
STATUTORY INSTRUMENTS

2023 No. 908

The Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023

Amendment to the Clean Air Act 1993

16. In section 16 (height of other chimneys) of the Clean Air Act 1993⁽¹⁾, after subsection (4) insert—

“(4A) In the application of this section to England—

- (a) any reference to plans deposited in accordance with building regulations shall be read as a reference to the plans, specifications and other information submitted with an application for building control approval;
- (b) any reference to a local authority shall be read as including a reference to the building safety regulator;
- (c) any reference to the rejection of plans shall be read as a reference to the rejection of an application for building control approval;
- (d) any reference to the notice given under section 16(6) of the Building Act 1984 shall be read as a reference to a notice of rejection of an application for building control approval given in accordance with building regulations,

(4B) In subsection (4A)—

“application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);

“building safety regulator” means the regulator within the meaning of Part 2 of the Building Safety Act 2022.”.