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**Changes to legislation:** Clean Air Act 1993, Paragraph 3 is up to date with all changes known to be in force on or before 14 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

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## SCHEDULES

### SCHEDULE 2

#### SMOKE CONTROL ORDERS: EXPENDITURE ON OLD PRIVATE DWELLINGS

##### *Exclusion of grants in case of unsuitable appliances*

- 3 (1) Sub-paragraph (2) applies if—
- (a) after a local authority have resolved to make a smoke control order declaring a smoke control area (not being an order varying a previous order so made); and
  - (b) before notice of the making of the order is first published in accordance with Schedule 1,
- the authority pass a resolution designating any class of heating appliance as being, in their opinion, unsuitable for installation in that area.
- (2) No payment shall be made by the authority under paragraph 1 in respect of expenditure incurred in providing, or in executing works for the purpose of the installation of, any heating appliance of the class designated by the resolution in or in connection with a dwelling within the area to which the order relates.
- (3) No payment shall be made under paragraph 1 by a local authority in respect of expenditure incurred in providing, or in executing works for the purpose of the installation of, any heating appliance which, when the expenditure was incurred, fell within any class of appliance for the time being designated for the purposes of this paragraph by the Secretary of State as being in his opinion—
- (a) unsuitable for installation in the district of that authority; or
  - (b) generally unsuitable for installation in the part of Great Britain with which the Secretary of State is concerned,
- unless the approval of the local authority in respect of that expenditure was given for the purposes of paragraph 1 at a time when the appliance in question did not fall within any class of appliance so designated.
- (4) Retrospective approval of expenditure may only be given by a local authority by virtue of paragraph 1(5) in the case of expenditure incurred in providing, or in executing works for the purpose of the installation of, a heating appliance, if the appliance—
- (a) did not at the time when the expenditure was incurred; and
  - (b) does not when the approval is given,
- fall within a class of appliance for the time being designated by the Secretary of State for the purposes of this paragraph as regards the district of that authority or generally.
- (5) In accordance with the preceding provisions of this Schedule, expenditure within sub-paragraph (3) or (4) shall be left out of account for the purposes of paragraph 1.

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**Changes and effects yet to be applied to :**

- Sch. 2 para. 3 omitted by [2024 asc 2 Sch. 1 para. 9\(a\)](#)

**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\(a\)](#)