



Environment (Air Quality and Soundscapes) (Wales) Act 2024

2024 asc 2

PART 1

AIR QUALITY

CHAPTER 2

OTHER PROVISION

PROSPECTIVE

Smoke control

19 Regulation of smoke and fuel in smoke control areas

- (1) The Clean Air Act 1993 (c. 11) is amended as follows.
- (2) After section 19D (interpretation of terms for the purposes of section 19B) insert—

“Regulation of smoke and fuel in smoke control areas in Wales

19E Penalty for emission of smoke in smoke control area in Wales

Schedule 1A makes provision for financial penalties in relation to the emission of smoke in smoke control areas in Wales.

19F Acquisition and sale of unauthorised fuel: Wales

- (1) Any person who—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, Cross Heading: Smoke control. (See end of Document for details)

- (a) acquires any solid fuel for use in a building to which a smoke control order in Wales applies;
- (b) acquires any solid fuel for use in a fireplace to which a smoke control order in Wales applies;
- (c) acquires any solid fuel for use in any fixed boiler or industrial plant to which a smoke control order in Wales applies; or
- (d) sells by retail any solid fuel in Wales for delivery by that person, or on that person’s behalf, to—
 - (i) a building to which a smoke control order in Wales applies; or
 - (ii) premises in which there is any fixed boiler or industrial plant to which such an order applies,

is guilty of an offence.

- (2) In subsection (1), “solid fuel” means any solid fuel other than an authorised fuel.
- (3) Subsection (1)(b) does not apply in relation to a fireplace that is an exempt fireplace at the time of the acquisition.
- (4) Subsection (1) is subject to any regulations under section 19H(1)(b) (exemptions by regulations for whole or part of smoke control area).
- (5) In proceedings for an offence under subsection (1)(d), it is a defence for the person accused to prove that the person believed and had reasonable grounds for believing—
 - (a) that the building referred to in sub-paragraph (i) of that subsection was not one to which the smoke control order in question applied, or
 - (b) that the fuel was acquired for use in—
 - (i) a fireplace that was, at the time of the delivery, an exempt fireplace, or
 - (ii) a boiler or plant to which the smoke control order did not apply.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

19G Section 19F: interpretation

- (1) In section 19F, “exempt fireplace” means a fireplace of a type specified in a list published by the Welsh Ministers.
- (2) The Welsh Ministers may only specify a type of fireplace in the list if satisfied that such a fireplace can, if used in compliance with any conditions specified in the list, be used for burning solid fuels other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (3) In section 19F and this section, “authorised fuel” means a solid fuel included in a list of authorised fuels published by the Welsh Ministers.

19H Exemptions relating to particular areas in Wales

- (1) The Welsh Ministers may, if it appears to them to be necessary or expedient to do so, by regulations suspend or relax the operation of—

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- (a) Schedule 1A (penalty for emission of smoke), or
 - (b) section 19F(1) (offences relating to acquisition and sale of fuel),
- in relation to the whole or any part of a smoke control area in Wales.

(2) Before making regulations under subsection (1), the Welsh Ministers must consult the local authority that declared the smoke control area in question unless satisfied that on account of urgency such consultation is impracticable.

(3) As soon as practicable after the making of such regulations, the local authority must take such steps as appear to them suitable for bringing the effect of the regulations to the notice of persons affected by the regulations.”

Commencement Information

I1 S. 19 not in force at Royal Assent, see [s. 30\(3\)](#)

20 Guidance for local authorities in relation to smoke control areas

After section 28A of the Clean Air Act 1993 (c. 11) insert—

“28B Guidance for local authorities in Wales

A local authority in Wales must have regard to any guidance published by the Welsh Ministers about the exercise of the authority’s functions under this Part.”

Commencement Information

I2 S. 20 not in force at Royal Assent, see [s. 30\(3\)](#)

21 Further provision relating to smoke control

Schedule 1 makes further provision relating to smoke control.

Commencement Information

I3 S. 21 not in force at Royal Assent, see [s. 30\(3\)](#)

Status:

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Changes to legislation:

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