



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART II

#### SMOKE, GRIT, DUST AND FUMES

##### *Smoke nuisances in Scotland*

#### **17 Abatement of smoke nuisances in Scotland**

(1) Smoke other than—

- (a) smoke emitted from a chimney of a private dwelling in a smoke control area;
- (b) dark smoke emitted from a chimney of a building or from a chimney serving the furnace of any fixed boiler or industrial plant; or
- (c) dark smoke emitted otherwise than as mentioned in paragraph (b) from industrial or trade premises within the meaning of section 2,

shall, if it is a nuisance to the inhabitants of the neighbourhood, be deemed for the purposes of the Public Health (Scotland) Act 1897 to be a nuisance liable to be dealt with summarily in manner provided by that Act.

- (2) In any proceedings brought by virtue of this section in the case of smoke emitted from a chimney, it shall be a defence for the person against whom proceedings are taken for contravention of any interdict or decree granted under section 22 or 23 of the Public Health (Scotland) Act 1897 for the prevention, removal, remedy or discontinuance of a nuisance to prove that the best practicable means are being or have been employed to prevent the nuisance.

- (3) This section extends to Scotland only.