



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART VI

#### SPECIAL CASES

#### 42 Colliery spoilbanks.

- (1) This section applies to any mine or quarry from which coal or shale has been, is being or is to be got.
- (2) The owner of a mine or quarry to which this section applies shall employ all practicable means—
  - (a) for preventing combustion of refuse deposited from the mine or quarry; and
  - (b) for preventing or minimising the emission of smoke and fumes from such refuse;and, if he fails to do so, he shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (2) shall be liable on summary conviction—
  - (a) to a fine not exceeding level 5 on the standard scale; or
  - (b) to cumulative penalties on continuance in accordance with section 50.
- (4) Neither the provisions of Part III of the Environmental Protection Act 1990 nor any provision of Parts I to III of this Act shall apply in relation to smoke, grit or dust from the combustion of refuse deposited from any mine or quarry to which this section applies.
- <sup>F1</sup>(5) .....
- (6) In this section section, “mine”, “quarry” and “owner” have the same meaning as in the <sup>M1</sup>Mines and Quarries Act 1954.

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*Status: Point in time view as at 06/04/2008. This version of this provision has been superseded.*

*Changes to legislation: Clean Air Act 1993, Section 42 is up to date with all changes known to be in force on or before 12 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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**Textual Amendments**

**F1** S. 42(5) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xxxii)**

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**Marginal Citations**

**M1** 1954 c. 70.

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