

## 1969 No. 1389 (S. 109)

## CLEAN AIR

The Clean Air (Emission of Dark Smoke) (Exemption) (Scotland)  
Regulations 1969

<i>Made</i> - - -	25th September 1969
<i>Laid before Parliament</i>	30th September 1969
<i>Coming into Operation</i>	1st October 1969

In exercise of the powers conferred on me by sections 1(3) and 13(1) of the Clean Air Act 1968(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

*Title and commencement*

1. These regulations may be cited as the Clean Air (Emission of Dark Smoke) (Exemption) (Scotland) Regulations 1969 and shall come into operation on 1st October 1969.

*Interpretation*

2. The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

*Prescribed matter for purposes of section 1(3) of the Clean Air Act 1968*

3. The emission of dark smoke caused by the burning of any matter prescribed in column (1) of Schedule 1 to these regulations shall, subject to compliance with the conditions specified in column (2) against that matter, be exempted from section 1(1) of the Clean Air Act 1968 (which prohibits the emission of dark smoke from industrial or trade premises); and in that Schedule—

- (a) references to a lettered condition are references to the condition so lettered and set out in Schedule 2 to these regulations; and
- (b) references to matter which has been contaminated by other specified matter shall be read as including references to matter which is reasonably believed to have been so contaminated.

*William Ross,*

One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh.  
25th September 1969.

**SCHEDULE 1**  
**PRESCRIBED MATTER**

(1) Matter	(2) Conditions
1. Timber and any other waste matter (other than natural or synthetic rubber or flock or feathers) which results from the demolition of a building or clearance of a site in connection with any building operation or work of engineering construction (within the meaning of section 176 of the Factories Act 1961)(a).	Conditions A, B and C.
2. Explosive (within the meaning of the Explosives Act 1875)(b), which has become waste; and matter which has been contaminated by such explosive.	Conditions A and C.
3. Matter which is burnt in connection with— (a) research into the cause or control of fire, or (b) training in fire fighting.	Condition C.
4. Tar, pitch, asphalt and other matter which is burnt in connection with the preparation and laying of any surface, or which is burnt off any surface in connection with re-surfacing, together with any fuel used for any such purpose.	Condition C.
5. Carcasses of animals or poultry which— (a) have died, or are reasonably believed to have died, because of disease; (b) have been slaughtered because of disease; or (c) have been required to be slaughtered pursuant to the Diseases of Animals Act 1950(c).	Conditions A and C, unless the burning is carried out by or on behalf of an inspector within the meaning of section 84 of the Diseases of Animals Act 1950.
6. Containers which are contaminated by any pesticide or by any toxic substance used for veterinary or agricultural purposes; and in this paragraph "container" includes any sack, box, package or receptacle of any kind.	Conditions A, B and C.

**SCHEDULE 2**  
**CONDITIONS**

- Condition A**—That there is no other reasonably safe and practicable method of disposing of the matter.
- Condition B**—That the burning is carried out in such a manner as to minimise the emission of dark smoke.
- Condition C**—That the burning is carried out under the direct and continuous supervision of the occupier of the premises concerned or a person authorised to act on his behalf.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

Under section 1(1) of the Clean Air Act 1968 it is an offence to emit dark smoke from industrial or trade premises; but regulations may exempt, subject to conditions, the emission of dark smoke caused by the burning of any prescribed matter. These Regulations prescribe matters which are exempt and conditions applicable to each. The matters thus exempted include certain waste resulting from demolition or site clearance, explosives, ground and other surfaces, animal and poultry carcasses, and containers used for pesticides and certain toxic substances.