



Clean Air Act 1993

1993 CHAPTER 11

PART I

DARK SMOKE

1 Prohibition of dark smoke from chimneys.

- (1) Dark smoke shall not be emitted from a chimney of any building, and if, on any day, dark smoke is so emitted, the occupier of the building shall be guilty of an offence.
- (2) Dark smoke shall not be emitted from a chimney (not being a chimney of a building) which serves the furnace of any fixed boiler or industrial plant, and if, on any day, dark smoke is so emitted, the person having possession of the boiler or plant shall be guilty of an offence.
- (3) This section does not apply to emissions of smoke from any chimney, in such classes of case and subject to such limitations as may be prescribed in regulations made by the Secretary of State, lasting for not longer than such periods as may be so prescribed.
- (4) In any proceedings for an offence under this section, it shall be a defence to prove—
 - (a) that the alleged emission was solely due to the lighting up of a furnace which was cold and that all practicable steps had been taken to prevent or minimise the emission of dark smoke;
 - (b) that the alleged emission was solely due to some failure of a furnace, or of apparatus used in connection with a furnace, and that—
 - (i) the failure could not reasonably have been foreseen, or, if foreseen, could not reasonably have been provided against; and
 - (ii) the alleged emission could not reasonably have been prevented by action taken after the failure occurred; or
 - (c) that the alleged emission was solely due to the use of unsuitable fuel and that—
 - (i) suitable fuel was unobtainable and the least unsuitable fuel which was available was used; and
 - (ii) all practicable steps had been taken to prevent or minimise the emission of dark smoke as the result of the use of that fuel;

Changes to legislation: Clean Air Act 1993, Section 1 is up to date with all changes known to be in force on or before 13 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

or that the alleged emission was due to the combination of two or more of the causes specified in paragraphs (a) to (c) and that the other conditions specified in those paragraphs are satisfied in relation to those causes respectively.

- (5) A person guilty of an offence under this section shall be liable on summary conviction—
- (a) in the case of a contravention of subsection (1) as respects a chimney of a private dwelling, to a fine not exceeding level 3 on the standard scale; and
 - (b) in any other case, to a fine not exceeding level 5 on the standard scale.
- (6) This section has effect subject to section 51 (duty to notify offences to occupier or other person liable).

Modifications etc. (not altering text)

C1 S. 1 power to exclude conferred (27.8.1993) by [1993 c. 11, s. 45\(1\)\(a\)](#)

Changes to legislation:

Clean Air Act 1993, Section 1 is up to date with all changes known to be in force on or before 13 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.

[View outstanding changes](#)

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\(2\)](#)