



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Administration and enforcement*

#### **62 Application of certain provisions of Part XII of Public Health Act 1936 and corresponding Scottish legislation.**

(1) In the application of this Act to England and Wales, the following provisions of Part XII of the <sup>M1</sup>Public Health Act 1936 shall have effect in relation to the provisions of this Act (apart from Parts IV and V) as if those provisions were provisions of that Act—

section 275 (power of local authority to execute works);

section 276 (power of local authority to sell materials);

section 278 (compensation to individuals for damage resulting from exercise of powers under Act);

section 283 (form of notices);

section 284 (authentication of documents);

section 285 (service of notices);

section 289 (power to require occupier to permit works to be executed by owner);

section 291 (expenses to be a charge on the premises);

section 293 (recovery of expenses);

section 294 (limitation of liability of certain owners);

F1 .....

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**Changes to legislation:** Clean Air Act 1993, Section 62 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

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section 305 (protection of members and officers of local authorities from personal liability).

(2) In the application of this Act to Scotland—

- (a) the following enactments shall have effect in relation to the provisions of this Act (apart from Parts IV and V) as if those provisions were provisions of the Act in which that enactment is comprised—
- (i) in the <sup>M2</sup>Public Health (Scotland) Act 1897, section 161 (joint owners) and section 164 (compensation); and
  - (ii) in the <sup>M3</sup>Housing (Scotland) Act 1987, section 131 and Schedule 9 (charging orders), section 319 (penalty for preventing execution of works), section 325 (furnishing information for service of documents), section 329 (default powers), section 330 (form of notices) and section 336 (limitation on liability of trustee);
- (b) for the purposes of the application of section 329 of the Housing (Scotland) Act 1987 by virtue of paragraph (a) above, subsections (1) and (3) of section 196 of the <sup>M4</sup>Housing (Scotland) Act 1966 shall apply to section 329 as they originally applied to the provisions which it re-enacted;
- <sup>F2</sup>(c) ..... and
- (d) section 319 of that Act (penalty for preventing execution of works) shall have effect as if subsection (1) of that section included a reference to this Act (apart from Parts IV and V) and as if sub-paragraphs (b) and (c) were omitted.

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#### Textual Amendments

- F1** Words in s. 62(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group 4
- F2** S. 62(2)(c) repealed (S.) (1.4.2010) by Housing (Scotland) Act 2006 (asp 1), s. 195(3), **Sch. 7** (with s. 193); S.S.I. 2009/122, art. 3
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#### Marginal Citations

- M1** 1936 c. 49.
- M2** 1897 c. 38.
- M3** 1987 c. 26.
- M4** 1966 c. 49.

**Changes to legislation:**

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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\(2\)](#)