



Clean Air Act 1993

1993 CHAPTER 11

PART V

INFORMATION ABOUT AIR POLLUTION

36 Notices requiring information about air pollution

- (1) A local authority may by notice in writing require the occupier of any premises in its area to furnish, whether by periodical returns or by other means, such estimates or other information as may be specified or described in the notice concerning the emission of pollutants and other substances into the air from the premises.
- (2) This section does not apply to premises in so far as they consist of a private dwelling or a caravan.
- (3) If the notice relates to a process subject to Part I of the Environmental Protection Act 1990, the person on whom the notice is served shall not be obliged to supply any information which, as certified by an inspector appointed under that Part, is not of a kind which is being supplied to the inspector for the purposes of that Part.
- (4) The person on whom a notice is served under this section shall comply with the notice within six weeks of the date of service, or within such longer period as the local authority may by notice allow.
- (5) A notice under this section shall not require returns at intervals of less than three months, and no one notice (whether or not requiring periodical returns) shall call for information covering a period of more than twelve months.
- (6) Except so far as regulations made by the Secretary of State provide otherwise, this section applies to premises used for, and to persons in, the public service of the Crown as it applies to other premises and persons.
- (7) A local authority shall not be entitled by virtue of subsection (6) to exercise, in relation to premises used for and persons in the public service of the Crown, any power conferred on the authority by virtue of sections 56 to 58 (rights of entry and other local authority powers).

Status: This is the original version (as it was originally enacted).

(8) A person who—

- (a) fails without reasonable excuse to comply with the requirements of a notice served on him in pursuance of this section; or
- (b) in furnishing any estimate or other information in compliance with a notice under this section, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) Where a person is convicted of an offence under subsection (8) in respect of any premises and information of any kind, nothing in section 35(2) (limits on exercise of power of entry) shall prevent a local authority from exercising the power of entry there mentioned for the purpose of obtaining information of that kind in respect of the premises.