

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Environment Act 2021, PART 2 is up to date with all changes known to be in force on or before 19 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

## SCHEDULES

### SCHEDULE 12

#### SMOKE CONTROL IN ENGLAND AND WALES

PROSPECTIVE

### PART 2

#### PRINCIPAL AMENDMENTS TO THE CLEAN AIR ACT 1993: WALES

9 The Clean Air Act 1993 is amended as follows.

#### Commencement Information

**II** Sch. 12 para. 9 not in force at Royal Assent, see [s. 147\(4\)](#)

10 (1) Section 20 (prohibition on emission of smoke in smoke control area) is amended as follows.

(2) After subsection (5C) insert—

“(5D) In the application of this Part to Wales, “authorised fuel” means a fuel included in a list of authorised fuels kept by the Welsh Ministers for the purposes of this Part.

(5E) The Welsh Ministers must—

- (a) publish the list of authorised fuels, and
- (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.

(5F) The list must be published in such manner as the Welsh Ministers consider appropriate.”

(3) Omit subsection (6).

#### Commencement Information

**I2** Sch. 12 para. 10 not in force at Royal Assent, see [s. 147\(4\)](#)

11 (1) Section 21 (power to exempt certain fireplaces) is amended as follows.

(2) After subsection (4) insert—

“(4A) For the purposes of the application of this Part to Wales, the Welsh Ministers may exempt any class of fireplace from the provisions of section 20 (prohibition of smoke emissions in smoke control area) if they are satisfied

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that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

(4B) An exemption under subsection (4A) may be made subject to such conditions as the Welsh Ministers consider appropriate.

(4C) The Welsh Ministers must—

- (a) publish a list of those classes of fireplace that are exempt under subsection (4A) including details of any conditions to which an exemption is subject;
- (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to the classes of fireplace that are so exempt or to the conditions to which an exemption is subject.

(4D) The list must be published in such manner as the Welsh Ministers consider appropriate.”

(3) Omit subsection (5).

#### **Commencement Information**

**I3** Sch. 12 para. 11 not in force at Royal Assent, see [s. 147\(4\)](#)

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**Changes and effects yet to be applied to :**

- Sch. 12 Pt. 2 repealed by [2024 asc 2 Sch. 1 para. 23\(b\)](#)