



Clean Air Act 1993

1993 CHAPTER 11

PART II

SMOKE, GRIT, DUST AND FUMES

Measurement of grit, dust and fumes

10 Measurement of grit, dust and fumes by occupiers.

- (1) If a furnace in a building is used—
- to burn pulverised fuel;
 - to burn, at a rate of 45.4 kilograms or more an hour, any other solid matter; or
 - to burn, at a rate equivalent to 366.4 kilowatts or more, any liquid or gaseous matter,

the local authority may, by notice in writing served on the occupier of the building, direct that the provisions of subsection (2) below shall apply to the furnace, and those provisions shall apply accordingly.

- (2) In the case of a furnace to which this subsection for the time being applies, the occupier of the building shall comply with such requirements as may be prescribed as to—
- making and recording measurements from time to time of the grit, dust and fumes emitted from the furnace;
 - making adaptations for that purpose to the chimney serving the furnace;
 - providing and maintaining apparatus for making and recording the measurements; and
 - informing the local authority of the results obtained from the measurements or otherwise making those results available to them;

and in this subsection “prescribed” means prescribed (whether generally or for any class of furnace) by regulations made by the Secretary of State.

- (3) If the occupier of the building fails to comply with those requirements, he shall be guilty of an offence and liable on summary conviction—

Changes to legislation: Clean Air Act 1993, Cross Heading: Measurement of grit, dust and fumes is up to date with all changes known to be in force on or before 23 March 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

- (a) to a fine not exceeding level 5 on the standard scale; or
 - (b) to cumulative penalties on continuance in accordance with section 50.
- (4) The occupier of a building who by virtue of subsection (2) is under a duty to make and record measurements of grit, dust and fumes emitted from a furnace in the building shall permit the local authority to be represented during the making and recording of those measurements.
- (5) The Secretary of State may by regulations substitute for any rate mentioned in subsection (1)(b) or (c) such other rate as he thinks fit; but regulations shall not be made under this subsection so as to reduce any rate unless a draft of the regulations has been laid before and approved by each House of Parliament.
- (6) Any direction given by a local authority under subsection (1) with respect to a furnace in a building may be revoked by the local authority by a subsequent notice in writing served on the occupier of the building, without prejudice, however, to their power to give another direction under that subsection.

11 Measurement of grit, dust and fumes by local authorities.

- (1) This section applies to any furnace to which section 10(2) (duty to comply with prescribed requirements) for the time being applies and which is used—
- (a) to burn, at a rate less than 1.02 tonnes an hour, solid matter other than pulverised fuel; or
 - (b) to burn, at a rate of less than 8.21 Megawatts, any liquid or gaseous matter.
- (2) The occupier of the building in which the furnace is situated may, by notice in writing given to the local authority, request that authority to make and record measurements of the grit, dust and fumes emitted from the furnace.
- (3) While a notice is in force under subsection (2)—
- (a) the local authority shall from time to time make and record measurements of the grit, dust and fumes emitted from the furnace; and
 - (b) the occupier shall not be under a duty to comply with any requirements of regulations under subsection (2) of section 10 in relation to the furnace, except those imposed by virtue of paragraph (b) of that subsection;
- and any such notice given by the occupier of a building may be withdrawn by a subsequent notice in writing given to the local authority by him or any subsequent occupier of that building.
- (4) A direction under section 10(1) applying section 10(2) to a furnace which is used as mentioned in subsection (1)(a) or (b) of this section shall contain a statement of the effect of subsections (1) to (3) of this section.

12 Information about furnaces and fuel consumed.

- (1) For the purpose of enabling the local authority properly to perform their functions under and in connection with sections 5 to 11, the local authority may, by notice in writing served on the occupier of any building, require the occupier to furnish to them, within fourteen days or such longer time as may be limited by the notice, such information as to the furnaces in the building and the fuel or waste burned in those furnaces as they may reasonably require for that purpose.
- (2) Any person who, having been duly served with a notice under subsection (1)—

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- (a) fails to comply with the requirements of the notice within the time limited; or
- (b) furnishes any information in reply to the notice which he knows to be false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Changes to legislation:

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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\(a\)](#)