



Clean Air Act 1993

1993 CHAPTER 11

PART III

SMOKE CONTROL AREAS

Adaptation of fireplaces

24 Power of local authority to require adaptation of fireplaces in private dwellings.

- (1) The local authority may, by notice in writing served on the occupier or owner of a private dwelling which is, or when a smoke control order comes into operation will be, within a smoke control area, require the carrying out of adaptations in or in connection with the dwelling to avoid contraventions of section 20 (prohibition of smoke emissions in smoke control area [^{F1}in Wales]) [^{F2}or the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England)].
- (2) The provisions of Part XII of the ^{M1}Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (1).
- (3) Any reference in those provisions to the expenses reasonably incurred in executing the works shall, in relation to a notice under subsection (1), be read as a reference to three-tenths of those expenses or such smaller fraction of those expenses as the local authority may in any particular case determine.
- (4) In the application of this section to Scotland—
 - (a) subsections (2) and (3) shall be omitted;
 - (b) section 111 of the ^{M2}Housing (Scotland) Act 1987 (which provides for an appeal to the sheriff against certain notices, demands and orders under that Act) shall apply in relation to a notice under subsection (1) of this section as it applies in relation to a repair notice under that Act; and
 - (c) subject to any such right of appeal as is mentioned in paragraph (b), if any person on whom a notice under subsection (1) is served fails to execute the works required by the notice within the time limited by the notice, the

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local authority may themselves execute the works and may recover from that person three-tenths, or such smaller fraction as the local authority may in any particular case determine, of the expenses reasonably incurred by them in so doing.

Textual Amendments

- F1** Words in s. 24(1) inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 18\(a\)](#) (with s. 144, [Sch. 12 para. 26](#)); S.I. 2022/48, reg. 4(d)
- F2** Words in s. 24(1) inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 18\(b\)](#) (with s. 144, [Sch. 12 para. 26](#)); S.I. 2022/48, reg. 4(d)

Marginal Citations

- M1** 1936 c. 49.
- M2** 1987 c. 26.

25 Expenditure incurred in relation to adaptations in private dwellings.

- (1) Schedule 2 to this Act shall have effect with respect to certain expenditure incurred in adapting old private dwellings in smoke control areas.
- (2) In this Part “old private dwelling” means any private dwelling other than one which either—
- was erected after 15th August 1964 (which was the date immediately preceding the time when the enactment replaced by this subsection came into force), or
 - was produced by the conversion, after that date, of other premises, with or without the addition of premises erected after that date;
- and for the purposes of this subsection a dwelling or premises shall not be treated as erected or converted after that date unless the erection or conversion was begun after it.

26 Power of local authority to make grants towards adaptations to fireplaces in churches, chapels, buildings used by charities etc.

- (1) If, after the making of a smoke control order, the owner or occupier of any premises or part of any premises to which this section applies and which will be within a smoke control area as the result of the order incurs expenditure on adaptations in or in connection with the premises or part to avoid contraventions of section 20 (prohibition of smoke emissions in smoke control area [^{F3}in Wales]) [^{F4}or the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England)], the local authority may, if they think fit, repay to him the whole or any part of that expenditure.
- (2) This section applies to any premises or part of any premises which fall within one or more of the following paragraphs, that is to say—
- any place of public religious worship, being, in the case of a place in England or Wales, a place which belongs to the Church of England or to the Church in Wales (within the meaning of the ^{M3}Welsh Church Act 1914) or which is for the time being certified as required by law as a place of religious worship;
 - any church hall, chapel hall or similar premises used in connection with any such place of public religious worship, and so used for the purposes of the

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organisation responsible for the conduct of public religious worship in that place;

- (c) any premises or part of any premises occupied for the purposes of an organisation (whether corporate or unincorporated) which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare.

[^{F5}(3) Where a smoke control order in England applies to a vessel which is moored (see section 44), subsection (2)(c) applies to the vessel as it applies in relation to premises.]

Textual Amendments

- F3** Words in s. 26(1) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 19(a)(i) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F4** Words in s. 26(1) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 19(a)(ii) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F5** S. 26(3) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 19(b) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

Marginal Citations

- M3** 1914 c. 91.

[^{F6}26A Duty of local authority to reimburse for adaptations of vessels in England

- (1) This section applies where—
- a local authority in England makes a smoke control order,
 - as a result of the order a vessel will, when the order comes into operation, be within a smoke control area and subject to the operation of Schedule 1A,
 - the owner or occupier of the vessel has a right to moor the vessel at a single mooring place within that area for the period which—
 - begins on the day on which the smoke control order is made, and
 - ends six months after it comes into operation, and
 - the owner or occupier does not have access to a mains electricity or gas supply at the mooring place.
- (2) If—
- before the coming into operation of the order, the owner or occupier incurs expenditure on adaptations to or in connection with the vessel to avoid the imposition of a penalty under Schedule 1A,
 - the expenditure is incurred with the approval of the local authority given for the purpose of this section, and
 - the adaptations are completed to the satisfaction of the local authority,
- the authority must pay to the owner or occupier of the vessel 70% of the expenditure.
- (3) That amount must be paid in equal instalments every month for a period of six months.
- (4) But the duty to pay instalments under this section ceases if, at any time after the coming into operation of the smoke control order—
- the owner or occupier of the vessel ceases to have the right to moor the vessel at the single mooring place mentioned in subsection (1)(c), or

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- (b) the vessel is absent from the smoke control area for a period of, or periods together totalling, three months.]

Textual Amendments

- F6** S. 26A inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 5](#) (with s. 144, [Sch. 12 para. 26](#)); [S.I. 2022/48](#), reg. 4(d)

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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. 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\(2\)](#)