



Clean Air Act 1993

1993 CHAPTER 11

PART VI

SPECIAL CASES

45 Exemption for purposes of investigations and research.

- (1) If the local authority are satisfied, on the application of any person interested, that it is expedient to do so for the purpose of enabling investigations or research relevant to the problem of the pollution of the air to be carried out without rendering the applicant liable to proceedings brought under or by virtue of any of the provisions of this Act or the ^{M1}Environmental Protection Act 1990 mentioned below, the local authority may by notice in writing given to the applicant exempt, wholly or to a limited extent,—
- (a) any chimney from the operation of sections 1 (dark smoke), 5 (grit and dust), 20 (smoke in smoke control area) and 43 (railway engines) of this Act and Part III of the Environmental Protection Act 1990 (statutory nuisances);
 - (b) any furnace, boiler or industrial plant from the operation of section 4(2) (new furnaces to be as far as practicable smokeless);
 - (c) any premises from the operation of section 2 (emissions of dark smoke);
 - (d) any furnace from the operation of sections 6 or 8 (arrestment plant) and 10 (measurement of grit, dust and fumes by occupier), and
 - (e) the acquisition or sale of any fuel specified in the notice from the operation of section 23 (acquisition and sale of unauthorised fuel in smoke control area),
- in each case subject to such conditions, if any, and for such period as may be specified in the notice.
- (2) Any person who has applied to the local authority for an exemption under this section may, if he is dissatisfied with the decision of the authority on the application, appeal to the Secretary of State; and the Secretary of State may, if he thinks fit, by notice in writing given to the applicant and the local authority, give any exemption which the authority might have given or vary the terms of any exemption which they have given.

Changes to legislation: Clean Air Act 1993, Section 45 is up to date with all changes known to be in force on or before 29 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](#)

Marginal Citations

M1 1990 c. 43.

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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\(2\)](#)