



Clean Air Act 1993

1993 CHAPTER 11

PART VI

SPECIAL CASES

42 Colliery spoilbanks.

- (1) This section applies to any mine or quarry from which coal or shale has been, is being or is to be got.
- (2) The owner of a mine [^{F1}or quarry][^{F1}, or the operator of a quarry,] to which this section applies shall employ all practicable means—
 - (a) for preventing combustion of refuse deposited from the mine or quarry; and
 - (b) for preventing or minimising the emission of smoke and fumes from such refuse;and, if he fails to do so, he shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (2) shall be liable on summary conviction—
 - (a) to a fine not exceeding level 5 on the standard scale; or
 - (b) to cumulative penalties on continuance in accordance with section 50.
- (4) Neither the provisions of Part III of the Environmental Protection Act 1990 nor any provision of Parts I to III of this Act shall apply in relation to smoke, grit or dust from the combustion of refuse deposited from any mine or quarry to which this section applies.

^{F2}(5)

- (6) In this section, “mine”, [^{F3}“quarry” and “owner” have the same meaning as in the ^{M1}Mines and Quarries Act 1954.][^{F3}; is to be construed in accordance with section 180 of the Mines and Quarries Act 1954

“operator”, in relation to a quarry, has the meaning given by regulation 2(1) of the Quarries Regulations 1999 (S.I. 1999/2024);

Changes to legislation: Clean Air Act 1993, Section 42 is up to date with all changes known to be in force on or before 21 April 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

“owner”, in relation to a mine, is to be construed in accordance with section 181(1) and (4) of the Mines and Quarries Act 1954;

“quarry” is to be construed in accordance with regulation 3 of the Quarries Regulations 1999.]

Textual Amendments

- F1** Words in s. 42(2) substituted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 26\(a\)](#); S.S.I. 2014/160, art. 2(1)(2), sch.
- F2** S. 42(5) repealed (1.4.1996) by [1995 c. 25](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3\(xxxii\)](#)
- F3** Words in s. 42(6) substituted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 26\(b\)](#); S.S.I. 2014/160, art. 2(1)(2), sch.
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Marginal Citations

- M1** [1954 c. 70](#).

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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. 19E-19H and cross-heading inserted by [2024 asc 2 s. 19\(2\)](#)
- 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\(2\)](#)
- s. 28B inserted by [2024 asc 2 s. 20](#)
- s. 63(2A) inserted by [2024 asc 2 Sch. 1 para. 20\(b\)](#)
- Sch. 1 para. 1A1B inserted by [2024 asc 2 Sch. 1 para. 21\(a\)](#)
- Sch. 1 para. 6B inserted by [2024 asc 2 Sch. 1 para. 21\(c\)](#)
- Sch. 1A para. 3(5) inserted by [2024 asc 2 Sch. 1 para. 4\(c\)](#)
- Sch. 1A para. 4(7) inserted by [2024 asc 2 Sch. 1 para. 5\(d\)](#)
- Sch. 5 para. 12A12B inserted by [2024 asc 2 Sch. 1 para. 22\(a\)](#)