



Clean Air Act 1993

1993 CHAPTER 11

PART III **E+W+S**

SMOKE CONTROL AREAS

Prohibition on emission of smoke in smoke control area

20 Prohibition on emission of smoke in smoke control area. **E+W+S**

- (1) If, on any day, smoke is emitted from a chimney of any building within a smoke control area, the occupier of the building shall be guilty of an offence.
 - (2) If, on any day, smoke is emitted from a chimney (not being a chimney of a building) which serves the furnace of any fixed boiler or industrial plant within a smoke control area, the person having possession of the boiler or plant shall be guilty of an offence.
 - (3) Subsections (1) and (2) have effect—
 - (a) subject to any exemptions for the time being in force under section 18, 21 or 22;
 - (b) subject to section 51 (duty to notify offences to occupier or other person liable).
 - (4) In proceedings for an offence under this section it shall be a defence to prove that the alleged emission was not caused by the use of any fuel other than an authorised fuel.
 - (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- [^{F1}(5ZA) In the application of this Part to England, “authorised fuel” means a fuel included in a list of authorised fuels kept by the Secretary of State for the purposes of this Part.
- (5ZB) The Secretary of State 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.

Status: Point in time view as at 07/04/2017.

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(5ZC) The list must be published in such manner as the Secretary of State considers appropriate.]

[^{F2}(5A) In this Part, “authorised fuel” means a fuel included in a list of authorised fuels kept by the Scottish Ministers for the purposes of this Part.

(5B) The Scottish 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.

(5C) The list must be published in such manner as the Scottish Ministers consider appropriate.]

(6) [^{F3}Except as provided by subsection (5ZA), in][^{F4}Except as provided in subsection (5A), in] this Part “authorised fuel” means a fuel declared by regulations of the Secretary of State to be an authorised fuel for the purposes of this Part.

Textual Amendments

- F1** S. 20(5ZA)-(5ZC) inserted (E.W.) (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 15(2)**, 115(7); S.I. 2015/1732, **art. 2(b)**
- F2** S. 20(5A)-(5C) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), **ss. 50(2)(a)**, 61(2); S.S.I. 2014/160, **art. 2(1)(2)**, **sch.**
- F3** Words in s. 20(6) substituted (E.W.) (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 15(3)**, 115(7); S.I. 2015/1732, **art. 2(b)**
- F4** Words in s. 20(6) substituted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), **ss. 50(2)(b)**, 61(2); S.S.I. 2014/160, **art. 2(1)(2)**, **sch.**

Modifications etc. (not altering text)

- C1** Power to exclude conferred (27.8.1993) by [1993 c. 11](#), **s. 45(1)(a)**
- C2** S. 20 excluded (9.1.1998) by [S.I. 1997/3009](#), **art. 2**, **Sch. 1**
S. 20 excluded (S.) (8.10.1999) by [S.S.I. 1999/58](#), **art. 2**
S. 20 excluded (28.6.1999) by [S.I. 1999/1515](#), **art. 2**
S. 20 excluded (S.) (16.2.2001) by [S.S.I. 2001/16](#), **art. 2**
- C3** S. 20 restricted (W.) (3.4.2013) by [The Smoke Control Areas \(Exempted Fireplaces\) \(Wales\) Order 2013 \(S.I. 2013/561\)](#), **arts. 1(1), 2**
- C4** S. 20 excluded (7.4.2017) by [The Smoke Control Areas \(Exempted Classes of Fireplace\) \(Wales\) Order 2017 \(S.I. 2017/423\)](#), **arts. 1(1), 2**, **Sch.**

21 Power ^{F5}... to exempt certain fireplaces. **E+W+S**

[^{F6}(A1) For the purposes of the application of this Part to England, the Secretary of State may exempt any class of fireplace from the provisions of section 20 (prohibition of smoke emissions in smoke control area) if he is satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

(A2) An exemption under subsection (A1) may be made subject to such conditions as the Secretary of State considers appropriate.

(A3) The Secretary of State must—

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- (a) publish a list of those classes of fireplace that are exempt under subsection (A1) 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.
- (A4) The list must be published in such manner as the Secretary of State considers appropriate.]
- [^{F7}(1) For the purposes of this Part, the Scottish Ministers may exempt any class or description of fireplace from the provisions of section 20 (prohibition of smoke emissions in smoke control areas) if they are satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (2) An exemption under subsection (1) may be made subject to such conditions as the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers must—
- (a) publish a list of those classes or descriptions of fireplace that are exempt under subsection (1), including details of any conditions to which an exemption is subject; and
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to the classes or descriptions of fireplace that are so exempt or to the conditions to which an exemption is subject.
- (4) The list must be published in such manner as the Scottish Ministers consider appropriate.]
- [^{F8}(5)] [^{F9}Except where subsection (1) applies, the] [^{F10}Except where subsection (A1) applies, the] Secretary of State may by order exempt any class of fireplace, upon such conditions as may be specified in the order, from the provisions of section 20 (prohibition of smoke emissions in smoke control area), if he is satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.

Textual Amendments

- F5** Words in s. 21 title repealed (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), ss. 50(4), 61(2); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
Words in s. 21 title omitted (E.W.) (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), [ss. 15\(6\)](#), [115\(7\)](#); [S.I. 2015/1732](#), art. 2(b)
- F6** S. 21(A1)-(A4) inserted (E.W.) (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 15\(4\)](#), [115\(7\)](#); [S.I. 2015/1732](#), art. 2(b)
- F7** S. 21(1)-(4) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), [ss. 50\(3\)\(b\)](#), [61\(2\)](#); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
- F8** S. 21(5): s. 21 renumbered as s. 21(5) (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), ss. 50(3)(a), 61(2); [S.S.I. 2014/160](#), art. 2(1)(2), sch.
S. 21(5): s. 21 renumbered as s. 21(5) (E.W.) (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 15\(5\)](#), [115\(7\)](#); [S.I. 2015/1732](#), art. 2(b)
- F9** Words in s. 21(5) substituted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), ss. 50(3)(a), 61(2); [S.S.I. 2014/160](#), art. 2(1)(2), sch.

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F10 Words in s. 21(5) substituted (E.W.) (1.10.2015) by [Deregulation Act 2015 \(c. 20\), ss. 15\(5\), 115\(7\); S.I. 2015/1732, art. 2\(b\)](#)

22 Exemptions relating to particular areas. E+W+S

- (1) The Secretary of State may, if it appears to him to be necessary or expedient so to do, by order suspend or relax the operation of section 20 (prohibition of smoke emissions in smoke control area) in relation to the whole or any part of a smoke control area.
- (2) Before making an order under subsection (1) the Secretary of State shall consult with the local authority unless he is satisfied that, on account of urgency, such consultation is impracticable.
- (3) As soon as practicable after the making of such an order the local authority shall take such steps as appear to them suitable for bringing the effect of the order to the notice of persons affected.

Status:

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