



Clean Air Act 1993

1993 CHAPTER 11

PART VI

SPECIAL CASES

46 Crown premises, etc.

(1) It shall be part of the functions of the local authority, in cases where it seems to them proper to do so, to report to the responsible Minister any cases of—

- (a) emissions of dark smoke, or of grit or dust, from any premises which are under the control of any Government department and are occupied for the public service of the Crown or for any of the purposes of any Government department;
- (b) emissions of smoke, whether dark smoke or not, from any such premises which are within a smoke control area;
- (c) emissions of smoke, whether dark smoke or not, from any such premises which appear to them to constitute a nuisance to the inhabitants of the neighbourhood; or
- (d) emissions of dark smoke from any vessel of Her Majesty's navy, or any Government ship in the service of the Secretary of State while employed for the purposes of Her Majesty's navy, which appear to them to constitute a nuisance to the inhabitants of the neighbourhood,

and on receiving any such report the responsible Minister shall inquire into the circumstances and, if his inquiry reveals that there is cause for complaint, shall employ all practicable means for preventing or minimising the emission of the smoke, grit or dust or for abating the nuisance and preventing a recurrence of it, as the case may be.

(2) Subsection (1) shall apply to premises occupied for the purposes of the Duchy of Lancaster or the Duchy of Cornwall as it applies to premises occupied for the public service of the Crown which are under the control of a Government department, with the substitution, in the case of the Duchy of Cornwall, for references to the responsible Minister of references to such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints.

Status: Point in time view as at 01/04/2018.

Changes to legislation: Clean Air Act 1993, Section 46 is up to date with all changes known to be in force on or before 20 May 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)

- (3) The fact that there subsists in any premises an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, shall not affect the application of this Act to those premises so long as that interest is not the interest of the occupier of the premises, and this Act shall have effect accordingly in relation to the premises and that and all other interests in the premises.
- (4) Section 44 (vessels) shall, with the omission of the reference in subsection (2) of that section to the owner, apply to vessels owned by the Crown, except that it shall not apply to vessels of Her Majesty's navy or to Government ships in the service of the Secretary of State while employed for the purposes of Her Majesty's navy.
- (5) This Act (except Parts IV and V) shall have effect in relation to premises occupied for the service of a visiting force as if the premises were occupied for the public service of the Crown and were under the control of the Government department by arrangement with whom the premises are occupied.
- (6) In this section—
 “Government ship” has the same meaning as in [^{F1} the Merchant Shipping Act 1995]; and
 “visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the ^{M1}Visiting Forces Act 1952.

Textual Amendments

F1 Words in definition of “Government ship” in s. 46(6) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 94(a)** (with s. 312(1), Sch. 14 para. 1)

Modifications etc. (not altering text)

C1 S. 46(1) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

Marginal Citations

M1 1952 c. 67.

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