



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART III

#### SMOKE CONTROL AREAS

##### *Prohibition on emission of smoke in smoke control area*

#### **20 Prohibition on emission of smoke in smoke control area [<sup>F1</sup>in Wales].**

- (1) If, on any day, smoke is emitted from a chimney of any building within a smoke control area [<sup>F2</sup>in Wales], the occupier of the building shall be guilty of an offence.
- (2) If, on any day, smoke is emitted from a chimney (not being a chimney of a building) which serves the furnace of any fixed boiler or industrial plant within a smoke control area [<sup>F3</sup>in Wales], the person having possession of the boiler or plant shall be guilty of an offence.
- (3) Subsections (1) and (2) have effect—
  - (a) subject to any exemptions for the time being in force under section 18, 21 or 22;
  - (b) subject to section 51 (duty to notify offences to occupier or other person liable).
- (4) In proceedings for an offence under this section it shall be a defence to prove that the alleged emission was not caused by the use of any fuel other than an authorised fuel.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

<sup>F4</sup>(5ZA) .....

<sup>F4</sup>(5ZB) .....

<sup>F4</sup>(5ZC) .....

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[<sup>F5</sup>(5A) In this Part, “authorised fuel” means a fuel included in a list of authorised fuels kept by the Scottish Ministers for the purposes of this Part.

(5B) The Scottish Ministers must—

- (a) publish the list of authorised fuels; and
- (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.

(5C) The list must be published in such manner as the Scottish Ministers consider appropriate.]

(6) <sup>F6</sup>... [<sup>F7</sup>Except as provided in subsection (5A), in] this Part “authorised fuel” means a fuel declared by regulations of the [<sup>F8</sup>Secretary of State][<sup>F8</sup>Welsh Ministers] to be an authorised fuel for the purposes of this Part.

#### Textual Amendments

- F1** Words in s. 20 heading inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(2)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F2** Words in s. 20(1) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(3)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F3** Words in s. 20(2) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(3)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F4** S. 20(5ZA)-(5ZC) omitted (E.W.) (1.5.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(4)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F5** S. 20(5A)-(5C) inserted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), **ss. 50(2)(a)**, 61(2); S.S.I. 2014/160, art. 2(1)(2), sch.
- F6** Words in s. 20(6) omitted (cond.) (E.W.) (1.5.2022) by virtue of Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(5)(a)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F7** Words in s. 20(6) substituted (S.) (30.6.2014) by Regulatory Reform (Scotland) Act 2014 (asp 3), **ss. 50(2)(b)**, 61(2); S.S.I. 2014/160, art. 2(1)(2), sch.
- F8** Words in s. 20(6) substituted (cond.) (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), **Sch. 12 para. 14(5)(b)** (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

#### Modifications etc. (not altering text)

- C2** Power to exclude conferred (27.8.1993) by 1993 c. 11, **s. 45(1)(a)**
- C3** S. 20 excluded (9.1.1998) by S.I. 1997/3009, art. 2, **Sch. 1**  
S. 20 excluded (S.) (8.10.1999) by S.S.I. 1999/58, **art. 2**  
S. 20 excluded (28.6.1999) by S.I. 1999/1515, **art. 2**  
S. 20 excluded (S.) (16.2.2001) by S.S.I. 2001/16, **art. 2**
- C4** S. 20 restricted (W.) (3.4.2013) by The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2013 (S.I. 2013/561), arts. 1(1), **2**
- C5** S. 20 excluded (7.4.2017) by The Smoke Control Areas (Exempted Classes of Fireplace) (Wales) Order 2017 (S.I. 2017/423), arts. 1(1), **2**, **Sch.**
- C6** S. 20 excluded (6.2.2019) by The Smoke Control Areas (Exempted Classes of Fireplace) (Wales) Order 2019 (S.I. 2019/51), arts. 1(1), **2**, **Sch.**

**21** <sup>F9</sup> **Power ... to exempt certain fireplaces** [<sup>F10</sup>in Wales].

<sup>F11</sup>(A1) .....

<sup>F11</sup>(A2) .....

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<sup>F11</sup>(A3) .....

<sup>F11</sup>(A4) .....

<sup>F12</sup>(1) For the purposes of this Part, the Scottish Ministers may exempt any class or description of fireplace from the provisions of section 20 (prohibition of smoke emissions in smoke control areas) if they are satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

(2) An exemption under subsection (1) may be made subject to such conditions as the Scottish Ministers consider appropriate.

(3) The Scottish Ministers must—

- (a) publish a list of those classes or descriptions of fireplace that are exempt under subsection (1), including details of any conditions to which an exemption is subject; and
- (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to the classes or descriptions of fireplace that are so exempt or to the conditions to which an exemption is subject.

(4) The list must be published in such manner as the Scottish Ministers consider appropriate.]

<sup>F13</sup>(5) [<sup>F14</sup>Except where subsection (1) applies, the]<sup>F15</sup>... [<sup>F16</sup>Secretary of State][<sup>F16</sup>Welsh Ministers] may by order exempt any class of fireplace, upon such conditions as may be specified in the order, from the provisions of section 20 (prohibition of smoke emissions in smoke control area), if [<sup>F17</sup>he is][<sup>F17</sup>they are] satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

#### Textual Amendments

- F9** Words in s. 21 title repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), ss. 50(4), 61(2); [S.S.I. 2014/160](#), art. 2(1)(2), sch.  
Words in s. 21 title omitted (E.W.) (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 15(6)**, 115(7); [S.I. 2015/1732](#), art. 2(b)
- F10** Words in s. 21 heading inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 12 para. 15(2)** (with s. 144, [Sch. 12 para. 26](#)); [S.I. 2022/48](#), reg. 4(d)
- F11** [Ss. 21\(A1\)-\(A4\)](#) omitted (E.W.) (1.5.2022) by virtue of [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 12 para. 15(3)** (with s. 144, [Sch. 12 para. 26](#)); [S.I. 2022/48](#), reg. 4(d)
- F12** [S. 21\(1\)-\(4\)](#) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), **ss. 50(3)(b)**, 61(2); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
- F13** [S. 21\(5\)](#): s. 21 renumbered as s. 21(5) (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), ss. 50(3)(a), 61(2); [S.S.I. 2014/160](#), art. 2(1)(2), sch.  
[S. 21\(5\)](#): s. 21 renumbered as s. 21(5) (E.W.) (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 15(5)**, 115(7); [S.I. 2015/1732](#), art. 2(b)
- F14** Words in s. 21(5) substituted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), ss. 50(3)(a), 61(2); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
- F15** Words in s. 21(5) omitted (cond.) (E.W.) (1.5.2022) by virtue of [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 12 para. 15(4)(a)** (with s. 144, [Sch. 12 para. 26](#)); [S.I. 2022/48](#), reg. 4(d)
- F16** Words in s. 21(5) substituted (cond.) (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), **Sch. 12 para. 15(4)(b)** (with s. 144, [Sch. 12 para. 26](#)); [S.I. 2022/48](#), reg. 4(d)

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**F17** Words in s. 21(5) substituted (cond.) (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 15(4)(c) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

## 22 Exemptions relating to particular areas <sup>F18</sup>in Wales]. **E+W**

- (1) The <sup>F19</sup>Welsh Ministers] may, if it appears to <sup>F20</sup>them] to be necessary or expedient so to do, by order suspend or relax the operation of section 20 (prohibition of smoke emissions in smoke control area <sup>F21</sup>in Wales]) in relation to the whole or any part of a smoke control area <sup>F21</sup>in Wales].
- (2) Before making an order under subsection (1) the <sup>F22</sup>Welsh Ministers] shall consult with the local authority unless <sup>F23</sup>they are] satisfied that, on account of urgency, such consultation is impracticable.
- (3) As soon as practicable after the making of such an order the local authority shall take such steps as appear to them suitable for bringing the effect of the order to the notice of persons affected.

### Extent Information

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

### Textual Amendments

- F18** Words in s. 22 heading inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 16(2) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F19** Words in s. 22(1) substituted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 16(3)(a) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F20** Word in s. 22(1) substituted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 16(3)(b) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F21** Words in s. 22(1) inserted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 16(3)(c) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F22** Words in s. 22(2) substituted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 16(4)(a) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)
- F23** Words in s. 22(2) substituted (E.W.) (1.5.2022) by Environment Act 2021 (c. 30), s. 147(3), Sch. 12 para. 16(4)(b) (with s. 144, Sch. 12 para. 26); S.I. 2022/48, reg. 4(d)

## 22 Exemptions relating to particular areas. **S**

- (1) The Secretary of State may, if it appears to him to be necessary or expedient so to do, by order suspend or relax the operation of section 20 (prohibition of smoke emissions in smoke control area) in relation to the whole or any part of a smoke control area.
- (2) Before making an order under subsection (1) the Secretary of State shall consult with the local authority unless he is satisfied that, on account of urgency, such consultation is impracticable.
- (3) As soon as practicable after the making of such an order the local authority shall take such steps as appear to them suitable for bringing the effect of the order to the notice of persons affected.

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**Extent Information**

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

**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\(2\)](#)