

THE CLEAN AIR ACT

Law
32 of 1961.

[1st July, 1964.]

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

Short title.

2. In this Act unless the context otherwise requires—

Interpreta-
tion.

“affected premises” means any premises on which there are industrial works, the operation of which is in the opinion of an inspector likely to result in the discharge of smoke or fumes or gases or dust into the air;

“best practicable means” where used with respect to the prevention of the escape or discharge of noxious and offensive gases, or to the rendering of such gases, where discharged, harmless or inoffensive has reference not only to the provision and efficient maintenance of appliances adequate for preventing such escape or discharge, or for rendering such gases where discharged harmless or inoffensive, but also to the manner in which such appliances are used and to the proper supervision, by the owner, of any operation in which such gases are evolved; and in relation to the foregoing “practicable” means reasonably practicable having regard, amongst other things, to local conditions and circumstances, to the financial implications and to the current state of technical knowledge;

“Central Health Committee” means the Central Health Committee established under the Public Health Act;

“dust” includes grit;

“industrial works” includes any still, melting pot or any other plant whether similar to the foregoing or not used for any industrial or trade purposes, and also any incinerator used for or in connection with any such purposes;

“inspector” means an inspector appointed under section 4;

Schedule.

“noxious or offensive gas” means any of the gases, fumes or dust specified from time to time in the Schedule and any noxious emanation whatsoever, whether similar to the foregoing or not, from any affected premises;

“owner” includes any lessee or occupier of any affected premises.

Administra-
tion and
expenses.

3.—(1) Subject to the provisions of section 4 it shall be the duty of the Central Health Committee to carry into effect the provisions of this Act.

(2) Any expenses properly incurred in carrying into effect the provisions of this Act shall be paid out of moneys provided for the purpose in the Estimates of Revenue and Expenditure of the Island.

Appoint-
ment of in-
spectors.

4.—(1) The Minister may appoint such number of inspectors as he considers necessary for carrying into effect the provisions of this Act.

(2) The name of every person appointed an inspector shall be published in the *Gazette*.

Powers and
duties of in-
spectors.

5.—(1) An inspector on production of his authority if so required may enter any affected premises at any time while work is being carried on there, or while there is any discharge of smoke or fumes or gases or dust into the air from any part of such premises and may inspect and examine such premises or any part thereof and may make

such enquiries, and make such tests and take such samples of any substance, smoke, fumes, gas or dust as he considers necessary or proper for the performance of his duties.

(2) The owner of every affected premises, his agents, and every person found therein shall afford to every inspector all necessary facilities for entry, inspection, examination, testing and sampling in pursuance of this Act and shall furnish him with such information as he may reasonably require.

(3) Every owner of any affected premises in which such facilities are not afforded, or such information is not furnished, to an inspector as required by this section, or in which an inspector is obstructed in the execution of his duty under this Act, and every person wilfully obstructing an inspector in the execution of his duty under this Act, shall be guilty of an offence against this Act.

6.—(1) Subject to the provisions of this Act the owner of every affected premises shall use the best practicable means for—

- (a) preventing the escape of any noxious or offensive gas; and
- (b) preventing the discharge of any such gas into the air; and
- (c) rendering such gas, where discharged, harmless or inoffensive,

Duty of owners to use best practicable means for preventing the escape of noxious gas, etc.

and an inspector may enquire whether in any affected premises the best practicable means have been adopted for carrying out the provisions of this subsection and shall submit a report thereon to the Central Health Committee.

(2) Where it appears to the Committee that such means have not been adopted the Committee may by order published in the *Gazette* require the owner of such premises to adopt within such reasonable time not being less than six weeks