



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART III

#### SMOKE CONTROL AREAS

##### *Creation of smoke control areas*

#### 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—
- 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
  - 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—
- fail to submit proposals to the Secretary of State within the period specified in the direction; or
  - submit proposals which are rejected in whole or in part,

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent*

*Changes to legislation: Clean Air Act 1993, Section 19 is up to date with all changes known to be in force on or before 29 January 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*

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.

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

- (1) If, after consultation with a local authority, the [<sup>F1</sup>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,

[<sup>F2</sup>the Agency] may direct the authority to prepare and submit to [<sup>F2</sup>it] for [<sup>F2</sup>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 [<sup>F3</sup>Agency] may allow.
- (3) The [<sup>F3</sup>Agency] may reject any proposals submitted to [<sup>F4</sup>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 [<sup>F3</sup>Agency] within the period specified in the direction; or
  - (b) submit proposals which are rejected in whole or in part,

[<sup>F5</sup>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 [<sup>F3</sup>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.

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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.

### Textual Amendments

- F1** 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**
- F2** 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**
- F3** 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**
- F4** 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**
- F5** 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**

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W - England and Wales extent
- S - Scotland extent

**Changes to legislation:**

Clean Air Act 1993, Section 19 is up to date with all changes known to be in force on or before 29 January 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.

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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\(2\)](#)