



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART III

#### SMOKE CONTROL AREAS

##### *Adaptation of fireplaces*

#### **24 Power of local authority to require adaptation of fireplaces in private dwellings.**

- (1) The local authority may, by notice in writing served on the occupier or owner of a private dwelling which is, or when a smoke control order comes into operation will be, within a smoke control area, require the carrying out of adaptations in or in connection with the dwelling to avoid contraventions of section 20 (prohibition of smoke emissions in smoke control area).
- (2) The provisions of Part XII of the <sup>M1</sup>Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (1).
- (3) Any reference in those provisions to the expenses reasonably incurred in executing the works shall, in relation to a notice under subsection (1), be read as a reference to three-tenths of those expenses or such smaller fraction of those expenses as the local authority may in any particular case determine.
- (4) In the application of this section to Scotland—
  - (a) subsections (2) and (3) shall be omitted;
  - (b) section 111 of the <sup>M2</sup>Housing (Scotland) Act 1987 (which provides for an appeal to the sheriff against certain notices, demands and orders under that Act) shall apply in relation to a notice under subsection (1) of this section as it applies in relation to a repair notice under that Act; and
  - (c) subject to any such right of appeal as is mentioned in paragraph (b), if any person on whom a notice under subsection (1) is served fails to execute the works required by the notice within the time limited by the notice, the local authority may themselves execute the works and may recover from that

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*Changes to legislation: Clean Air Act 1993, Cross Heading: Adaptation of fireplaces is up to date with all changes known to be in force on or before 17 July 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)*

person three-tenths, or such smaller fraction as the local authority may in any particular case determine, of the expenses reasonably incurred by them in so doing.

#### Marginal Citations

M1 1936 c. 49.

M2 1987 c. 26.

## 25 Expenditure incurred in relation to adaptations in private dwellings.

- (1) Schedule 2 to this Act shall have effect with respect to certain expenditure incurred in adapting old private dwellings in smoke control areas.
- (2) In this Part “old private dwelling” means any private dwelling other than one which either—
  - (a) was erected after 15th August 1964 (which was the date immediately preceding the time when the enactment replaced by this subsection came into force), or
  - (b) was produced by the conversion, after that date, of other premises, with or without the addition of premises erected after that date;

and for the purposes of this subsection a dwelling or premises shall not be treated as erected or converted after that date unless the erection or conversion was begun after it.

## 26 Power of local authority to make grants towards adaptations to fireplaces in churches, chapels, buildings used by charities etc.

- (1) If, after the making of a smoke control order, the owner or occupier of any premises or part of any premises to which this section applies and which will be within a smoke control area as the result of the order incurs expenditure on adaptations in or in connection with the premises or part to avoid contraventions of section 20 (prohibition of smoke emissions in smoke control area), the local authority may, if they think fit, repay to him the whole or any part of that expenditure.
- (2) This section applies to any premises or part of any premises which fall within one or more of the following paragraphs, that is to say—
  - (a) any place of public religious worship, being, in the case of a place in England or Wales, a place which belongs to the Church of England or to the Church in Wales (within the meaning of the <sup>M3</sup>Welsh Church Act 1914) or which is for the time being certified as required by law as a place of religious worship;
  - (b) any church hall, chapel hall or similar premises used in connection with any such place of public religious worship, and so used for the purposes of the organisation responsible for the conduct of public religious worship in that place;
  - (c) any premises or part of any premises occupied for the purposes of an organisation (whether corporate or unincorporated) which is not established or conducted for profit and whose main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare.

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**Marginal Citations**

**M3** 1914 c. 91.

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