

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, PART 3. (See end of Document for details)

SCHEDULES

SCHEDULE 12

SMOKE CONTROL IN ENGLAND AND WALES

PART 3

MINOR AND CONSEQUENTIAL AMENDMENTS

Minor and consequential amendments to the Clean Air Act 1993

12 The Clean Air Act 1993 is amended as follows.

Commencement Information

- I1** Sch. 12 para. 12 not in force at Royal Assent, see [s. 147\(3\)](#)
I2 [Sch. 12 para. 12](#) in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)

13 (1) Section 18 (declaration of smoke control area by local authority) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (b)—

(i) after “smoke” insert “in Wales”;

(ii) before “to” insert “or Schedule 1A (penalty for emission of smoke in England)”;

(b) in paragraph (c), after “section” insert “or Schedule”.

(3) After subsection (2) insert—

“(2A) For the purposes of this Part a smoke control order in England “applies” to a building, fireplace, fixed boiler or industrial plant if the operation of Schedule 1A is not excluded in relation to it by virtue of subsection (2)(b) or (c).”

Commencement Information

- I3** Sch. 12 para. 13 not in force at Royal Assent, see [s. 147\(3\)](#)
I4 [Sch. 12 para. 13](#) in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)

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

(2) In the heading, at the end insert “in Wales”.

(3) In subsections (1) and (2), after “area” insert “in Wales”.

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- (4) Omit subsections (5ZA) to (5ZC).
- (5) If at the time of the coming into force of this paragraph Part 2 of this Schedule is not in force, in subsection (6)—
 - (a) omit “Except as provided by subsection (5ZA),”;
 - (b) for “Secretary of State” substitute “Welsh Ministers”.

Commencement Information

- I5** Sch. 12 para. 14 not in force at Royal Assent, see [s. 147\(3\)](#)
- I6** Sch. 12 para. 14 in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)

- 15 (1) Section 21 (power to exempt certain fireplaces) is amended as follows.
 - (2) In the heading, at the end insert “in Wales”.
 - (3) Omit subsections (A1) to (A4).
 - (4) If at the time of the coming into force of this paragraph Part 2 of this Schedule is not in force, in subsection (5)—
 - (a) omit “Except where subsection (A1) applies,”;
 - (b) for “Secretary of State” substitute “Welsh Ministers”;
 - (c) for “he is” substitute “they are”.

Commencement Information

- I7** Sch. 12 para. 15 not in force at Royal Assent, see [s. 147\(3\)](#)
- I8** Sch. 12 para. 15 in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)

- 16 (1) Section 22 (exemptions relating to particular areas) is amended as follows.
 - (2) In the heading, at the end insert “in Wales”.
 - (3) In subsection (1)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”;
 - (b) for “him” substitute “them”;
 - (c) after “area”, in both places, insert “in Wales”.
 - (4) In subsection (2)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”;
 - (b) for “he is” substitute “they are”.

Commencement Information

- I9** Sch. 12 para. 16 not in force at Royal Assent, see [s. 147\(3\)](#)
- I10** Sch. 12 para. 16 in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)

- 17 (1) Section 23 (acquisition and sale of unauthorised fuel in a smoke control area) is amended as follows.
 - (2) In the heading, at the end insert “in Wales”.

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- (3) In subsection (1)—
- (a) in paragraph (a), after “area” in both places insert “in Wales”;
 - (b) in paragraph (b), after “area” insert “in Wales”;
 - (c) in paragraph (c)—
 - (i) after “fuel” insert “in Wales”;
 - (ii) in sub-paragraph (i), after “area” insert “in Wales”.
- (4) In subsection (3), after “area” insert “in Wales”.
- (5) In subsection (4)—
- (a) for “Secretary of State” substitute “Welsh Ministers”;
 - (b) after first “area” insert “in Wales”.
- (6) In subsection (5)—
- (a) after first “fuel” insert “in Wales”;
 - (b) after “premises” insert “in Wales”.

Commencement Information

- I11** Sch. 12 para. 17 not in force at Royal Assent, see [s. 147\(3\)](#)
I12 Sch. 12 para. 17 in force at 1.5.2022 by [S.I. 2022/48, reg. 4\(d\)](#)

- 18 In section 24 (power to require adaptations of fireplaces), in subsection (1)—
- (a) after second “area” insert “in Wales”;
 - (b) at the end insert “or the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England)”.

Commencement Information

- I13** Sch. 12 para. 18 not in force at Royal Assent, see [s. 147\(3\)](#)
I14 Sch. 12 para. 18 in force at 1.5.2022 by [S.I. 2022/48, reg. 4\(d\)](#)

- 19 In section 26 (power to make grants for fireplaces in churches etc)—
- (a) in subsection (1)—
 - (i) after second “area” insert “in Wales”;
 - (ii) before “, the local authority” insert “or the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England)”;
 - (b) after subsection (2) insert—

“(3) Where a smoke control order in England applies to a vessel which is moored (see section 44), subsection (2)(c) applies to the vessel as it applies in relation to premises.”

Commencement Information

- I15** Sch. 12 para. 19 not in force at Royal Assent, see [s. 147\(3\)](#)
I16 Sch. 12 para. 19 in force at 1.5.2022 by [S.I. 2022/48, reg. 4\(d\)](#)

- 20 In section 27 (references to adaptations)—

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- (a) in the heading, at the end insert “or Schedule 1A”;
- (b) in subsection (1)—
 - (i) after “area” insert “in Wales”;
 - (ii) before “shall be read” insert “or the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England)”;
 - (iii) at the end insert “or incurring liability under Schedule 1A”;
- (c) in subsection (3), after “Act” insert “or liability under Schedule 1A to this Act”;
- (d) in subsection (4), at the end insert “, and to any vessel to which section 26 or 26A (adaptations of vessels in England) applies”.

Commencement Information

I17 Sch. 12 para. 20 not in force at Royal Assent, see [s. 147\(3\)](#)

I18 Sch. 12 para. 20 in force at 1.5.2022 by [S.I. 2022/48, reg. 4\(d\)](#)

- 21 In section 28 (expenditure on execution of works), in subsection (3), at the end insert “, and to any vessel to which section 26 or section 26A (adaptations of vessels in England) applies”.

Commencement Information

I19 Sch. 12 para. 21 not in force at Royal Assent, see [s. 147\(3\)](#)

I20 Sch. 12 para. 21 in force at 1.5.2022 by [S.I. 2022/48, reg. 4\(d\)](#)

- 22 In section 29 (interpretation)—
- (a) in the definition of “old private dwelling”, omit the final “and”;
 - (b) in the definition of “smoke control order”, at the end insert “and”;
 - (c) after that definition insert—
 - ““smoke control order in England” means a smoke control order made by a local authority in England.”

Commencement Information

I21 Sch. 12 para. 22 not in force at Royal Assent, see [s. 147\(3\)](#)

I22 Sch. 12 para. 22 in force at 1.5.2022 by [S.I. 2022/48, reg. 4\(d\)](#)

- 23 In section 63 (orders and regulations)—
- (a) in subsection (2), after “47(2)” insert “or paragraph 3(4) or 4(6) of Schedule 1A”;
 - (b) in subsection (3), after “section” insert “19C,”.

Commencement Information

I23 Sch. 12 para. 23 not in force at Royal Assent, see [s. 147\(3\)](#)

I24 Sch. 12 para. 23 in force at 1.5.2022 by [S.I. 2022/48, reg. 4\(d\)](#)

- 24 (1) Schedule 1 (coming into operation of smoke control orders) is amended as follows.

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- (2) In paragraph 5—
- (a) after “area” insert “in Wales”;
 - (b) before “may” insert “or Schedule 1A (penalty for emission of smoke in England)”.
- (3) After paragraph 6 insert—
- “6A When a local authority in England has made an order, the authority must—
- (a) inform the Secretary of State that it has done so, and
 - (b) provide the date on which the order is to come, or came, into operation.”

Commencement Information

- I25** Sch. 12 para. 24 not in force at Royal Assent, see [s. 147\(3\)](#)
I26 Sch. 12 para. 24 in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)

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- I1** Sch. 12 para. 12 not in force at Royal Assent, see [s. 147\(3\)](#)
I2 [Sch. 12 para. 12](#) in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)
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I15 Sch. 12 para. 19 not in force at Royal Assent, see [s. 147\(3\)](#)
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I17 Sch. 12 para. 20 not in force at Royal Assent, see [s. 147\(3\)](#)
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I25 Sch. 12 para. 24 not in force at Royal Assent, see [s. 147\(3\)](#)
I26 [Sch. 12 para. 24](#) in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)

Minor amendments to other legislation

- 25 In section 79 of the Environmental Protection Act 1990 (statutory nuisances), in subsection (3)(i), insert “in Wales”.

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- I27** Sch. 12 para. 25 not in force at Royal Assent, see [s. 147\(3\)](#)
I28 [Sch. 12 para. 25](#) in force at 1.5.2022 by [S.I. 2022/48](#), [reg. 4\(d\)](#)

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