

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

PROSPECTIVE

SCHEDULE 1
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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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\(3\)](#)

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