
Changes to legislation: Clean Air Act 1993, Paragraph 4 is up to date with all changes known to be in force on or before 23 January 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

SCHEDULES

[^{F1}SCHEDULE 1A

PENALTY FOR EMISSION OF SMOKE IN SMOKE CONTROL AREA IN ENGLAND

Textual Amendments

F1 Sch. 1A inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 3 (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

Right to object to proposed financial penalty

- 4 (1) A person to whom a notice of intent is given may, within the period of 28 days beginning with the day after that on which the notice was given—
- (a) object in writing to the local authority on a ground specified in sub-paragraph (2), and
 - (b) provide evidence that supports the objection.
- (2) The grounds of objection referred to in sub-paragraph (1) are—
- (a) that there was no emission of smoke from the chimney on the occasion specified in the notice of intent;
 - (b) that the chimney was not a chimney to which a smoke control order applied on the occasion specified in the notice of intent;
 - (c) that the person to whom the notice of intent was given was not a person liable in relation to the chimney on the occasion specified in the notice of intent;
 - (d) that there are other compelling reasons why the financial penalty should not be imposed.
- (3) Where a person objects on the ground specified in sub-paragraph (2)(c), the objection must include the name and address of the person who was the person liable on the occasion specified in the notice of intent (if known).
- (4) The Secretary of State may by regulations amend this paragraph so as to amend the grounds of objection listed in sub-paragraph (2).
- (5) Before making regulations under sub-paragraph (4) the Secretary of State must consult anyone that the Secretary of State considers may have an interest in the proposed regulations.
- (6) Regulations under sub-paragraph (4) may not be made unless a draft of the regulations has been laid before, and approved by resolution of, each House of Parliament.]

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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\(2\)](#)