



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART IV

#### CONTROL OF CERTAIN FORMS OF AIR POLLUTION

#### **30 Regulations about motor fuel.**

- (1) For the purpose of limiting or reducing air pollution, the Secretary of State may by regulations—
  - (a) impose requirements as to the composition and contents of any fuel of a kind used in motor vehicles; and
  - (b) where such requirements are in force, prevent or restrict the production, treatment, distribution, import, sale or use of any fuel which in any respect fails to comply with the requirements, and which is for use in the United Kingdom.
- (2) It shall be the duty of the Secretary of State, before he makes any regulations under this section, to consult—
  - (a) such persons appearing to him to represent manufacturers and users of motor vehicles;
  - (b) such persons appearing to him to represent the producers and users of fuel for motor vehicles; and
  - (c) such persons appearing to him to be conversant with problems of air pollution, as he considers appropriate.
- (3) Regulations under this section—
  - (a) in imposing requirements as to the composition and contents of any fuel, may apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations; and
  - (b) where fuel is subject to such requirements, may, in order that persons to whom the fuel is supplied are afforded information as to its composition or contents, impose requirements for securing that the information is displayed at such places and in such manner as may be prescribed by the regulations.

*Status: Point in time view as at 22/07/2004.*

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- (4) It shall be duty of every local weights and measures authority to enforce the provisions of regulations under this section within its area; and [<sup>F1</sup>subsection] (2) <sup>F2</sup> . . .of section 26 of the <sup>M1</sup>Trade Descriptions Act 1968 (reports and inquiries) shall apply as respects those authorities' functions under this subsection as [<sup>F1</sup>it applies] to their functions under that Act.
- (5) The following provisions of the <sup>M2</sup>Trade Descriptions Act 1968 shall apply in relation to the enforcement of regulations under this section as they apply to the enforcement of that Act, that is to say—
- section 27 (power to make test purchases);
- section 28 (power to enter premises and inspect and seize goods and documents);
- section 29 (obstruction of authorised officers);
- section 30 (notice of test);
- and section 33 of that Act shall apply to the exercise of powers under section 28 as applied by this subsection.
- References to an offence under that Act in those provisions as applied by this subsection<sup>F3</sup>... shall be construed as references to an offence under section 32 of this Act (provisions supplementary to this section) relating to regulations under this section.
- (6) In relation to Scotland—
- (a) nothing in subsection (4) authorises a local weights and measures authority to institute proceedings for an offence; and
- (b) regulations under this section may provide that certificates issued by such persons as may be specified by the regulations in relation to such matters as may be so specified shall, subject to the provisions of the regulations, be received in evidence, and be sufficient evidence, of those matters in any proceedings for an offence under regulations made under this section;
- and such regulations may apply any of the provisions of subsections (2) to (4) of section 31 of the <sup>M3</sup>Trade Descriptions Act 1968 (evidence by certificate).
- (7) In Northern Ireland it shall be the duty of the Department of Economic Development to enforce the provisions of regulations under this section; and accordingly this section shall have effect in relation to Northern Ireland with the omission of subsection (4).
- (8) It is hereby declared that in relation to Northern Ireland the references in subsection (5) to provisions of the <sup>M4</sup>Trade Descriptions Act 1968 are references to those provisions as modified by section 40(1)(b) and (c) of that Act.
- (9) The Secretary of State shall for each financial year pay into the Consolidated Fund of Northern Ireland such sum as the Secretary of State and the Department of Economic Development for Northern Ireland may agree to be appropriate as representing the expenses incurred by that Department in enforcing the provisions of any regulations made under this section.

#### Textual Amendments

- F1** Words in s. 30(4) substituted (19.11.1998) by 1998 c. 43, s. 1(2), **Sch. 2 para. 13**
- F2** Words in s. 30(4) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. X** Group 5

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**F3** Words in s. 30(5) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 13](#)

#### Marginal Citations

**M1** 1968 c. 29.  
**M2** 1968 c. 29.  
**M3** 1968 c. 29.  
**M4** 1968 c. 29.

### 31 Regulations about sulphur content of oil fuel for furnaces or engines. **E+W**

- (1) For the purpose of limiting or reducing air pollution, the Secretary of State may by regulations impose limits on the sulphur content of oil fuel which is used in furnaces or engines.
- (2) It shall be the duty of the Secretary of State, before he makes any regulations in pursuance of this section, to consult—
  - (a) such persons appearing to him to represent producers and users of oil fuel;
  - (b) such persons appearing to him to represent manufacturers and users of plant and equipment for which oil fuel is used; and
  - (c) such persons appearing to him to be conversant with problems of air pollution, as he considers appropriate.
- (3) Regulations under this section may—
  - (a) prescribe the kinds of oil fuel, and the kinds of furnaces and engines, to which the regulations are to apply;
  - (b) apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations; and
  - (c) without prejudice to the generality of section 63(1)(a), make different provision for different areas.
- (4) It shall be the duty—
  - (a) of every local authority to enforce the provisions of regulations under this section within its area, except in relation to a furnace which is
    - <sup>F4</sup>(i) part of a process subject to Part I of the <sup>M5</sup>Environmental Protection Act 1990 <sup>F4</sup>, or
    - (ii) part of an installation subject to regulation by the Environment Agency under regulations made under section 2 of the Pollution Prevention and Control Act 1999]; and
  - (b) of the inspectors appointed under that Part to enforce those provisions in relation to <sup>F5</sup>furnaces within sub-paragraph (i) of paragraph (a) above and of the Environment Agency to enforce those provisions in relation to furnaces within sub-paragraph (ii) of that paragraph];  
but nothing in this section shall be taken to authorise a local authority in Scotland to institute proceedings for any offence.
- (5) In this section “oil fuel” means any liquid petroleum product produced in a refinery.

#### Extent Information

**E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

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#### Textual Amendments

- F4** Words in s. 31(4)(a) renumbered as s. 31(4)(a)(i) and s. 31(4)(a)(ii) and word inserted (1.8.2000) by S.I. 2000/1973, reg. 39, Sch. 10 para. 11(a)
- F5** Words in s. 31(4)(b) substituted (1.8.2000) by S.I. 2000/1973, reg. 39, Sch. 10 para. 11(b)

#### Marginal Citations

- M5** 1990 c. 43.

### 31 Regulations about sulphur content of oil fuel for furnaces or engines. **S**

- (1) For the purpose of limiting or reducing air pollution, the Secretary of State may by regulations impose limits on the sulphur content of oil fuel which is used in furnaces or engines.
- (2) It shall be the duty of the Secretary of State, before he makes any regulations in pursuance of this section, to consult—
  - (a) such persons appearing to him to represent producers and users of oil fuel;
  - (b) such persons appearing to him to represent manufacturers and users of plant and equipment for which oil fuel is used; and
  - (c) such persons appearing to him to be conversant with problems of air pollution, as he considers appropriate.
- (3) Regulations under this section may—
  - (a) prescribe the kinds of oil fuel, and the kinds of furnaces and engines, to which the regulations are to apply;
  - (b) apply standards, specifications, descriptions or tests laid down in documents not forming part of the regulations; and
  - (c) without prejudice to the generality of section 63(1)(a), make different provision for different areas.
- (4) It shall be the duty—
  - (a) of every local authority to enforce the provisions of regulations under this section within its area, except in relation to a furnace which is
    - <sup>F7</sup>(i) part of a process subject to Part I of the <sup>M7</sup>Environmental Protection Act 1990 <sup>F7</sup> or
    - (ii) part of an installation subject to regulation by the Scottish Environment Protection Agency under regulations made under the Pollution Prevention and Control Act 1999]; and
  - (b) of the inspectors appointed under that Part to enforce those provisions in relation to <sup>F8</sup>furnaces within sub-paragraph (i) of paragraph (a) above and of the Scottish Environment Protection Agency to enforce those provisions in relation to furnaces within sub-paragraph (ii) of that paragraph];

but nothing in this section shall be taken to authorise a local authority in Scotland to institute proceedings for any offence.
- (5) In this section “oil fuel” means any liquid petroleum product produced in a refinery.

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#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F7** Words in s. 31(4)(a) renumbered as s. 31(4)(a)(i) and s. 31(4)(a)(ii) and word inserted (S.) (28.9.2000) by [S.S.I. 2000/323](#), [reg. 36](#), [Sch. 10 para. 4\(2\)\(a\)](#)
- F8** Words in s. 31(4)(b) substituted (S.) (28.9.2000) by [S.S.I. 2000/323](#), [reg. 36](#), [SCh. 10 para. 4\(2\)\(b\)](#)

#### Marginal Citations

- M7** [1990 c. 43](#).

### 32 Provisions supplementary to sections 30 and 31.

- (1) Regulations under section 30 or 31 (regulation of content of motor fuel and fuel oil) may authorise the Secretary of State to confer exemptions from any provision of the regulations.
- (2) A person who contravenes or fails to comply with any provision of regulations under section 30 or 31 shall be guilty of an offence and liable—
  - (a) on conviction on indictment, to a fine; and
  - (b) on summary conviction, to a fine not exceeding the statutory maximum;but the regulations may in any case exclude liability to conviction on indictment or reduce the maximum fine on summary conviction.
- (3) Regulations under section 30 or 31 shall, subject to any provision to the contrary in the regulations, apply to fuel used for, and to persons in, the public service of the Crown as they apply to fuel used for other purposes and to other persons.
- (4) A local authority shall not be entitled by virtue of subsection (3) to exercise, in relation to fuel used for and persons in that service, any power conferred on the authority by virtue of sections 56 to 58 (rights of entry and inspection and other local authority powers).

### 33 Cable burning.

- (1) A person who burns insulation from a cable with a view to recovering metal from the cable shall be guilty of an offence unless the burning is part of a process subject to Part I of the <sup>M6</sup>Environmental Protection Act 1990. [<sup>F6</sup>or]an activity subject to regulations under section 2 of the Pollution Prevention and Control Act 1999
- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F6** Words in s. 33(1) inserted (21.3.2000 (E.W.) and 29.9.2000 (S.)) by [1999 c. 24, s. 6](#), [Sch. 2 para. 10](#); [S.I. 2000/800, art. 2](#); [S.S.I. 2000/322, art. 2](#)

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**Marginal Citations**

**M6** 1990 c. 43.

**Status:**

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