

## 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.
- 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).”
- 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”.
- (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”.
- 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).

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*Status: This is the original version (as it was originally enacted).*

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- (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”.
- 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”.
- 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”.
  - (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”.
- 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)”.
- 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—

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- “(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.”
- 20 In section 27 (references to adaptations)—
- (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”.
- 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”.
- 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.”
- 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”.
- 24 (1) Schedule 1 (coming into operation of smoke control orders) is amended as follows.
- (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.”

*Minor amendments to other legislation*

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