



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART III

#### SMOKE CONTROL AREAS

##### *Adaptation of fireplaces*

#### **24 Power of local authority to require adaptation of fireplaces in private dwellings.**

- (1) The local authority may, by notice in writing served on the occupier or owner of a private dwelling which is, or when a smoke control order comes into operation will be, within a smoke control area, require the carrying out of adaptations in or in connection with the dwelling to avoid contraventions of section 20 (prohibition of smoke emissions in smoke control area [<sup>F1</sup>in Wales]) [<sup>F2</sup>or the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England)].
- (2) The provisions of Part XII of the <sup>M1</sup>Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (1).
- (3) Any reference in those provisions to the expenses reasonably incurred in executing the works shall, in relation to a notice under subsection (1), be read as a reference to three-tenths of those expenses or such smaller fraction of those expenses as the local authority may in any particular case determine.
- (4) In the application of this section to Scotland—
  - (a) subsections (2) and (3) shall be omitted;
  - (b) section 111 of the <sup>M2</sup>Housing (Scotland) Act 1987 (which provides for an appeal to the sheriff against certain notices, demands and orders under that Act) shall apply in relation to a notice under subsection (1) of this section as it applies in relation to a repair notice under that Act; and
  - (c) subject to any such right of appeal as is mentioned in paragraph (b), if any person on whom a notice under subsection (1) is served fails to execute the works required by the notice within the time limited by the notice, the

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*Status: Point in time view as at 01/05/2022.*

*Changes to legislation: Clean Air Act 1993, Section 24 is up to date with all changes known to be in force on or before 10 April 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)*

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local authority may themselves execute the works and may recover from that person three-tenths, or such smaller fraction as the local authority may in any particular case determine, of the expenses reasonably incurred by them in so doing.

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#### **Textual Amendments**

- F1** Words in s. 24(1) inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 18\(a\)](#) (with s. 144, [Sch. 12 para. 26](#)); S.I. 2022/48, reg. 4(d)
- F2** Words in s. 24(1) inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 18\(b\)](#) (with s. 144, [Sch. 12 para. 26](#)); S.I. 2022/48, reg. 4(d)

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#### **Marginal Citations**

- M1** 1936 c. 49.
- M2** 1987 c. 26.

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