



# Clean Air Act 1993

## 1993 CHAPTER 11

### PART I

#### DARK SMOKE

#### **2 Prohibition of dark smoke from industrial or trade premises**

- (1) Dark smoke shall not be emitted from any industrial or trade premises and if, on any day, dark smoke is so emitted the occupier of the premises and any person who causes or permits the emission shall be guilty of an offence.
- (2) This section does not apply—
  - (a) to the emission of dark smoke from any chimney to which section 1 above applies; or
  - (b) to the emission of dark smoke caused by the burning of any matter prescribed in regulations made by the Secretary of State, subject to compliance with such conditions (if any) as may be so prescribed.
- (3) In proceedings for an offence under this section, there shall be taken to have been an emission of dark smoke from industrial or trade premises in any case where—
  - (a) material is burned on those premises; and
  - (b) the circumstances are such that the burning would be likely to give rise to the emission of dark smoke,unless the occupier or any person who caused or permitted the burning shows that no dark smoke was emitted.
- (4) In proceedings for an offence under this section, it shall be a defence to prove—
  - (a) that the alleged emission was inadvertent; and
  - (b) that all practicable steps had been taken to prevent or minimise the emission of dark smoke.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In this section “industrial or trade premises” means—
- (a) premises used for any industrial or trade purposes; or
  - (b) premises not so used on which matter is burnt in connection with any industrial or trade process.
- (7) This section has effect subject to section 51 (duty to notify offences to occupier or other person liable).