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2 MARSHAM STREET  
LONDON SW1P 3EB  
01-276 3000

My ref:

Your ref:

The Rt Hon John Wakeham MP  
Lord President of the Council  
Privy Council Office  
Whitehall  
LONDON  
SW1A 2AT

10 February 1989

*Dear John*

CONTROL OF SMOKE POLLUTION BILL

Andrew Hunter, who came 16th in the ballot for Private Members' Bills, has introduced a Control of Smoke Pollution Bill. The Bill is down for Second Reading on 27 January and I am writing to propose the line we should take.

The Bill will implement two relatively minor proposals in a consultation paper published by my Department, the Scottish Development Department and the Welsh Office in December 1986. H Committee clearance to these provisions being offered as a handout Bill was given in July 1987.

The text of the Bill is attached. The purpose of the Bill is to amend the Clean Air Acts 1956 and 1968 so as:

- a) to specify that emissions of non-dark smoke from private dwellings, where the dwellings are not in a smoke control area, can be a statutory nuisance for the purposes of the Public Health Act 1936. This is to overcome an inconsistency whereby there is provision for all emissions of smoke, from whatever source, to be controlled under either the 1936 Act or the Clean Air Acts, with the exception of non-dark smoke emissions from private dwellings outside smoke control areas; and
- b) to overcome some of the difficulties experienced in enforcing against anyone emitting dark smoke from industrial or trade premises; in particular emissions of toxic smoke from burning of cables at night in order to recover the metal core.

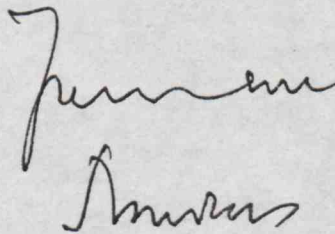
The long title will need to be amended in Committee in the light of the change to the Bill since it was presented: to amend rather than repeal section 16(1)(a) of the Clean Air Act 1956.

There was almost universal support for the two proposals from those responding to the 1986 consultation paper.



The Bill is fourth in order for debate on 24 February and is therefore unlikely to reach Second Reading debate. In the event of it being reached, I propose that in principle support should be given and administrative support for it thereafter. Likewise, I propose that administrative support should be given if the Bill obtains a Second Reading without debate. If Second Reading debate is not reached and the Bill is blocked, I do not feel that the Bill is of sufficient significance to warrant providing time during main business.

I am copying this letter to the Prime Minister, Members of H and L Committees and to Sir Robin Butler.

A handwritten signature in dark ink, appearing to read 'Nicholas Ridley', written in a cursive style.

NICHOLAS RIDLEY



DRAFT

OF A

# B I L L

TO

Repeal section 16(1)(a) of the Clean Air Act 1956 and to amend section 1 of the Clean Air Act 1968. A.D. 1989.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1. In section 16 of the Clean Air Act 1956, in paragraph (a) of  
subsection (1) (which exempts smoke emitted from a chimney of a  
private dwelling from types of smoke deemed to be a statutory  
nuisance for the purposes of Part III of the Public Health Act 1936)  
after the words "private dwelling" there shall be inserted the words  
10 "within a smoke control area".

Removal of  
exemption from  
statutory  
nuisance of  
smoke from  
certain domestic  
chimneys. [1]

1956 c. 52.  
1936 c.49.

2.—(1) In subsection (1) of section 1 of the Clean Air Act 1968  
(occupier of premises from which dark smoke is emitted to be guilty  
of an offence) after the words "occupier of the premises" there shall  
be inserted the words "and any person who causes or permits the  
15 emission".

Extension of  
offence of  
emitting dark  
smoke from  
industrial or  
trade premises.  
[2]

1968 c. 62.

(2) After that subsection there shall be inserted—

"(1A) For the purposes of subsection (1) above, there shall be  
taken to have been an emission of dark smoke from industrial  
or trade premises in any case where—

20 (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."

Short title,  
commencement  
and extent. [j3]

3.—(1) This Act may be cited as the Control of Smoke Pollution Act 1989.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(2) This Act shall not extend to Northern Ireland.





1 M. Morris  
2 Feb

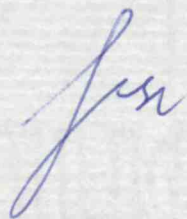
ANDREW TURNBULL

8 February 1989

cc: Richard Wilson (with enclosure)

JAMES GOLDSMITH'S IDEAS ON FOREST CONSERVATION -  
THIRD WORLD DEBT

As discussed, please let me have any views on Goldsmith's ideas (attached) before Richard Wilson and I lunch with him on 14 February.



GEORGE GUISE