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**Changes to legislation:** Clean Air Act 1993, SCHEDULE 1 is up to date with all changes known to be in force on or before 19 April 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

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## SCHEDULES

### SCHEDULE 1

Section 18(4).

#### COMING INTO OPERATION OF SMOKE CONTROL ORDERS

- 1 Before making a smoke control order the local authority shall publish in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order will relate a notice—
  - (a) stating that the local authority propose to make the order, and its general effect;
  - (b) specifying a place in the district of the local authority where a copy of the order and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and
  - (c) stating that within that period any person who will be affected by the order may by notice in writing to the local authority object to the making of the order.
- 2 Besides publishing such a notice, the local authority shall post, and keep posted throughout the period mentioned in paragraph 1(b), copies of the notice in such number of conspicuous places within the area to which the order will relate as appear to them necessary for the purpose of bringing the proposal to make the order to the notice of persons who will be affected.
- 3 If an objection is duly made to the local authority within the period mentioned in paragraph 1(b), and is not withdrawn, the local authority shall not make the order without first considering the objection.
- 4 Subject to paragraphs 5 and 6, an order shall come into operation on such date not less than six months after it is made as may be specified in it.
- 5 An order varying a previous order so as to exempt specified buildings or classes of building or specified fireplaces or classes of fireplace from the operation of section 20 (prohibition of smoke emissions in smoke control area [<sup>F1</sup>in Wales]) [<sup>F2</sup>or Schedule 1A (penalty for emission of smoke in England)] may come into operation on, or at any time after, the date on which it is made.

#### Textual Amendments

- F1** Words in Sch. 1 para. 5 inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 24(2)(a) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F2** Words in Sch. 1 para. 5 inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 24(2)(b) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

- 6 If, before the date on which the order is to come into operation, the local authority—
  - (a) pass a resolution postponing its coming into operation; and

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- (b) publish a notice stating the effect of the resolution in the London Gazette and once at least in each of two successive weeks in some newspaper circulating in the area to which the order will relate,

the order shall, unless its coming into operation is again postponed under this paragraph, come into operation on the date specified in the resolution.

- [<sup>F3</sup>6A When a local authority in England has made an order, the authority must—
- (a) inform the Secretary of State that it has done so, and
- (b) provide the date on which the order is to come, or came, into operation.]

**Textual Amendments**

- F3** Sch. 1 para. 6A inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 24(3) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

- 7 In the application of this Schedule to Scotland, for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette.

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 5 words substituted by [2024 asc 2 Sch. 1 para. 21\(b\)](#)

**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\(a\)](#)