



Clean Air Act 1993

1993 CHAPTER 11

PART III

SMOKE CONTROL AREAS

[^{F1}Regulation of smoke and fuel in smoke control areas in England]

[^{F1}19B Acquisition and sale of controlled solid fuel in England

- (1) A person who acquires in England any controlled solid fuel for use in—
 - (a) a building to which a smoke control order in England applies,
 - (b) a fireplace to which such an order applies, or
 - (c) a fixed boiler or industrial plant to which such an order applies,is guilty of an offence.
- (2) Where a smoke control order in England applies to a moored vessel (see section 44), subsection (1)(a) does not apply in relation to the acquisition of controlled solid fuel for use in the propulsion of the vessel or to provide electric power to the vessel.
- (3) Subsection (1)(b) does not apply where the fireplace was an approved fireplace at the time of the acquisition.
- (4) A person who—
 - (a) offers controlled solid fuel for sale by retail in England where the fuel is to be taken away by a purchaser, and
 - (b) fails to take reasonable steps to notify potential purchasers that it is an offence to acquire that fuel for any of the uses mentioned in subsection (1),is guilty of an offence.
- (5) A person who sells any controlled solid fuel by retail in England for delivery by that person, or on that person's behalf, to—
 - (a) a building to which a smoke control order in England applies, or

Changes to legislation: Clean Air Act 1993, Section 19B is up to date with all changes known to be in force on or before 24 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](#)

- (b) premises in which there is any fixed boiler or industrial plant to which such an order applies,
is guilty of an offence.
- (6) In proceedings for an offence under subsection (5) it is a defence for the person accused to prove that the person believed and had reasonable grounds for believing that—
 - (a) the building referred to in subsection (5)(a) was not one to which the smoke control order in question applied, or
 - (b) the fuel was acquired for use in—
 - (i) a fireplace that was, at the time of the delivery, an approved fireplace,
or
 - (ii) a boiler or plant to which the smoke control order did not apply.
- (7) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) A person guilty of an offence under subsection (4) or (5) is liable on summary conviction to a fine.]

Textual Amendments

- F1** Ss. 19B-19D inserted (E.W.) (1.5.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(3), [Sch. 12 para. 4](#) (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\(2\)](#)