



Clean Air Act 1993

1993 CHAPTER 11

PART III

SMOKE CONTROL AREAS

Creation of smoke control areas

18 Declaration of smoke control area by local authority.

- (1) A local authority may by order declare the whole or any part of the district of the authority to be a smoke control area; and any order made under this section is referred to in this Act as a “smoke control order”.
- (2) A smoke control order—
 - (a) may make different provision for different parts of the smoke control area;
 - (b) may limit the operation of section 20 (prohibition of emissions of smoke [^{F1}in Wales]) [^{F2}or Schedule 1A (penalty for emission of smoke in England)] to specified classes of building in the area; and
 - (c) may exempt specified buildings or classes of building or specified fireplaces or classes of fireplace in the area from the operation of that section [^{F3}or Schedule], upon such conditions as may be specified in the order;and the reference in paragraph (c) to specified buildings or classes of building include a reference to any specified, or to any specified classes of, fixed boiler or industrial plant.

[^{F4}(2A) For the purposes of this Part a smoke control order in England “applies” to a building, fireplace, fixed boiler or industrial plant if the operation of Schedule 1A is not excluded in relation to it by virtue of subsection (2)(b) or (c).]

- (3) A smoke control order may be revoked or varied by a subsequent order.
- (4) The provisions of Schedule 1 apply to the coming into operation of smoke control orders.

Changes to legislation: Clean Air Act 1993, Cross Heading: Creation of smoke control areas is up to date with all changes known to be in force on or before 07 February 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

Textual Amendments

- F1** Words in s. 18(2)(b) inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 13\(2\)\(a\)\(i\)](#) (with s. 144, [Sch. 12 para. 26](#)); S.I. 2022/48, reg. 4(d)
- F2** Words in s. 18(2)(b) inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 13\(2\)\(a\)\(ii\)](#) (with s. 144, [Sch. 12 para. 26](#)); S.I. 2022/48, reg. 4(d)
- F3** Words in s. 18(2)(c) inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 13\(2\)\(b\)](#) (with s. 144, [Sch. 12 para. 26](#)); S.I. 2022/48, reg. 4(d)
- F4** [S. 18\(2A\)](#) inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 13\(3\)](#) (with s. 144, [Sch. 12 para. 26](#)); S.I. 2022/48, reg. 4(d)

19 Power of Secretary of State to require creation of smoke control areas. **E+W**

- (1) If, after consultation with a local authority, the Secretary of State is satisfied—
- (a) that it is expedient to abate the pollution of the air by smoke in the district or part of the district of the authority; and
 - (b) that the authority have not exercised, or have not sufficiently exercised, their powers under section 18 (power to declare smoke control area) to abate the pollution,
- he may direct the authority to prepare and submit to him for his approval, within such period not being less than six months from the direction as may be specified in the direction, proposals for making and bringing into operation one or more smoke control orders within such period or periods as the authority think fit.
- (2) Any proposals submitted by a local authority in pursuance of a direction under subsection (1) may be varied by further proposals submitted by the authority within the period specified for the making of the original proposals or such longer period as the Secretary of State may allow.
- (3) The Secretary of State may reject any proposals submitted to him under this section or may approve them in whole or in part, with or without modifications.
- (4) Where a local authority to whom a direction under subsection (1) has been given—
- (a) fail to submit proposals to the Secretary of State within the period specified in the direction; or
 - (b) submit proposals which are rejected in whole or in part,
- the Secretary of State may make an order declaring them to be in default and directing them for the purposes of removing the default to exercise their powers under section 18 in such manner and within such period as may be specified in the order.
- (5) An order made under subsection (4) may be varied or revoked by a subsequent order so made.
- (6) While proposals submitted by a local authority and approved by the Secretary of State under this section are in force, it shall be the duty of the authority to make such order or orders under section 18 as are necessary to carry out the proposals.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

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19 Power of Secretary of State to require creation of smoke control areas. **S**

- (1) If, after consultation with a local authority, the [^{F5}Scottish Environment Protection Agency (in this section referred to as “the Agency”)] is satisfied—
- (a) that it is expedient to abate the pollution of the air by smoke in the district or part of the district of the authority; and
 - (b) that the authority have not exercised, or have not sufficiently exercised, their powers under section 18 (power to declare smoke control area) to abate the pollution,
- [^{F6}the Agency] may direct the authority to prepare and submit to [^{F6}it] for [^{F6}its] approval, within such period not being less than six months from the direction as may be specified in the direction, proposals for making and bringing into operation one or more smoke control orders within such period or periods as the authority think fit.
- (2) Any proposals submitted by a local authority in pursuance of a direction under subsection (1) may be varied by further proposals submitted by the authority within the period specified for the making of the original proposals or such longer period as the [^{F7}Agency] may allow.
- (3) The [^{F7}Agency] may reject any proposals submitted to [^{F8}it] under this section or may approve them in whole or in part, with or without modifications.
- (4) Where a local authority to whom a direction under subsection (1) has been given—
- (a) fail to submit proposals to the [^{F7}Agency] within the period specified in the direction; or
 - (b) submit proposals which are rejected in whole or in part,
- [^{F9}the Agency, with the consent of] the Secretary of State may make an order declaring them to be in default and directing them for the purposes of removing the default to exercise their powers under section 18 in such manner and within such period as may be specified in the order.
- (5) An order made under subsection (4) may be varied or revoked by a subsequent order so made.
- (6) While proposals submitted by a local authority and approved by the [^{F7}Agency] under this section are in force, it shall be the duty of the authority to make such order or orders under section 18 as are necessary to carry out the proposals.

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

- F5** Words in s. 19(1) substituted (S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 196(2)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F6** Words in s. 19(1) substituted (S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 196(2)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Words in s. 19(2)(3)(4)(a)(6) substituted (S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 196(3)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F8** Word in s. 19(3) substituted (S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 196(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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F9 Words in s. 19(4) inserted (S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 196(5)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

Modifications etc. (not altering text)

- C2** S. 19: Certain functions of the Secretary of State transferred to SEPA (12.10.1995) by 1995 c. 25, **s. 21(1)(i)(2)(c)** (with ss. 7(6), 115, 117); S.I.1995/2649, **art. 2(b)**
- C3** S. 19 modified (1.4.1996) by 1995 c. 25, **s. 33(5)(f)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

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. 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\(2\)](#)