

*Status: Point in time view as at 16/12/1996.*

*Changes to legislation: Clean Air Act 1993, Part III is up to date with all changes known to be in force on or before 02 August 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)*

## SCHEDULES

### SCHEDULE 5

#### TRANSITIONAL PROVISIONS

#### PART III

##### CONFIRMATION AND COMING INTO OPERATION OF CERTAIN SMOKE CONTROL ORDERS

- 11 In this Part of this Schedule “order” means a smoke control order.
- 12 After making an order, the local authority shall publish in the London Gazette and also once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates a notice—
- (a) stating that the order has been made and its general effect;
  - (b) specifying a place in the district of the local authority where a copy of the order and of any map or plan referred to in the order may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and
  - (c) stating that within that period any person who will be affected by the order may by notice in writing to the Secretary of State object to the confirmation of the order.
- 13 Besides publishing a notice as required by paragraph 12, the local authority who have made an order shall post, and keep posted throughout the period mentioned in that paragraph, copies of the notice in such number of conspicuous places within the area to which the order relates as appear to them necessary for the purpose of bringing the making of the order to the notice of persons affected.
- 14 If no objection is duly made to the Secretary of State within the period mentioned in paragraph 12(b), or if every objection so made is withdrawn, the Secretary of State may, if he thinks fit, confirm the order either with or without modifications.
- 15 In any case other than one within paragraph 14 the Secretary of State shall, before confirming the order, either—
- (a) cause a local inquiry to be held; or
  - (b) afford to any person by whom an objection has been duly made in accordance with paragraph 12(c) and not withdrawn an opportunity of appearing before and being heard by a person appointed by him for the purpose;
- and, after considering the objection and the report of the person who held the inquiry or the person so appointed, may confirm the order with or without modifications.
- 16 Section 250(2) to (5) of the <sup>M1</sup>Local Government Act 1972 (summoning of witnesses and production of documents before, and costs incurred at, local government inquiries held under that section) shall apply to an inquiry held under this Part of this Schedule by the Secretary of State as they apply to inquiries held under that section.

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#### Marginal Citations

**M1** 1972 c. 70.

- 17 Subject to paragraphs 18 and 19, an order when confirmed shall come into operation on such date as may be specified in the order, not being earlier than six months from the date of the confirmation.
- 18 An order varying a previous order so as to exempt specified buildings or classes of building or specified fireplaces or classes of fireplace from the operation of section 18 may come into operation on, or at any time after, the date of its confirmation.
- 19 (1) If, before the date on which an order is to come into operation, the local authority—  
(a) pass a resolution postponing its operation; and  
(b) publish a notice stating the effect of the resolution in the London Gazette and also once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates;  
the order shall, unless its coming into operation is again postponed under this paragraph, come into operation on the date specified in the resolution.
- (2) A local authority shall not without the consent of the Secretary of State exercise their power under sub-paragraph (1) of postponing the coming into operation of an order for a period of more than twelve months or for periods amounting in all to more than twelve months.
- 20 In the application of this Part of this Schedule to Scotland, for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette.

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