

Status: This version of this schedule 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, SCHEDULE 1. (See end of Document for details)

PROSPECTIVE

SCHEDULE 1

(introduced by section 21)

SMOKE CONTROL

PART 1

FURTHER PROVISION IN RELATION TO FINANCIAL PENALTIES

1 The Clean Air Act 1993 (c. 11) is amended as follows.

Commencement Information

I1 Sch. 1 para. 1 not in force at Royal Assent, see [s. 30\(3\)](#)

2 In the heading of Schedule 1A, after “IN ENGLAND” insert “OR WALES”.

Commencement Information

I2 Sch. 1 para. 2 not in force at Royal Assent, see [s. 30\(3\)](#)

3 In paragraph 1 of Schedule 1A (key definitions)—

(a) after the definition of “person liable” insert—

““relevant national authority” means—

(a) in relation to a smoke control order in England, the Secretary of State;

(b) in relation to a smoke control order in Wales, the Welsh Ministers;”

(b) in paragraphs (a) and (b) of the definition of “relevant chimney”, after “in England” insert “or in Wales”.

Commencement Information

I3 Sch. 1 para. 3 not in force at Royal Assent, see [s. 30\(3\)](#)

4 In paragraph 3 of Schedule 1A (amount of penalty)—

(a) in sub-paragraph (3), for “Secretary of State” substitute “relevant national authority”;

(b) in sub-paragraph (4), after “may not be made” insert “by the Secretary of State”;

(c) after sub-paragraph (4) insert—

“(5) Regulations under sub-paragraph (3) may not be made by the Welsh Ministers unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru.”

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Commencement Information

I4 Sch. 1 para. 4 not in force at Royal Assent, see [s. 30\(3\)](#)

- 5 In paragraph 4 of Schedule 1A (right to object to proposed financial penalty)—
- (a) in sub-paragraph (4), for “Secretary of State” substitute “the relevant national authority”;
 - (b) in sub-paragraph (5), at both places it occurs, for “Secretary of State” substitute “the relevant national authority”;
 - (c) in sub-paragraph (6), after “may not be made” insert “by the Secretary of State”;
 - (d) after sub-paragraph (6) insert—

“(7) Regulations under sub-paragraph (4) may not be made by the Welsh Ministers unless a draft of the regulations has been laid before, and approved by resolution of, Senedd Cymru.”

Commencement Information

I5 Sch. 1 para. 5 not in force at Royal Assent, see [s. 30\(3\)](#)

- 6 In paragraph 5 of Schedule 1A (decision regarding a final notice), in the opening words of sub-paragraph (1), omit “in England”.

Commencement Information

I6 Sch. 1 para. 6 not in force at Royal Assent, see [s. 30\(3\)](#)

- 7 In paragraph 6 of Schedule 1A (final notice), in sub-paragraph (1), omit “in England”.

Commencement Information

I7 Sch. 1 para. 7 not in force at Royal Assent, see [s. 30\(3\)](#)

PART 2

EXPENDITURE ON OLD PRIVATE DWELLINGS

- 8 The Clean Air Act 1993 (c. 11) is amended as follows.

Commencement Information

I8 Sch. 1 para. 8 not in force at Royal Assent, see [s. 30\(3\)](#)

- 9 In Schedule 2 (smoke control orders: expenditure on old private dwellings)—
- (a) omit paragraphs 1, 2 and 3;
 - (b) in paragraph 4(1), omit paragraphs (a) and (b);
 - (c) in paragraph 4(2), omit paragraphs (a) and (b).

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Commencement Information

I9 Sch. 1 para. 9 not in force at Royal Assent, see [s. 30\(3\)](#)

PART 3

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Clean Air Act 1993 (c. 11)

10 The Clean Air Act 1993 is amended as follows.

Commencement Information

I10 Sch. 1 para. 10 not in force at Royal Assent, see [s. 30\(3\)](#)

- 11 In section 18 (declaration of smoke control area by local authority)—
- (a) in subsection (2)(b), for the words from “section 20” to “in England)” substitute “Schedule 1A (penalty for emission of smoke in England or in Wales)”;
 - (b) in subsection (2A), after “England” insert “or in Wales (as the case may be)”.

Commencement Information

I11 Sch. 1 para. 11 not in force at Royal Assent, see [s. 30\(3\)](#)

12 Sections 20 to 23 (including the italic headings above sections 20 and 23) are repealed.

Commencement Information

I12 Sch. 1 para. 12 not in force at Royal Assent, see [s. 30\(3\)](#)

13 In section 24 (power of local authority to require adaptation of fireplaces in private dwellings), in subsection (1), for the words from “contraventions” to the end substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”.

Commencement Information

I13 Sch. 1 para. 13 not in force at Royal Assent, see [s. 30\(3\)](#)

14 In section 26 (power of local authority to make grants towards adaptations to fireplaces in certain buildings), in subsection (1), for the words from “contraventions” to “England)” substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”.

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Commencement Information

I14 Sch. 1 para. 14 not in force at Royal Assent, see [s. 30\(3\)](#)

- 15 In section 27 (references to adaptations for avoiding contraventions of section 20 or Schedule 1A)—
- (a) in the heading, omit “section 20 or”;
 - (b) in subsection (1)—
 - (i) in the opening words, for the words from “contraventions” to “England)” substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”;
 - (ii) in the words after paragraph (e), omit “contraventions of section 20 or”;
 - (c) in subsection (3), omit “contraventions of section 20 of this Act or”.

Commencement Information

I15 Sch. 1 para. 15 not in force at Royal Assent, see [s. 30\(3\)](#)

- 16 In section 29 (interpretation of Part 3)—
- (a) omit the definition of “authorised fuel”;
 - (b) after the definition of “smoke control order in England” insert—

““smoke control order in Wales” means a smoke control order made by a local authority in Wales.”

Commencement Information

I16 Sch. 1 para. 16 not in force at Royal Assent, see [s. 30\(3\)](#)

- 17 In section 45 (exemption for purposes of investigations and research)—
- (a) in subsection (1)(a), omit “, 20 (smoke in smoke control area)”;
 - (b) in subsection (1)(e), for “section 23” substitute “section 19F”.

Commencement Information

I17 Sch. 1 para. 17 not in force at Royal Assent, see [s. 30\(3\)](#)

- 18 In section 51 (duty to notify occupiers of offences)—
- (a) in subsection (1)(a), for “, 2 or 20” substitute “or 2”;
 - (b) in subsection (3), for “, 2 or 20” substitute “or 2”.

Commencement Information

I18 Sch. 1 para. 18 not in force at Royal Assent, see [s. 30\(3\)](#)

- 19 In section 61 (joint exercise of local authority functions), in subsection (3)(b) for “, Schedule 1 and paragraph 1 of Schedule 2” substitute “and Schedule 1”.

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Commencement Information

I19 Sch. 1 para. 19 not in force at Royal Assent, see [s. 30\(3\)](#)

- 20 In section 63 (regulations and orders)—
- (a) in subsection (2), after “made under this Act” insert “by the Secretary of State”;
 - (b) after subsection (2) insert—
 - “(2A) Any statutory instrument containing regulations made under this Act by the Welsh Ministers, except an instrument containing regulations a draft of which is required by section 6(3), 10(5) or 47(2) or paragraph 3(5) or 4(7) of Schedule 1A to be approved by a resolution of Senedd Cymru, is subject to annulment in pursuance of a resolution of Senedd Cymru.”
 - (c) in subsection (3), omit “, 21 or 22”.

Commencement Information

I20 Sch. 1 para. 20 not in force at Royal Assent, see [s. 30\(3\)](#)

- 21 In Schedule 1 (coming into operation of smoke control orders)—
- (a) after paragraph 1 insert—
 - “1A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 1(b).
 - (1B) The requirement in paragraph 1A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”
 - (b) in paragraph 5, for the words from “section 20” to “in England)” substitute “Schedule 1A (penalty for emission of smoke in England or Wales)”;
 - (c) after paragraph 6A insert—
 - “6B When a local authority in Wales has made an order, the authority must—
 - (a) inform the Welsh Ministers that it has done so, and
 - (b) provide the date on which the order is to come, or came, into operation.”

Commencement Information

I21 Sch. 1 para. 21 not in force at Royal Assent, see [s. 30\(3\)](#)

- 22 In Schedule 5 (transitional provisions)—
- (a) after paragraph 12 insert—
 - “12A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 12(b)

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“12B The requirement in paragraph 12A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”

- (b) in paragraph 13, after “paragraph 12” insert “and (if relevant) paragraph 12A”.

Commencement Information

I22 Sch. 1 para. 22 not in force at Royal Assent, see [s. 30\(3\)](#)

Commencement Information

- I10** Sch. 1 para. 10 not in force at Royal Assent, see [s. 30\(3\)](#)
I11 Sch. 1 para. 11 not in force at Royal Assent, see [s. 30\(3\)](#)
I12 Sch. 1 para. 12 not in force at Royal Assent, see [s. 30\(3\)](#)
I13 Sch. 1 para. 13 not in force at Royal Assent, see [s. 30\(3\)](#)
I14 Sch. 1 para. 14 not in force at Royal Assent, see [s. 30\(3\)](#)
I15 Sch. 1 para. 15 not in force at Royal Assent, see [s. 30\(3\)](#)
I16 Sch. 1 para. 16 not in force at Royal Assent, see [s. 30\(3\)](#)
I17 Sch. 1 para. 17 not in force at Royal Assent, see [s. 30\(3\)](#)
I18 Sch. 1 para. 18 not in force at Royal Assent, see [s. 30\(3\)](#)
I19 Sch. 1 para. 19 not in force at Royal Assent, see [s. 30\(3\)](#)
I20 Sch. 1 para. 20 not in force at Royal Assent, see [s. 30\(3\)](#)
I21 Sch. 1 para. 21 not in force at Royal Assent, see [s. 30\(3\)](#)
I22 Sch. 1 para. 22 not in force at Royal Assent, see [s. 30\(3\)](#)

Environment Act 2021 (c. 30)

23 In the Environment Act 2021—

- (a) in section 147(4) (commencement powers of Welsh Ministers), omit paragraph (f);
 (b) Part 2 of Schedule 12 (principal amendments to the Clean Air Act 1993: Wales) is repealed.

Commencement Information

I23 Sch. 1 para. 23 not in force at Royal Assent, see [s. 30\(3\)](#)

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