

**Clean Air Act
(CHAPTER 45)**

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CLEAN AIR ACT

(CHAPTER 45)

(Original Enactment: Act 29 of 1971)

REVISED EDITION 1985

(30th March 1987)

An Act relating to the prevention and reduction of air pollution and for purposes connected therewith.

[15th January 1972]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Clean Air Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“air impurity” includes smoke, soot, dust, ash (including fly-ash), cinders, solid particles of any kind, gases, fumes, mists, odours and radioactive substances;

“air pollution” means the emission into the air of any air impurity;

“authorised officer” means any officer appointed as an authorised officer under section 3;

“chimney” includes any structure or opening from or through which air impurities may be emitted, and any reference to a chimney of or used in connection with any premises includes a reference to a chimney which serves the whole or a part of the premises though structurally separate from the premises or building thereon;

“construction sites” means any premises on or in which the construction, alteration or demolition of any building or structure is carried on;

“control equipment” includes —

- (a) any apparatus for separating any air impurities from the gas or liquid

medium in which they are carried;

- (b) any automatic device used for securing the more efficient operation of any fuel burning equipment;
- (c) any device to indicate or record air pollution or give warning of excessive air pollution; and
- (d) any other device used for the purposes of preventing or limiting air pollution;

“dark smoke” means smoke which by any prescribed method is ascertained to be dark smoke;

“Director” means the Director of Air Pollution Control appointed under section 3;

“fuel burning equipment” means any furnace, boiler, fireplace, oven, retort, incinerator, open fire, vehicle, vessel or chimney, or any other apparatus, device, mechanism or structure used or to be used in connection with the burning of any combustible material in, or in relation to, any industrial plant;

“industrial or trade premises” means premises used for any industrial or trade purposes or premises on which matter is burnt in connection with any industrial or trade process, and includes all scheduled premises and construction sites;

“industrial plant” means any plant used for the generation of power, or for any industrial use, or for the operation of vessels, aircraft, locomotives, cranes or other machines using any combustible material for their operation;

“occupier”, in relation to any premises, means the person in occupation or control of the premises, and, in relation to any part of any premises different parts of which are occupied by different persons, means the person in occupation or control of that part;

“practicable” means reasonably practicable having regard, amongst other things, to local conditions and circumstances and to the current state of technical knowledge, and “best practicable means” includes the provision and the efficient maintenance of plant and the proper use thereof and the supervision by or on behalf of the occupier of any process or operation;

“premises” includes any messuages, buildings, lands, easements and hereditaments whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

“scheduled premises” means any premises for the time being specified in

the Schedule.

(2) The Minister may, by notification published in the *Gazette*, amend the Schedule by inserting therein or removing therefrom any premises or class of premises.

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Appointment of Director and authorised officers

3.—(1) The Minister may appoint an officer to be known as the Director of Air Pollution Control and such other officers to be authorised officers for the purposes of this Act.

(2) Subject to any general or special directions of the Minister or the Director, the powers conferred and duties imposed on the Director by this Act, or any regulations made thereunder, may be exercised or performed by any authorised officer appointed under subsection (1).

PART II

SCHEDULED PREMISES

Permission for use of scheduled premises

4.—(1) No person shall, without the written permission of the Director, occupy or use any premises as scheduled premises.

(2) Any application for permission under this section shall be made to the Director giving details of the trade, industry or process proposed to be carried in or on the premises together with details of the methods intended to be adopted so as to control air pollution from the premises.

(3) The Director may —

- (a) require an applicant to furnish such information as the Director may consider necessary;
- (b) grant permission in respect of the application either subject to conditions or unconditionally, or refuse to grant permission if he is of the opinion that the occupier is likely to cause or increase air pollution from the premises or increase air pollution in the area; and
- (c) at any time vary, whether by way of addition or substitution, the conditions attached to any permission.

(4) This section shall not apply to a person who immediately before the commencement of this Act is the occupier of any scheduled premises.