



Clean Air Act 1993

1993 CHAPTER 11

PART III

SMOKE CONTROL AREAS

Prohibition on emission of smoke in smoke control area

21 ^{F1} Power ... to exempt certain fireplaces [^{F2}in Wales].

^{F3}(A1)

^{F3}(A2)

^{F3}(A3)

^{F3}(A4)

[^{F4}(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.]

Changes to legislation: Clean Air Act 1993, Section 21 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

[^{F5}(5)] [^{F6}Except where subsection (1) applies, the]^{F7}... [^{F8}Secretary of State][^{F8}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 [^{F9}he is][^{F9}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

- F1** Words in s. 21 title repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), ss. 50(4), 61(2); [S.S.I. 2014/160](#), art. 2(1)(2), sch.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)
- F2** 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)
- F3** **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)
- F4** 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.
- F5** 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)
- F6** 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.
- F7** 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)
- F8** 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)
- F9** 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)

Changes to legislation:

Clean Air Act 1993, Section 21 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.

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Changes and effects yet to be applied to :

- s. 21(5) omitted by [2021 c. 30 Sch. 12 para. 11\(3\)](#)

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\(2\)](#)