5 para. 12A12B inserted by [2024 asc 2 Sch. 1 para. 22\(a\)](#)