Clean Air Act 1993

1993 CHAPTER 11

PART VII

MISCELLANEOUS AND GENERAL

Administration and enforcement

61 Joint exercise of local authority functions.

(1) Sections 6, 7, 9 and 10 of the [M1]Public Health Act 1936 (provisions relating to joint boards) shall, so far as applicable, have effect in relation to this Act as if the provisions of this Act were provisions of that Act.

[F1](2) . . . . . .

(3) Without prejudice to subsections (1) and (2), any two or more local authorities may combine for the purpose of declaring an area to be a smoke control area and in that event—

(a) the smoke control area may be the whole of the districts of those authorities or any part of those districts;

(b) the references in section 18, Schedule 1 and paragraph 1 of Schedule 2 to the local authority shall be read as references to the local authorities acting jointly;

(c) the reference in paragraph 1 of Schedule 1 to a place in the district of the local authority shall be construed as a reference to a place in each of the districts of the local authorities;

but, except as provided in this subsection, references in this Act to the local authority shall, in relation to a building or dwelling, or to a boiler or industrial plant, in the smoke control area, be read as references to that one of the local authorities within whose district the building, dwelling, boiler or plant is situated.

(4) For the avoidance of doubt it is hereby declared that where a **[**[F2]port health authority or**]** joint board has functions, rights or liabilities under this Act—

Changes to legislation: *Clean Air Act 1993, Section 61 is up to date with all changes known to be in force on or before 21 July 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*

(a) any reference in this Act to a local **[**[F2]authority or**]** its district includes, in relation to those functions, rights or liabilities, a reference to the **[**[F2]port health authority or**]** board or its district;

(b) for the purposes of this Act, no part of the district of any such **[**[F2]port health authority or**]** board is to be treated, in relation to any matter falling within the competence of the **[**[F2]authority or**]** board, as forming part of the district of any other authority.

(5) Any premises which extend into the districts of two or more authorities shall be treated for the purposes of this Act as being wholly within such one of those districts—

(a) in England and Wales, as may from time to time be agreed by those authorities; or

(b) in Scotland, as may from time to time be so agreed or, in default of agreement, determined by the Secretary of State.

Textual Amendments

F1 S. 61(2) repealed (S.) (1.10.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **Sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/319, art. 2(a), Sch. 1

F2 Words in s. 61(4) repealed (S.) (1.10.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **Sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/319, art. 2(a), Sch. 1

Marginal Citations

M1 1936 c. 49.

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Changes and effects yet to be applied to :

- s. 61(3)(b) words substituted by 2024 asc 2 Sch. 1 para. 19

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)