

1969 No. 465 (S.38)

CLEAN AIR

**The Clean Air (Height of Chimneys) (Exemption)
(Scotland) Regulations 1969**

<i>Made</i>	- - -	25th March 1969
<i>Laid before Parliament</i>		31st March 1969
<i>Coming into Operation</i>		1st April 1969

In exercise of the powers conferred on me by sections 6(11) and 13(1) of the Clean Air Act 1968(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Clean Air (Height of Chimneys) (Exemption) (Scotland) Regulations 1969, and shall come into operation on 1st April 1969.

Interpretation

2. The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Exempted boilers and plant

3.—(1) The purposes set out in paragraph (2) of this regulation shall be purposes prescribed in terms of section 6(11) of the Clean Air Act 1968 (which section relates to the height of chimneys serving new or enlarged furnaces connected with boilers or industrial plant, but exempts from certain of its provisions any boiler or plant used or to be used wholly for a prescribed purpose).

(2) The said purposes are—

(a) temporarily replacing any other boiler or plant which is—

(i) under inspection, maintenance or repair;

(ii) being rebuilt; or

(iii) being replaced by a permanent boiler or plant;

(b) providing a temporary source of heat or power during any building operation or work of engineering construction (within the meaning of section 176 of the Factories Act 1961(c));

(c) providing a temporary source of heat or power for investigation or research;

(d) providing products of combustion to heat other plant (whether directly or indirectly) to an operating temperature;

(a) 1968 c. 62.

(b) 1889 c. 63.

(c) 1961 c. 34.

- (e) providing heat or power by mobile or transportable plant for the purposes of agriculture (within the meaning of section 86(3) of the Agriculture (Scotland) Act 1948(a)).

William Ross,

One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
25th March 1969.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Under Section 6(2) of the Clean Air Act 1968, a person having possession of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land (other than an exempted boiler or plant) is required to obtain the approval of the local authority to the height of the chimney if he proposes to construct a new chimney or enlarge the furnace. By Section 6(11), exempted boilers and plant mean those used or to be used wholly for any purpose prescribed by Regulations; and these Regulations prescribe the purposes which carry exemption. They include temporary or local provision of heat or power during replacement or maintenance, building operations, engineering construction, investigation or research, and agricultural operations.

(a) 1948 c. 45.