



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART II

#### SMOKE, GRIT, DUST AND FUMES

##### *Arrestment plant for furnaces*

#### 7 Exemptions from section 6.

- (1) The Secretary of State may by regulations provide that furnaces of any class prescribed in the regulations shall, while used for a purpose so prescribed, be exempted from the operation of section 6(1).
- (2) If on the application of the occupier of a building a local authority are satisfied that the emission of grit and dust from any chimney serving a furnace in the building will not be prejudicial to health or a nuisance if the furnace is used for a particular purpose without compliance with section 6(1), they may exempt the furnace from the operation of that subsection while used for that purpose.
- (3) If a local authority to whom an application is duly made for an exemption under subsection (2) fail to determine the application and to give a written notice of their decision to the applicant within—
  - (a) eight weeks of receiving the application; or
  - (b) such longer period as may be agreed in writing between the applicant and the authority,the furnace shall be treated as having been granted an exemption from the operation of section 6(1) while used for the purpose specified in the application.
- (4) If a local authority decide not to grant an exemption under subsection (2), they shall give the applicant a written notification of their decision stating their reasons, and the applicant may within twenty-eight days of receiving the notification appeal against the decision to the Secretary of State.
- (5) On an appeal under this section the Secretary of State—

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**Changes to legislation:** Clean Air Act 1993, Section 7 is up to date with all changes known to be in force on or before 21 March 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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- (a) may confirm the decision appealed against; or
- (b) may grant the exemption applied for or vary the purpose for which the furnace to which the application relates may be used without compliance with section 6(1);

and shall give the appellant a written notification of his decision, stating his reasons for it.

- (6) If on any day a furnace which is exempt from the operation of section 6(1) is used for a purpose other than a prescribed purpose or, as the case may be, a purpose for which the furnace may be used by virtue of subsection (2), (3) or (5), the occupier of the building shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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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\(a\)](#)