

**APPENDIX I
DRAFT ORDER**

**Clean Air Act 1993
Section 18**

**THE LONDON BOROUGH OF HACKNEY
SMOKE CONTROL ORDER 2024**

SMOKE CONTROL ORDER 2024

The London Borough of Hackney (“the Council”) in exercise of its powers under section 18 of the Clean Air Act 1993 (as amended), hereby makes the following Order:

1. This order is made by the London Borough of Hackney (the ‘Council’) and shall be known as the The London Borough of Hackney Smoke Control Order 2024 (“the Order”).
2. This Order will come into force not less than six months from the date this Order is confirmed by the London Borough of Hackney.
3. The Council declares the whole of its area to be a Smoke Control Area (‘the Smoke Control Area’). The extent of the Smoke Control Area is shown on the plan listed in Schedule 1 to this Order and labelled **PLAN OF THE LONDON BOROUGH OF HACKNEY SMOKE CONTROL AREA 2024**.
4. In the whole of the Smoke Control Area created by this Order (that is, all land within the borough boundary), the operation of section 19D of the Clean Air Act 1993 (Regulation of smoke and fuel in smoke control areas in England) shall be applicable to all buildings and moored vessels.

EFFECT OF ORDER AND PENALTIES

5. The effect of this order is that if, on any day after the Order comes into operation:-
6. Smoke is emitted from a chimney of any building or vessel moored within the administrative area of the Council, the occupier of that building, or moored vessel, is liable a civil financial penalty of between £175 and £300, subject to any objection on the grounds specified by Section 19A of, and Schedule 1A to the Act.

7. any person who: -
- a. acquires any controlled solid fuel for use in a building or fireplace, other than an approved fireplace at the time of acquisition;
 - b. offers controlled solid fuel for sale by retail where the fuel is to be taken away by the purchaser;
 - c. fails to take reasonable steps to notify potential purchasers that it is an offence to acquire controlled solid fuel for any of the uses in 2.a. above;
 - d. sells any controlled solid fuel by retail for delivery to a building covered by the Proposed Order,

will be guilty of a criminal offence and liable on summary conviction to Level 3 fine on the standard scale (£1,000) for the offences under 2.a., or an unlimited fine for the other offences in 2.b., 2.c. or 2.d., subject to the statutory defence set out in Section 19B(6) of the Act in the case of a 2.d. offence.

EXEMPTIONS

8. Other than exemptions made by the Secretary of State under section 19D of the Act, there are no moored vessels, buildings, or classes of buildings, or fireplaces, or classes of fireplaces in the Smoke Control Area that are exempt from the operation of section 19A and Schedule 1A of the Clean Air Act 1993 (Penalty for emission of smoke in a smoke control area in England).

DEFINITIONS

9. In this Order the following words or phrases are defined as follows:

'Approved fireplace' means a fireplace of a type specified in a list published by the Secretary of State.

'Approved fuel' means a solid fuel specified in a list published by the Secretary of State.)

'Controlled solid fuel' means any solid fuel other than an approved fuel.

'The Act' means The Clean Air Act 1993.

THE COMMON SEAL of THE LONDON BOROUGH OF HACKNEY

EXECUTED by affixing the Common Seal of

THE MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF HACKNEY

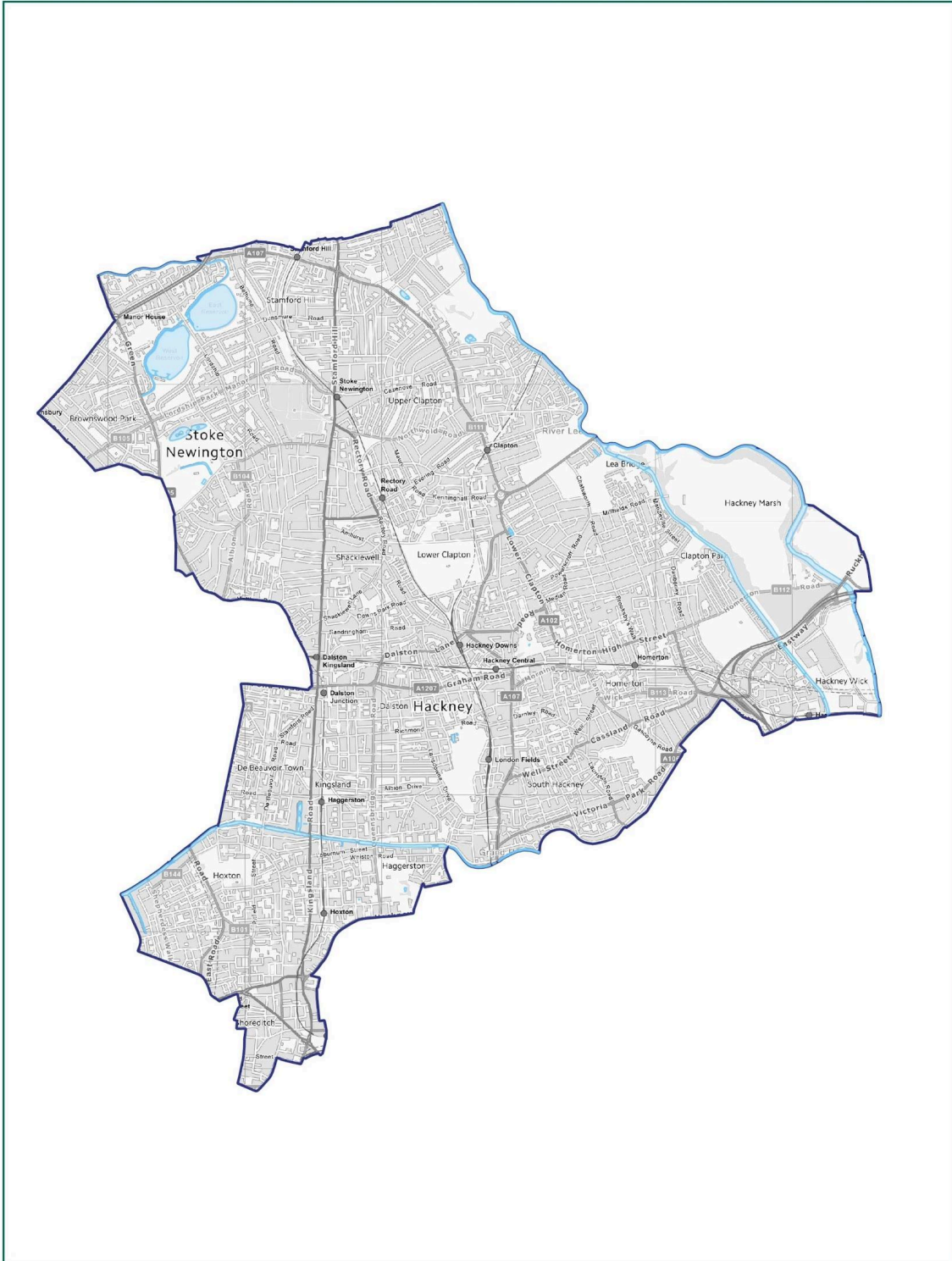
in the presence of:-

.....

Authorised Signatory

SCHEDULE 1

PLAN OF THE LONDON BOROUGH OF HACKNEY SMOKE CONTROL ORDER 2024



 NORTH		Smoke Control Order 2024	
Scale: 1:35536 at A4		Whole Borough Coverage	
	Ref: SCO 2024 V02	Produced by: Land Water Air Team	This product includes mapping data licensed from Ordnance Survey with the permission of HMSO © Crown Copyright 2023. All rights reserved. License number. 100019635.
	Monday, February 12, 2024	email: landwaterair@hackney.gov.uk	