

Clean Air Act 1972

031

Commenced: 1 Apr 1973; 1 Apr 1974, s. 56(1)-(3), Fourth Schedule, Fifth Schedule, Sixth Schedule; 1 Jan 1983, Clean Air Amendment Act 1982; 5 Jan 1983, Clean Air Act Schedules Order 1982; 1 Dec 1986, Clean Air Amendment Act 1986; 30 Mar 1987,

ANALYSIS

Index

Analysis

Title

- 1 Short Title and commencement
- 2 Interpretation
- 3 Amendment of First and Second Schedules
- 4 Delegation of powers by Director-General
- 5 Appointment of officers
- 6 Clean Air Council

Control of Air Pollution Generally

- 7 General obligation of occupiers of premises
- 7A Strict liability
- 8 Prescribed standards of air pollutants not to be exceeded
- 9 Powers of control
- 10 Prohibition on emission of dense smoke
- 11 untitled record

Clean Air Zones

- 12 Creation of clean air zones
- 13 Orders in Council
- 14 Power of Council to recommend creation of clean air zones
- 15 Application of certain provisions of this Act to domestic premises in clean air zone
- 16 Prohibition on emission of light smoke in clean air zone
- 17 Acquisition and sale of unauthorised fuel in clean air zone
- 18 Power of Minister to relax restrictions
- 18A Subsidies to local authorities where clean air zones are established

Special Cases

- 19 Locomotive engines, aircraft, hovercraft, and motor vehicles
- 20 Ships
- 21 Exemption for purposes of investigations and research
- 22 Crown property

Scheduled Processes

- 23 Scheduled process to be licensed
- 24 Establishment and licensing of Part C processes
- 25 Licences
- 25A Licence fees
- 26 Conditions in licences
- 27 Registers of licences
- 28 Renewal and transfer of licences
- 29 Refusal of licences
- 29A Shutting down of process
- 30 untitled record
- 31 Restrictions on work on scheduled premises

Appeals

- 32 Appeals to Director-General
- 33 Right of appeal to High Court

- 34 Commencement of appeals to High Court
- 35 Hearing of appeals to High Court
- 36 Oath to be taken by additional members
- 37 Proceedings before Court
- 38 Quorum and decisions of Court
- 39 Further provisions regarding appeals
- 40 Stating a case for Court of Appeal
- 41 Appeal to Court of Appeal in certain cases

Miscellaneous Provisions

- 42 Duty to furnish information
- 43 Powers of officers
- 44 Obstruction of officers
- 45 Protection of persons acting under authority of Act
- 46 Service of documents
- 47 untitled record
- 48 Enforcement
- 49 Duty to notify occupiers of offences
- 50 Legal proceedings
- 51 untitled record
- 52 Penalties
- 53 Cancellation of licence
- 54 Other Acts not affected
- 55 Regulations
- 55A Bylaws controlling open fires
- 56 Consequential amendments, repeals, and revocations

Schedule(s)

- 1 FIRST SCHEDULE: Classes of Specified Air Pollutants
- 2 SECOND SCHEDULE:
- 3 THIRD SCHEDULE: Provisions Relating to Clean Air Council
- 4 THIRD SCHEDULE: Provisions Relating to Clean Air Council
- 5 THIRD SCHEDULE: Provisions Relating to Clean Air Council
- 6 THIRD SCHEDULE: Provisions Relating to Clean Air Council
- 7 THIRD SCHEDULE: Provisions Relating to Clean Air Council
- 8 THIRD SCHEDULE: Provisions Relating to Clean Air Council
- 9 THIRD SCHEDULE: Provisions Relating to Clean Air Council
- 10 THIRD SCHEDULE: Provisions Relating to Clean Air Council
- 11 FOURTH SCHEDULE: Enactments Amended
- 12 FIFTH SCHEDULE: Enactments Repealed
- 13 SIXTH SCHEDULE: Regulations and Order Revoked

Amending Act/Rule(s)

- 1 The Clean Air Amendment Act 1982
- 2 The Clean Air Act Schedules Order 1982
- 3 The Clean Air Amendment Act 1986
- 4 The Clean Air Amendment Act 1987
- 5 The Clean Air Act Second Schedule Order 1987
- 6 The Clean Air Amendment Act 1988

REPRINTED ACT
[WITH AMENDMENTS INCORPORATED]

CLEAN AIR

REPRINTED AS ON 1 MAY 1989

NOTE: Except where otherwise indicated, all references to the High Court in square brackets were substituted for references to the Supreme Court by s. 12 of the Judicature Amendment Act 1979.

INDEX

| | Page |
|--|------------------------|
| Clean Air Act 1972 | 2 |
| Public Finance Act 1977: s. 114 (6) | 9 (n) |
| Town and Country Planning Act 1977: s. 178 (1) | 65 (n) |
| Local Government Amendment Act 1979: | |
| S. 8 (3) | 7 (n) |
| S. 9 (1) | 65 (n) |
| Judicature Amendment Act 1979: s. 12 | 1 (n) |
| District Courts Amendment Act 1979: s. 18 (2) | 48 (n) |
| Clean Air Amendment Act 1982 | 66 |
| Clean Air Act Schedules Order 1982 (S.R. 1982/278) | 68 |
| Clean Air Amendment Act 1986 | 69 |
| Official Information Amendment Act 1987: s. 25 (1) | 48 (n), 50 (n), 67 (n) |
| Health Amendment Act 1987: s. 6 | 63 (n) |
| Clean Air Amendment Act 1987 | 70 |
| Clean Air Act Second Schedule Order 1987 (S.R. 1987/371) | 71 |
| State Sector Act 1988: | |
| S. 90 (a) | 9 (n), 64 (n) |
| S. 90 (d) | 26 (n) |
| Health Amendment Act 1988: s. 4 (4) | 42 (n) |
| Clean Air Amendment Act 1988 | 73 |

In this index "(n)" after a page number indicates that the enactment is referred to in a note on that page.

THE CLEAN AIR ACT 1972

1972, No. 31

An Act to promote the conservation of the air and the abatement of the pollution thereof

[20 October 1972]

1. Short Title and commencement---(1) This Act may be cited as the Clean Air Act 1972.

(2) Except as provided in subsection (6) of section 56 of this Act, this Act shall come into force on the 1st day of April 1973.

As to consents under this Act for environmental purposes, see ss. 2 and 31 (c) (i) of the Environment Act 1986.

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

"Aircraft" has the same meaning as in the Civil Aviation Act 1964:

"Air pollutant" means anything of harmful, odorous, or offensive character, in such a form that it can be carried in the atmosphere, and in particular, but without prejudice to the generality of the preceding words, includes smoke and any gases, fumes, mists, or dusts, containing any substance specified in the First Schedule to this Act:

"Air pollution" means the emission into the air of any air pollutant:

"Authorised fuel" means a fuel the use of which is authorised by regulations under this Act or by an Order in Council under section 12 of this Act or by the terms of any licence granted under this Act:

"Chimney" includes any structure or opening from or through which air pollutants may be emitted, and references to a chimney of, or used in connection with, any premises include references to a chimney which serves the whole or a part of the premises though structurally separate from such premises or any building thereon:

"Clean air zone" means any area declared to be a clean air zone under section 12 of this Act:

"Control equipment" means any apparatus or instrument, or part of any process or premises, which is necessary to or effective in---

(a) Containing any air pollutant; or

(b) Reducing the emission of any air pollutant; or

(c) The more efficient dispersal in the atmosphere of any air pollutant:

"Council" means the Clean Air Council established under this Act:

"Day" means a period of 24 hours beginning at midnight:

["Dense smoke" means smoke that---

(a) Is, in the opinion of an officer, of such opacity as to obscure that officer's view to a degree that equals or exceeds 40 percent obscuration of transmitted light at the point of emission of the smoke; or

(b) Causes, when measured by photo-electric means, more than 40 percent obscuration in the chimney or in the duct leading to the chimney; or

(c) Is ascertained by a prescribed method to be dense smoke
(within the meaning of regulations made under this Act:)]

"Director-General" means the Director-General of Health, and, except in section 4 of this Act but subject to the provisions of that section, any person to whom a function of the Director-General is delegated under that section to the extent of the delegation:

"Dwelling" means any building or part of a building that is suitable for residential accommodation of any kind; and includes any yard, garden, garage, or shed belonging to that building:

["Fuel burning equipment" means---

(a) Any fireplace, grate, stove, incinerator, boiler, furnace, gas turbine, or internal or external combustion engine; and

(b) Any chimney, apparatus, device, or mechanism used or to be used in connection with the burning of any combustible material:)]

"Hovercraft" has the same meaning as in the Hovercraft Act 1971:

"Industrial or trade premises" means---

(a) Any scheduled premises:

(b) Any premises used for any industrial or trade purposes:

(c) Any premises not so used in or on which matter is burnt in connection with any industrial or trade process:

(d) Any premises, not being a dwelling, in or on which any agricultural, horticultural, pastoral, or forestry process is carried on for profit:

"Industrial plant" means any plant used for any industrial or trade use; and includes plant used for the generation of power or for the operation of ships, dredges, locomotives, cranes, or other machines:

"Licence" means a licence to carry on a scheduled process issued under this Act:

"Licensee" means a person who holds a licence which is for the time being in force and includes---

(a) Any other person appointed or authorised by or under any other enactment to administer the estate of any such person by reason of the death, incapacity, or insolvency of any such person:

(b) Where such person is a body corporate, a liquidator, receiver, or manager of the body corporate or of the property of the body corporate:

"Licensing authority" means---

(a) In the case of any scheduled process specified or described in Part A of the Second Schedule to this Act, the Director-General; and

(b) In the case of any other scheduled process, the local authority within whose district the process is carried on or is proposed to be carried on:

["Light smoke" means smoke that---

(a) Is, in the opinion of an officer, of such opacity as to obscure that officer's view to a degree that equals or exceeds 20 percent obscuration of transmitted light at the point of emission of the smoke but does not, in the opinion of that officer, equal or exceed 40 percent obscuration of transmitted light at that point; or

(b) Causes, when measured by photo-electric means, more than 20 percent obscuration but not more than 40 percent obscuration in the chimney or in the duct leading to the chimney; or

(c) Is ascertained by a prescribed method to be light smoke within the meaning of regulations made under this Act:]

"Local authority" means---

[(a) A territorial authority within the meaning of the Local Government Act 1974 to which the functions of any such authority under this Act have been assigned or delegated by or under any other enactment; and]

(b) In relation to any part of New Zealand which is within the jurisdiction of a Harbour Board constituted under the Harbours Act 1950, but is not within the jurisdiction of a local authority referred to in paragraph (a) of this definition, that Harbour Board:

"Minister" means the Minister of Health:

"Motor vehicle" has the same meaning as in the Transport Act 1962:

["Occupier" means, in relation to any premises, the person occupying the premises; and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of any business, school, industry, or other undertaking carried on on the premises:]

"Officer" means---

(a) The Director-General; and

(b) Any other person appointed pursuant to section 5 of this Act to be an officer for the purposes of this Act; and

(c) For the purposes of the application of this Act to motor vehicles, any traffic officer within the meaning of the Transport Act 1962:

"Planning approval" means any planning approval, consent, or decision required by [the Town and Country Planning Act 1977] or the regulations thereunder, or by a district planning scheme made operative pursuant to that Act and those regulations:

"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, and "practicable means" include the provision and maintenance of plant and the proper use thereof and the proper supervision of any operation connected therewith:

"Premises", where the word is not associated with the word "building", includes any building or part of a building:

"Prescribed" means prescribed by or under regulations made under this Act:

"Process" includes every part of a process from the receipt of raw material to the dispatch or use in another process or disposal of any product or waste material and any intervening storage of the raw material, partially processed material, or product:

"Prohibited fuel" means a fuel the use of which is prohibited by regulations under this Act or by an Order in Council under section 12 of this Act or by the terms of any licence granted under this Act:

"Scheduled premises" means any premises in or on which a scheduled process is or is proposed to be carried on:

"Scheduled process" means---

(a) Any process specified or described in Part A or Part B of the Second Schedule to this Act; and

(b) Any process specified or described in Part C of the Second Schedule to this Act in respect of which a licence is required by bylaws made pursuant to subsection (2) of section 24 of this Act:

"Ship" has the same meaning as in the Shipping and Seamen Act 1952:

["Smoke" means---

(a) Any product of combustion, complete or incomplete, other than water vapour; and

(b) Any fumes or other emission produced by chemical reaction,--- which is or could be visible in daylight or artificial light].

(2) If any process specified or described in Part B or Part C of the Second Schedule to this Act is included in, or carried on in the same premises in association with, any process specified or described in Part A of the said Schedule, the first-mentioned process shall, for the purposes of this Act, be deemed to be part of the second-mentioned process and not to be a process specified or described in the said Part B or Part C.

(3) Any reference in this Act to the occupier of a building or other premises shall, in relation to any building or premises different parts of which are occupied by different persons, be construed as a reference to the occupier or other person in control of the part of the building or premises in which the relevant fuel burning equipment is situated or the relevant process is carried on.

Cf. Clean Air Act 1963, s. 7(1) (Queensland); Clean Air Act 1956, s. 34 (1), (3) (U.K.); Smoke Restriction Regulations 1964, reg. 3

In subs. (1):

"Dense smoke": The definition of this term was substituted for the original definition (as amended by s. 2 (1) of the Clean Air Amendment Act 1982) by s. 2 (1) of the Clean Air Amendment Act 1986.

"Fuel burning equipment": The definition of this term was substituted for the original definition by s. 2 (2) of the Clean Air Amendment Act 1982.

"Light smoke": The definition of this term was substituted for the original definition (as amended by s. 2 (3) of the Clean Air Amendment Act 1982) by s. 2 (2) of the Clean Air Amendment Act 1986.

"Local authority": In the definition of this term para. (a) was substituted for the original para. (a) by s. 8 (3) of the Local Government Amendment Act 1979.

"Occupier": The definition of this term was inserted by s. 2 (4) of the Clean Air Amendment Act 1982.

"Planning approval": In the definition of this term the Town and Country Planning Act 1977, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Town and Country Planning Act 1953.

"Smoke": The definition of this term was substituted for the original definition by s. 2 (5) of the Clean Air Amendment Act 1982.

3. Amendment of First and Second Schedules---The Governor-General may from time to time, by Order in Council published in the Gazette, add to or omit from the First or Second Schedules to this Act, as the case may require, any substance or process specified or described in the Order, or otherwise amend either of those Schedules, and every such Order in Council shall have effect according to its tenor.

Cf. 1969, No. 7, s. 45; Clean Air Act 1963, s. 7 (2) (Queensland)

4. Delegation of powers by Director-General---(1) The Director-General may from time to time, by writing under his hand, either generally or particularly, delegate to such person or persons employed in the Department of Health, as he thinks fit, all or any of the powers exercisable by him under this Act, including any power exercisable by him as an officer within the definition of that word in subsection (1) of section 2 of this Act.

(2) Subject to subsection (7) of this section, and to any general or special conditions attached by the Director-General, the person to whom any power is delegated under this section may exercise that power in the same manner and with the same effect as if it had been conferred on him directly by this Act and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation until the contrary is proved.

(4) Any delegation under this section may be made to a specified person or to persons belonging to a specified class or to the holder or holders for the time being of a specified office or class of office.

(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Director-General.

(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding that the Director-General by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Director-General.

(7) Every person to whom any power is delegated under this section shall exercise that power subject to the control and direction of the Director-General and of any other person superior to that person in the Department of Health to whom the like power has been delegated. Without prejudice to any other power conferred on the Director-General by this Act, the Director-General or that other person may, before a decision of the first-mentioned person has been acted on, vary or reverse that decision, and in that event the decision of the Director-General or other person, as the case may require, shall be substituted for the decision so varied or reversed, and the date on which it takes effect shall be the effective date for the purpose of any computation of time under this Act.

Cf. 1965, No. 23, s. 4

5. Appointment of officers---(1) Subject to subsections (3) and (4) of this section, there shall from time to time be appointed under [the State Sector Act 1988] such officers as may be required for the purposes of this Act, other than the performance of the functions of a local authority under this Act.

(2) Subject as aforesaid, a local authority may from time to time appoint officers for the purposes of this Act so far as those purposes relate to functions conferred on a local authority by this Act.

(3) No person shall be appointed to be an officer under subsection (1) or subsection (2) of this section unless---

(a) He has completed such course of training and instruction as the Director-General may require to be completed for this purpose; or

(b) In the opinion of the Director-General he already possesses qualifications which render such course of training and instruction unnecessary in his case.

(4) Notwithstanding anything in subsection (1) or subsection (2) of this section, any local authority may with the approval of the Director-General, instead of appointing an officer under subsection (2) of this section, pay into [the Consolidated Account] from time to time such sums as may be agreed on between the Director-General and the local authority towards the salary and expenses of an officer appointed under subsection (1) of this section, and in any such case the powers, functions, and duties of an officer appointed by the local authority shall be exercised and performed by such officer appointed under [the State Sector Act 1988] as for the time being is authorised in that behalf by the Director-General.

Cf. 1956, No. 65, ss. 28 (5), 114 (1); Smoke Restriction Regulations 1964, reg. 4

In subss. (1) and (4) the reference to the State Sector Act 1988 was substituted for a reference to the State Services Act 1962 by s. 90 (a) of the State Sector Act 1988.

In subs. (4) the reference to the Consolidated Account was substituted for a reference to the Consolidated Revenue Account by s. 114 (6) of the Public Finance Act 1977.

6. Clean Air Council---(1) There shall be a Council to be known as the Clean Air Council.

(2) The principal functions of the Council shall be---

(a) To make recommendations to the Minister on such matters relating to the prevention and control of air pollution, and on such questions relating to the administration of this Act or to the scope and content of any regulations proposed to be made under this Act, as it thinks fit; and

(b) To make recommendations to the Minister on such matters relating to the performance of the functions conferred on him by this Act as may be referred to it by the Minister.

(3) Subject to the general direction and control of the Minister, the Council shall also have the following functions:

(a) To advise the Director-General on the exercise of any powers conferred on him by this Act:

(b) To advise local authorities on the discharge of their functions under this Act:

(c) To co-ordinate the activities of local authorities with the activities of voluntary associations and of the Department of Health in relation to the prevention and control of air pollution:

(d) To promote researches, investigations, and evaluation of equipment in relation to the prevention and control of air pollution:

(e) To publish reports, information, and advice concerning the prevention and control of air pollution:

(f) To receive and consider suggestions, complaints, and representations from any person and to take such action (if any) thereon, within the scope of its functions, as it thinks fit.

(4) The Council shall have such other functions as are imposed on it by this Act or by any other enactment.

(5) The provisions of the Third Schedule to this Act shall have effect as to the constitution and proceedings of the Council and other matters relating to the Council.

Control of Air Pollution Generally

[7. General obligation of occupiers of premises---(1) It shall be the duty of the occupier of any premises to adopt the best practicable means---

(a) To collect and contain any air pollutant and to minimise, by the selection of the most appropriate process equipment, process control equipment, methods of control or otherwise, the emission of air pollutants from those premises; and

(b) To render any air pollutant emitted from those premises harmless and inoffensive.

(2) Subject to the provisions of this Act, every person commits an offence who, being an occupier of any premises,---

(a) Contravenes any provision of subsection (1) of this section; or

(b) Fails to maintain any fuel burning equipment [[or any control equipment]] installed in or on the premises in an efficient condition; or

(c) Fails to operate all such equipment in a proper and efficient manner.

(3) In any proceedings for an offence in respect of the emission of air pollutants contrary to subsection (1) of this section it shall be a defence to prove that the air pollutants emitted were air pollutants for which a standard of concentration or rate of emission has been prescribed under section 55 of this Act and that---

(a) That standard or rate had not been exceeded; or

(b) The emission was within the terms of an exemption granted under section 8 (3) or section 10 (4) of this Act.]

This section was substituted for the original s. 7 (as amended by s. 3 of the Clean Air Amendment Act 1982) by s. 3 (1) of the Clean Air Amendment Act 1986.

In subs. (2) (b) the words in double square brackets were inserted by s. 2 of the Clean Air Amendment Act 1987.

[7A. Strict liability---(1) In any prosecution for an offence against this Act or against any regulation made under this Act it shall not be necessary for the prosecution to prove that the defendant intended to commit an offence.

(2) Subject to subsection (3) of this section, it shall be a good defence to any such prosecution if the defendant proves---

(a) That the contravention complained of was solely due to a mechanical failure; and

(b) That either---

(i) The failure could not reasonably have been foreseen; or

(ii) In any other case, the failure could not reasonably have been provided against; and

(c) That the contravention could not reasonably have been prevented by action taken after the failure occurred.

(3) Except as provided in subsection (4) of this section, subsection (2) of this section shall not apply unless, within 7 days after the service of the summons or within such further time as the Court may allow, the defendant has delivered to the prosecutor a written notice---

- (a) Stating that he intends to rely on subsection (2) of this section; and
- (b) Specifying the facts that support his reliance on subsection (2) of this section.

(4) In any prosecution as aforesaid evidence of facts not specified in the written notice required by subsection (3) of this section shall not, except with the leave of the Court, be admissible for the purpose of supporting a defence under subsection (2) of this section.]

This section was inserted by s. 4 of the Clean Air Amendment Act 1982.

8. Prescribed standards of air pollutants not to be exceeded---(1) The occupier of any premises shall not, unless exempted from the provisions of this section, conduct any trade, industry, or process, or operate any fuel burning equipment or industrial plant, in such a manner as to cause or permit the emission of air pollutants in excess of the standard of concentration, or rate, or rate at the height, of emission, prescribed in respect of such trade, industry, process, fuel burning equipment, or industrial plant.

(2) For the purposes of subsection (1) of this section, air pollutants shall, until the contrary is proved, be presumed to have been emitted at the standard of concentration or the rate of emission ascertained at the most practicable point of measurement, whether that point is inside or outside the premises.

(3) The Director-General may, in special circumstances, after consulting the local authority within whose district the premises are situated, exempt any person from the provisions of subsection (1) of this section, subject to any conditions that he may see fit to impose, and may, after the like consultation, at any time revoke such exemption or from time to time vary any such condition or add or delete any condition.

(4) As soon as practicable after acting pursuant to subsection (3) of this section the Director-General shall notify the local authority within whose district the exemption applies or applied of the particulars of such action.

(5) Subject to the provisions of this Act, every person who contravenes subsection (1) of this section, or who fails to comply with any condition imposed under subsection (3) of this section, commits an offence.

9. Powers of control---(1) Without prejudice to the powers conferred on a local authority by this Act or any other enactment, where any air pollutants are being or are likely to be emitted from any industrial or trade premises the Director-General may, after consultation with the local authority within whose district the premises are situated, from time to time by notice in writing require the occupier of the premises, if, in the opinion of the Director-General he has not taken the best practicable means to prevent or minimise the emission of air pollutants or any class of air pollutants from the premises, to---

(a) Restrict the emission of air pollutants or any specified class of air pollutants from the premises to a specified maximum concentration, or specified rate, or specified rate at a specified height:

(b) Install and operate control equipment, or additional control equipment, in or on the premises:

(c) Repair, alter, or replace any fuel burning equipment or control equipment installed in or on the premises:

(d) Erect or alter the height of any chimney through which air pollutants may be discharged from the premises---

within such time and in such manner as may be specified in the notice.

(2) The Director-General may from time to time by notice in writing require the occupier of any industrial or trade premises, to operate, in accordance with the directions contained in the notice, any control equipment in or on the premises.

(3) Every occupier of premises who contravenes or fails to comply with any notice under this section commits an offence.

Cf. Clean Air Act 1963, ss. 28, 32 (Queensland)

10. Prohibition on emission of dense smoke---(1) Subject to the provisions of this Act, if on any day dense smoke is emitted from---

- (a) Any fuel burning equipment in or on premises comprising buildings other than a dwelling; or
- (b) Any premises on which open burning without fuel burning equipment is carried out---

the occupier of the premises commits an offence.]

(2) Without limiting the power to make regulations conferred by section 55 of this Act, regulations may be made under that section---

(a) Prescribing a minimum period of observation for the purposes of subsection (1) of this section, or different minimum periods in respect of different cases or classes of cases:

(b) Exempting from subsection (1) of this section emissions of dense smoke from any fuel burning equipment if the emissions last for not longer than such periods as may be prescribed in such classes of cases and subject to such conditions and limitations, if any, as may be prescribed:

(c) Exempting from subsection (1) of this section, subject to such conditions and limitations, if any, as may be prescribed, the emission of dense smoke caused by the burning of any prescribed matter.

(3) Except as may be provided in any regulations made under this Act, no proceedings shall be instituted for an offence against this section until regulations have been made pursuant to paragraph (a) of subsection (2) of this section or if the period during which the dense smoke was observed to be emitted was less than the minimum period or appropriate minimum period, as the case may require, prescribed in any such regulations.

(4) If a licensing authority is satisfied that, by reason of the location of any scheduled premises or the nature of any scheduled process, it is unreasonable or impracticable to require compliance with subsection (1) of this section, the Director-General, after consultation with the local authority within whose district the scheduled premises are situated, in the case of a process specified or described in Part A of the Second Schedule to this Act, or such local authority, with the concurrence of the Director-General, in the case of any other scheduled process, may, by endorsement on the material licence, exempt the occupier of the scheduled premises from the application of that subsection [in respect of any process or any part of any process], and in that event that subsection shall not apply to that occupier [in respect of that process or that part of a process] in relation to the carrying on of that process in those premises, so long as he or it complies with all the conditions imposed on that licence.

Cf. Clean Air Act 1956, s. 1 (1), (2) (U.K.); Clean Air Act 1968, s. 1 (U.K.)

Subs. (1) was substituted for the former subs. (1) (as substituted by s. 5 (1) of the Clean Air Amendment Act 1982) by s. 4 (1) of the Clean Air Amendment Act 1986.

In subs. (4) the words in the first and second sets of square brackets were respectively inserted by s. 5 (2) (a) and (b) of the Clean Air Amendment Act 1982.

As to motor vehicles, see s. 19 (4) of this Act. See S.R. 1975/52.

11. Repealed by s. 6 of the Clean Air Amendment Act 1982.

Clean Air Zones

12. Creation of clean air zones---(1) Subject to the provisions of this section, the Governor-General may, by Order in Council, on the application of a local authority, declare the whole or any part of the district of the local authority to be a clean air zone.

(2) Any proposal for the creation of a clean air zone shall be initiated by a recommendation embodied in a resolution of the local authority, after taking into account the provisions of sections 13 to [17] of this Act, transmitted to the Minister.

(3) After transmitting a recommendation under subsection (2) of this section the local authority shall publish in the Gazette, and once at least in each of 3 successive weeks in some newspaper circulating in the area to which the recommendation relates, a notice---

- (a) Stating that the recommendation has been made and its general effect; and

(b) Specifying a place in the district of the local authority where a copy of the recommendation and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable times during a period of not less than 6 weeks from the date of the last publication of the notice; and

(c) Stating that within the said period any person who will be affected by the implementation of the recommendation may, by notice in writing to the Minister and supplying a copy of the notice to the local authority, object to the recommendation.

(4) If no objection is duly made to the Minister within the period referred to in subsection (3) of this section, or if every objection so made is withdrawn, the Minister may, if he thinks fit, refer the recommendation, either with or without modifications, to the Governor-General for the purposes of subsection (1) of this section, and in any other case he shall, before so referring the recommendation to the Governor-General, afford to any person by whom an objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by him for the purpose, and, after considering the objection and the report of the person so appointed, may refer the recommendation to the Governor-General with or without modifications:

Provided that no modification shall be made in respect of the substance of any such recommendation without prior consultation with the local authority.

[(5) The person appointed by the Minister under subsection (4) of this section for the purpose of hearing an objection is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951, and there may be paid to that person remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance with that Act, and the provisions of that Act shall apply accordingly.]

Cf. Clean Air Act 1956, s. 11 (1), First Schedule, paras. 2-4 (U.K.); Clean Air Act 1968, s. 10 (4) (U.K.)

In subs. (2) the expression "17" was substituted for the expression "19" by s. 7 (1) of the Clean Air Amendment Act 1982.

Subs. (5) was added by s. 7 (2) of the Clean Air Amendment Act 1982.

See S.R. 1977/172.

13. Orders in Council---(1) An Order in Council made under section 12 of this Act shall come into operation on such date, being a date on or after the 1st day of April 1975, as may be specified or described therein:

Provided that the Minister may, on the request of the local authority which transmitted the recommendation, by notice in the Gazette postpone the operation of the Order, and in that event the Order shall, unless the operation thereof is again postponed under this proviso, come into operation on the date specified in the notice.

(2) An Order in Council made under section 12 of this Act may be revoked or varied by a subsequent Order in Council made in accordance with the provisions of that section and, in the case of any such variation, references in this Act to an Order in Council made under section 12 of this Act shall, unless the context otherwise requires, be deemed to be references to the original Order in Council as so varied.

[(3) Any Order in Council made under section 12 of this Act may---

(a) Make different provision for different parts of, or different classes of premises in, the clean air zone:

(b) Authorise or prohibit the use in the clean air zone of any specified class of fuel or prohibit or restrict the use of any fuel the use of which is not so authorised:

(c) Authorise or prohibit the [[installation or]] use in the clean air zone of any specified class of fuel burning equipment, or prohibit or restrict the [[installation or]] use in the clean air zone of any fuel burning equipment the [[installation or]] use of which is not so authorised:

(d) Prescribe the manner of installation, maintenance, or operation of any specified class of fuel burning equipment in the clean air zone:

(e) Limit the application of any of the provisions of sections 15 and 16 of this Act, either generally or for a specified period or until a specified date, to specified classes of premises, buildings, operations, fuel burning equipment, or industrial plant, in the clean air zone:

(f) Exempt, either generally or for a specified period, or until a specified date, specified premises, buildings, operations, fuel burning equipment, or industrial plant, or specified classes of premises, buildings, operations, fuel burning equipment, or industrial plant, in the clean air zone from the application of any of the provisions of sections 15 and 16 of this Act, upon such conditions, if any, as may be prescribed in the Order.]

[(3A) Any Order in Council made under section 12 of this Act, and containing any provision to which subsection (3) of this section applies, may---

(a) Attach conditions to that provision:

(b) Delegate to the Minister (to be exercised by him by notice in the Gazette after consultation with the local authority) all or any of the powers conferred by paragraphs (b) and (c) of subsection (3) of this section (including the powers conferred by paragraph (a) of this subsection) and either provide that the powers so delegated shall be exercised in the manner prescribed in the Order or provide that they shall be exercised in such manner as the Minister thinks fit.]

(4) Any Order in Council made under section 12 of this Act may contain provisions which vary or modify, whether by addition, omission or otherwise, the terms of the recommendation on which it is based.

(5) As soon as practicable after the making of an Order in Council under section 12 of this Act, the local authority shall take such steps as appear to it suitable for bringing the effect of the Order to the attention of persons affected.

Cf. Clean Air Act 1956, s. 11 (1), (3), (5), (9), First Schedule, para. 6 (U.K.); Clean Air Act 1968, s. 10 (1) (U.K.)

Subs. (3) was substituted for the original subs. (3) by s. 8 (1) of the Clean Air Amendment Act 1982.

In subs. (3) (c) the words in double square brackets were inserted, in 3 places, by s. 5 of the Clean Air Amendment Act 1986.

Subs. (3A) was inserted by s. 8 (2) of the Clean Air Amendment Act 1982.

See S.R. 1977/172.

14. Power of Council to recommend creation of clean air zones---(1) Notwithstanding anything in sections 12 and 13 of this Act, if, after consultation with a local authority, the Council is satisfied that it is expedient to abate air pollution in the district or part of the district of that local authority, and that local authority has not exercised, or has not sufficiently exercised, its powers under section 12 of this Act, the Council may direct the local authority to prepare and submit to it for its approval, within such period, not being less than 6 months from the date of the direction, as may be specified in the direction, proposals for making a recommendation under that section.

(2) Any proposals made by a local authority pursuant to a direction under subsection (1) of this section may be varied by further proposals made by the local authority within the period specified for the making of the original proposals or such longer period as the Council may allow.

(3) The Council may reject any proposals submitted to it under this section or may approve them in whole or in part, with or without modification.

(4) Where a local authority to which a direction has been given under subsection (1) of this section fails to submit proposals to the Council within the period specified in the direction or where any proposals so submitted are rejected in whole or in part, or where proposals so submitted have been approved by the Council and the local authority fails to transmit a recommendation, substantially conforming with those proposals, under subsection (2) of section 12 of this Act within 6 months following the receipt of such proposals, the Council may transmit a recommendation to the Minister under that subsection pursuant to a resolution of the Council.

(5) Where a recommendation has been transmitted to the Minister pursuant to subsection (4) of this section, subsections (3) and (4) of section 12 of this Act shall apply as if the Council were the local authority for the area to which the recommendation relates.

(6) All expenses incurred by the Council under subsection (4) or subsection (5) of this section, including reasonable costs in respect of administration, shall be recoverable from the local authority as a debt due to the Crown or may be deducted from any money payable by the Crown to the local authority.
Cf. Clean Air Act 1968, s. 8 (1)-(4) (U.K.); 1956, No. 65, s. 123 (6)

15. Application of certain provisions of this Act to domestic premises in clean air zone---Subject to any exceptions and limitations for the time being in force under this Act, subsection (2) of section 7, and sections 9 and 10, of this Act shall apply in respect of all premises in a clean air zone, and in respect of the emission of air pollutants therefrom, whether or not the premises are industrial or trade premises.

See S.R. 1977/172

16. Prohibition on emission of light smoke in clean air zone---(1) Subject to any exceptions and limitations for the time being in force under this Act, if, on any day, light smoke is emitted from any premises within a clean air zone the occupier of those premises commits an offence.

(2) Subsections (2) and (3) of section 10 of this Act shall apply in relation to the emission of light smoke in a clean air zone as if for the references to dense smoke in those subsections there were substituted references to light smoke.

(3) Without limiting the application of section 51 of this Act, in any proceedings for an offence against this section, it shall be a defence to prove that the emission of light smoke was not caused otherwise than by the use of an authorised fuel in fuel burning equipment the use of which is authorised, or not prohibited, as the case may require, by the Order in Council establishing the clean air zone operated in a manner so authorised or not so prohibited.

(4) Nothing in this section shall affect or derogate from any prohibition, restriction, or requirement imposed by or under any other provision of this Act.

Cf. Clean Air Act 1956, s. 11 (2), (4), (10) (U.K.)

See S.R. 1975/52 and S.R. 1977/172

17. Acquisition and sale of unauthorised fuel in clean air zone---(1) Any person who---

(a) Acquires any fuel, other than an authorised fuel, for use in any premises in a clean air zone otherwise than in premises or fuel burning equipment, or in a building or an industrial plant, exempted from the application of section 16 of this Act; or

[(b) Sells any fuel, other than an authorised fuel, for delivery by that person or on that person's behalf to any premises in a clean air zone, other than scheduled premises---]

commits an offence.

(2) Subsection (1) of this section shall, in its application to a clean air zone in which the application of section 16 of this Act is limited by the Order in Council establishing the clean air zone to specified classes of premises, buildings, fuel burning equipment, or industrial plant, have effect as if references therein to premises were references to premises, or to premises containing a building, fuel burning equipment, or an industrial plant, as the case may require, specified in the Order.

(3) A person shall not be convicted of an offence against this section consisting of the sale of fuel for delivery to premises if he proves that he believed and had reasonable grounds for believing---

(a) That the premises were exempted from the operation of section 16 of this Act, or, in a case where the operation of the section is limited to specified classes of premises, were not of a specified class; or

(b) That the fuel was acquired for use in a building, fuel burning equipment, or an industrial plant, so exempted, or, in a case where the operation of that section is limited to specified classes of buildings, fuel burning equipment, or industrial plant, in a building, fuel burning equipment, or an industrial plant not of a specified class.

Cf. Clean Air Act 1968, s. 9 (1)-(3), (5) (U.K.)

In subs. (1), para. (b) was substituted for the original para. (b) by s. 6 of the Clean Air Amendment Act 1986.

18. Power of Minister to relax restrictions---(1) If at any time it appears to the Minister necessary or expedient so to do, he may by notice in the Gazette suspend or relax the operation of section 16 or section 17 of this Act in relation to the whole or part of a clean air zone:

Provided that before acting under this subsection the Minister shall consult with the local authority for the district containing the clean air zone, unless he is satisfied that, on account of urgency, such consultation is impracticable.

(2) Any notice under subsection (1) of this section may be revoked or varied by a like notice and the proviso to that subsection shall apply to any such revocation or variation.

[(3) Within 14 days after the publication in the Gazette of a notice under subsection (1) of this section, the local authority for the district containing the clean air zone---

(a) Shall, by newspaper, by radio or television broadcasting, or otherwise, give notice within the clean air zone of the effect of the notice in the Gazette; and

(b) Take such other steps as appear to it to be suitable for bringing the effect of the notice to the attention of persons affected.]

Cf. Clean Air Act 1956, s. 11 (7)-(9) (U.K.); Clean Air Act 1968, s. 9 (4) (U.K.)

Subs. (3) was substituted for the original subs. (3) by s. 9 of the Clean Air Amendment Act 1982.

[18A. Subsidies to local authorities where clean air zones are established---(1) Where a clean air zone has been created in respect of the whole or any part of the district of a local authority, the Minister may, out of money appropriated by Parliament for the purpose, make financial grants or loans or pay subsidies, to the local authority, in accordance with any scheme established by the local authority and approved by the Minister for the purpose of limiting the emission of air pollutants from premises in that zone.

(2) Grants, loans, or subsidies may be made or paid under subsection (1) of this section only where the scheme is---

(a) For the purpose of assisting any person to meet the costs of complying with the provisions of the Order in Council by which the clean air zone was created or with any requirement of the Minister exercised pursuant to a delegation under section 13 (3A) (b) of this Act; or

(b) For the purpose of assisting any person to install or purchase for use in or on premises in the clean air zone any heating appliance to which the scheme relates (being a heating appliance which is a type of fuel burning equipment authorised under section 13 (3) (b) of this Act for use in the clean air zone or which uses electricity or solar radiation or both).]

This section was inserted by s. 10 of the Clean Air Amendment Act 1982.

Special Cases

19. Locomotive engines, aircraft, hovercraft, and motor vehicles---(1) In this section the term "locomotive engine" does not include any engine being or containing fuel burning equipment or industrial plant if that engine is attached to a building or is for the time being fixed to or installed on any land.

(2) Sections [7,] 10, 21, 42, 43, and 44 to 52 of this Act shall so far as applicable apply in relation to locomotive engines, aircraft, hovercraft, and motor vehicles as they apply in relation to industrial or trade premises, but as if for the references to the occupier of the premises there were substituted references to the owner of the engine, aircraft, hovercraft, or vehicle.

(3) No prosecution for an offence against section 10 of this Act arising from the emission of dense smoke from the engine of a motor vehicle on any road within the meaning of the Transport Act 1962 or on any motorway within the meaning of [the Public Works Act 1981] shall be commenced except by a traffic officer within the meaning of the first-mentioned Act.

(4) Section 10 of this Act shall be read, in respect of the emission of dense smoke from the engine of a motor vehicle, subject to any regulations made under this Act or the Transport Act 1962 relating to such emission.

(5) Without limiting the power to make regulations conferred by section 55 of this Act, regulations may be made under that section---

(a) Requiring the owner or user of any locomotive engine, aircraft, hovercraft, or motor vehicle, and any person who supplies, maintains, adjusts, modifies, or repairs any internal or external combustion engine forming part or intended to form part of any such locomotive engine, aircraft, hovercraft, or motor vehicle, to use such means as may be prescribed to minimise the emission of air pollutants from the locomotive engine, aircraft, hovercraft, or motor vehicle:

(b) Requiring modifications in any such internal or external combustion engine, limiting the use of fuel in any such engine, and requiring the installation of control equipment for any such engine:

(c) Authorising, prohibiting, or regulating the use of specified fuels or specified classes of fuels in any such internal or external combustion engine, and the addition of specified substances or specified classes of substances to any fuel or specified classes of fuels offered or intended to be offered for sale for use in any such engine:

(d) Prescribing standards of concentration or rates of emission of air pollutants from any locomotive engine, aircraft, hovercraft, or motor vehicle, prohibiting any emission in excess of those standards, and prescribing tests for the purposes of any such regulations, the methods of making such tests, the frequency of any such tests, and the occasions on which any such tests shall be made.

(6) Except as provided in this section, and in sections 22 and 55 of this Act, nothing in this Act applies to the emission of air pollutants from any locomotive engine, aircraft, hovercraft, or motor vehicle.

(7) Nothing in this Act shall derogate from or otherwise affect any provision of the Civil Aviation Act 1964, the Transport Act 1962, or the Hovercraft Act 1971 or of any regulation, order, or requirement made or imposed under any of those Acts.
Cf. Clean Air Act 1956, s. 19 (U.K.)

In subs. (2) the expression "7," was inserted by s. 11 of the Clean Air Amendment Act 1982.

In subs. (3) the Public Works Act 1981, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Public Works Amendment Act 1947.

20. Ships---(1) Sections 7 to 11, [21,] and 33 to 52, of this Act shall, so far as applicable, apply in relation to ships as they apply in relation to industrial or trade premises, but as if for the references to the occupier of the premises there were substituted references to the owner of, and to the master or other officer or person in charge of, the ship.

(2) For the purposes of this Act, a ship in any waters which are not within the district of any local authority shall be deemed to be within the district of the local authority whose district includes that point on land which is nearest to the spot where the ship is.

(3) For the purposes of this section, "owner",---

(a) In any case where, by virtue of any charter or demise, or for any other reason, the owner is not responsible for the navigation and management of the ship, means the charterer or other person so responsible:

(b) In any case where the true owner, or the person who is the owner for the purposes of this section by virtue of paragraph (a) of this subsection, as the case may require, is not resident in New Zealand, includes a person who in New Zealand acts as the agent of the owner.

(4) Except as provided in this section, and in sections 22 and 55 of this Act, nothing in this Act applies to the emission of air pollutants from any ship.
Cf. Clean Air Act 1956, s. 20 (U.K.)

In subs. (1) the expression "21," was inserted by s. 12 of the Clean Air Amendment Act 1982.

21. Exemption for purposes of investigations and research---(1) If the Director-General is satisfied, on the application of any person interested, that it is expedient so to do for the purpose of enabling investigations or research relevant to the problem of air pollution to be carried out without rendering the applicant liable to proceedings brought under or by virtue of any of the provisions of this Act, he may, after consultation with the local authority within whose district the premises, fuel burning equipment, industrial plant, or chimney, are or is situated or the fuel is intended to be used, acquired, or sold, by notice in writing given to the applicant exempt, wholly or to a limited extent, any premises, fuel burning equipment, industrial plant, or chimney, or the use, acquisition, or sale of any fuel, specified in the notice, from the application of any provision of this Act, or of any regulations made under this Act, as may be so specified, subject to such conditions, if any, and for such period, as may be so specified.

(2) The Director-General may, if he thinks fit, refer any application under this section to the Council for its advice and recommendation thereon.

(3) Any exemption under this section shall have effect according to its tenor.

(4) The Director-General may at any time revoke any exemption under this section or from time to time vary any condition of that exemption or add or delete any condition.

(5) Notwithstanding anything in subsection (2) of section 19 of this Act, the Director-General shall not---

(a) Exercise any power conferred on him by subsection (1) of this section, in relation to a locomotive engine under the control of the Crown without the concurrence of the General Manager of Railways, or, in relation to any other locomotive engine, or any aircraft, hovercraft, or motor vehicle, without the concurrence of the Secretary for Transport:

(b) Be required to consult with any local authority in respect of any application under subsection (1) of this section which relates to a locomotive engine, aircraft, hovercraft, or motor vehicle unless the locomotive engine, aircraft, hovercraft, or motor vehicle is to be used exclusively within the district of that local authority.

Cf. Clean Air Act 1956, s. 21 (1) (U.K.); Clean Air Act 1968, Schedule I, para. 6 (U.K.)

In subs. (5) (a), as to the General Manager of Railways, see s. 2(1) of the New Zealand Railways Corporation Act 1981.

22. Crown property---(1) Subject to the provisions of this section, this Act shall bind the Crown.

(2) Where any premises are, or any fuel burning equipment, industrial plant, locomotive engine, aircraft, hovercraft, motor vehicle, or ship is, under the control of a Government Department which, or the [chief executive] of which, is a statutory corporation, or are or is being used by that Department for the service of the Crown or for any of the purposes of that Department, that corporation shall, for the purposes of this Act, be deemed to be the occupier of those premises, or in possession of that equipment or plant, or the owner or user of that engine, aircraft, hovercraft, vehicle, or ship, as the case may require.

(3) Section 20 of this Act shall, with the omission, except in a case to which subsection (4) of this section applies, of the reference in subsection (1) to the owner, apply to ships owned, within the meaning of that section, by the Crown:

Provided that it shall not apply to ships forming part of the New Zealand Naval Forces.

(4) The fact that there subsists in any premises, fuel burning equipment, industrial plant, locomotive engine, aircraft, hovercraft, motor vehicle, or ship, an interest belonging to Her Majesty in right of the Crown, or belonging to a Government Department or held in trust for Her Majesty for the purposes of a Government Department, shall not affect the application of this Act to those premises, or to that equipment, plant, engine, aircraft, hovercraft, vehicle, or ship, so long as that interest is not the interest of the occupier of the premises, or of the person in possession of the equipment or plant, or of the owner or user of the engine, aircraft, hovercraft, vehicle, or ship, as the case may require, and this Act shall have effect accordingly in

relation to the premises, equipment, plant, engine, aircraft, hovercraft, vehicle, or ship and those interests and all other interests therein.

(5) Except for the purposes of subsections (2) to (4) of this section, sections 50 and 52 of this Act shall not bind the Crown.

(6) It shall be a function of the Director-General and of the Council and of any local authority, in cases where it seems proper to him or it so to do, to report to the [chief executive] of a Government Department any contravention of this Act appearing to arise from or in relation to any premises, fuel burning equipment, industrial plant, locomotive engine, aircraft, hovercraft, motor vehicle, or ship which is under the control of that Department or is being used by that Department for the service of the Crown or for any of the purposes of that Department.

(7) Without prejudice to any other provision of this Act, on receiving a report under subsection (6) of this section, the [chief executive] shall, subject to the control and direction of the responsible Minister, enquire into the circumstances, and, if his enquiry reveals that a contravention of this Act has occurred as alleged in the report, and is continuing or likely to recur, he shall employ the best practicable means to terminate that contravention or avoid that recurrence.

(8) This Act shall have effect in relation to premises occupied for the service of a visiting force, within the meaning of the Crown Proceedings Act 1950, as if the premises were premises occupied for the service of the Crown in right of New Zealand and were under the control of the Government Department by arrangement with which the premises are occupied.

(9) For the purposes of this section, "Government Department" includes every instrument of the Executive Government of New Zealand, and ["chief executive"] includes the principal officer of any such instrument.

Cf. Clean Air Act 1956, s. 22 (U.K.); Clean Air Act 1963, s. 39 (5) (Queensland)

In subss. (2), (6), (7), and (9) the reference to a "chief executive" was substituted for a reference to a "permanent head" by s. 90 (d) of the State Sector Act 1988.

Scheduled Processes

23. Scheduled process to be licensed---(1) Every person who, on or after the 1st day of April 1974, carries on a scheduled process in or on any premises commits an offence unless he is for the time being licensed under this Act to carry on that process in or on those premises.

(2) Every application for a licence shall be made to the local authority within whose district the scheduled process is proposed to be carried on.

(3) If the application relates to a process specified or described in Part A of the Second Schedule to this Act the local authority shall transmit it to the Director-General together with such comments, if any, as it sees fit to make.

[(4) Every application for a licence shall be accompanied by the scheduled process fee that will be payable under section 25A (1) of this Act if the application is granted, which fee, notwithstanding anything in section 25A of this Act, shall be refunded to the applicant if the application is refused or withdrawn.]

(5) Repealed by s. 13 of the Clean Air Amendment Act 1982.

(6) Every applicant for a licence shall furnish such information and particulars as may be prescribed or as the licensing authority may in any particular case require.

(7) A licensing authority may, if he or it thinks fit, refer any application for a licence to the Council for its advice and recommendation thereon.

(8) An application for a licence may be withdrawn at any time.

(9) Nothing in this section shall apply in respect of any crematorium established in accordance with the provisions of the Burial and Cremation Act 1964 or of any corresponding provisions of any former enactment.

Cf. Clean Air Act 1963, ss. 18, 19 (1) (Queensland); 1956, No. 65, s. 54 (3), (7); 1960, No. 96, s. 5 (2)

Subs. (4) was substituted for the original subss. (4) and (5) by s. 13 of the Clean Air Amendment Act 1982. See S.R. 1973/303.

24. Establishment and licensing of Part C processes---(1) No person shall, without the consent of the local authority within the district of which the process is proposed to be carried on, establish or extend any process specified or described in Part C of the Second Schedule to this Act until one month has expired from the date on which he first informed the local authority in writing of his intention to establish or extend that process and he has supplied the local authority with any information that it may require within that period to be supplied to it pursuant to section 42 of this Act.

(2) Without prejudice to the powers conferred on a local authority by any other enactment, a local authority may make bylaws requiring any process specified or described in Part C of the Second Schedule to this Act, subject to any exemptions that may be prescribed in the bylaws, to be licensed pursuant to this Act.

(3) Any bylaw made under subsection (2) of this section may provide that any licence or class or licences issued thereunder shall continue in force for an indefinite period, or for such period as may be specified or described in the bylaw, and, in either of these events, that provision shall have effect in accordance with its tenor notwithstanding anything in section 25 or section 28 of this Act.

25. Licences---(1) Subject to sections 26 and 29 of this Act, on compliance by an applicant for a licence with section 23 of this Act, and after such consultations with the Council and other licensing authorities as the licensing authority sees fit to undertake for the purpose of determining the conditions to be imposed on the licence, the licensing authority shall issue a licence to the applicant.

(2) Subject to section 28 of this Act, every licence shall be personal to the licensee to whom or which it is issued.

[(3) Every licence shall specify the period for which it is issued and, unless it is cancelled or surrendered in accordance with this Act, shall continue in force until the end of that period.]

(4) Every licence shall contain the name of the person to whom it is issued and shall specify or describe the scheduled process and the scheduled premises to which it relates.

(5) A licence may be expressed, at the discretion of the licensing authority, to apply to 2 or more scheduled processes carried on in or on the same premises, or to 2 or more different premises in or on which substantially the same scheduled process is carried on, or to one or more industrial plants in which the same process is carried on.

(6) As soon as practicable after the issue of a licence by the Director-General, he shall transmit a copy thereof to the local authority within whose district the scheduled process is proposed to be carried on, and, as soon as practicable after the issue of a licence by a local authority, it shall transmit a copy thereof to the Director-General.

[(7) Any licensee may at any time surrender his licence by notice in writing addressed to the licensing authority.]

Subs. (3) was substituted for the original subs. (3) by s. 14 (1) of the Clean Air Amendment Act 1982.

Subs. (7) was added by s. 14 (2) of the Clean Air Amendment Act 1982.

[25A. Licence fees---(1) On the grant of a licence a fee to be known as a scheduled process fee, of such amount as shall be prescribed, shall be payable by the licensee:

Provided that if the licence is granted after the 30th day of April in any year the prescribed licence fee shall be reduced by one-twelfth for every complete month between the date of the grant of the licence and the 31st day of March last preceding that date.

[[(2) A licensee shall, in the month of March in each year, pay to the licensing authority a fee in respect of the continuance of the licence, which fee shall be known as a scheduled process fee and shall be of such amount as shall be prescribed.]]

(3) Where a licence expires at any time before the 1st day of March in any year, there shall, notwithstanding anything in subsection (4) of this section, be refundable to the person who held the licence the amount of the scheduled process fee paid in the preceding March in respect of that licence under subsection (2) of this section reduced by one-twelfth for every month between the preceding 31st day of March and the end of the month in which the licence expired.

[[(4) Every scheduled process fee paid to a licensing authority shall,---

(a) If so paid in respect of a process specified or described in Part A of the Second Schedule to this Act, be paid by the licensing authority into the Consolidated Account; and

(b) If so paid in respect of any other scheduled process, be retained by the licensing authority.]]

(5) If a scheduled process fee that is payable under subsection (2) of this section is not paid, the [[licensing authority]] to which that fee is payable shall send notice to the licensee that if the fee is not paid by a date specified in the notice, being a date not earlier than 21 days after the date on which the notice is sent, the licence will be suspended. If the fee is not paid on or before the date specified in the notice the licence shall be automatically suspended as from the close of that day, and the licence shall be suspended until the fee is paid. So long as any licence is suspended under this subsection the licensee shall be deemed not to be licensed to carry on the process in or on the premises to which the licence relates.

(6) Regulations under section 55 of this Act may---

(a) Prescribe or provide for scheduled process fees or a scale of scheduled process fees or both:

(b) Provide for the manner in which scheduled process fees are to be assessed:

(c) Provide for reductions in scheduled process fees and for exemptions from payments of scheduled process fees.]

This section was inserted by s. 15 of the Clean Air Amendment Act 1982.

Subs. (2) was substituted for the former subs. (2) by s. 7 (1) of the Clean Air Amendment Act 1986.

Subs. (4) was substituted for the former subs. (4) by s. 7 (2) of the Clean Air Amendment Act 1986.

In subs. (5) the words in double square brackets were substituted for the words "local authority" by s. 7 (3) of the Clear Air Amendment Act 1986.

26. Conditions in licences---(1) Every licence shall be subject to such conditions if any as the licensing authority sees fit to impose for the purposes of this Act or of the Health Act 1956.

[(2) Without prejudice to the generality of subsection (1) of this section, a licensing authority may impose conditions---

(a) Specifying a maximum concentration, or rate, or rate at a specified height, in respect of the emission of air pollutants or any class of air pollutants from the premises where the scheduled process is to be carried on:

(b) Requiring the licensee to---

(i) Install, repair, alter, or replace any fuel burning equipment or industrial plant in or on the premises where the scheduled process is to be carried on:

(ii) Install and operate control equipment in or on those premises:

(iii) Repair, alter, or replace any control equipment installed in or on those premises:

(iv) Erect or alter the height of any chimney through which air pollutants may be discharged from those premises:

(v) Carry out any of the requirements imposed on the licensee under this paragraph within such time as may be specified in the licence:

(vi) Limit the quality or quantity of any fuel burned or limit any other operation:

(vii) Carry out tests and keep records of any such tests and of any method of operation or supervision:

(viii) Report to the licensing authority in writing at specified intervals on such matters relating to the emission of air pollutants from those premises as may be specified in the licence:

(ix) Observe as a condition of his licence any of the obligations otherwise imposed by this Act:

(c) Prohibiting the licensee from altering or replacing any fuel burning equipment or any control equipment installed in or on the premises where the scheduled process is to be carried on except with the prior approval in writing of the licensing authority.]

(3) A licensing authority may during the currency of a licence, vary any conditions to which the licence is subject or add conditions to or delete conditions from the licence, and subsection (6) of section 25 of this Act shall apply in respect of any such variation, addition, or deletion as it applies in respect of the issue of a licence.

(4) Any conditions imposed under this section may be endorsed on or attached to the licence, or, in the case of conditions varied or added pursuant to subsection (3) of this section, may be contained in a separate document referring to the licence.

(5) The Director-General may, after consultation with the local authority, exercise the powers conferred on a licensing authority by subsection (3) of this section in relation to any licence issued by a local authority and in that event the licence shall have effect as if the conditions varied, added, or deleted by the Director-General had been varied, added, or deleted by the local authority.

(6) The Director-General shall notify in writing the licensee and the local authority of any exercise of the power conferred on him by this section and the local authority shall amend the licence accordingly if the licensee so requires.

(7) Any conditions attached to a licence under this section shall be in addition to any prescribed conditions to which the licence is subject and to any conditions, relating to the scheduled process, imposed by or under [the Town and Country Planning Act 1977].

(8) If a licensee declines to commence the operation of a scheduled process subject to a condition imposed at the time when his licence is issued, he may return the licence to the licensing authority, and thereupon one-half of the fee paid in respect of the application shall be refunded to the applicant.

(9) Every licensee who contravenes or fails to comply with any condition attached to his licence commits an offence.

Cf. Clean Air Act 1963, ss. 19 (2), 21 (Queensland); 1956, No. 65, s. 54 (5); 1959, No. 67, s. 2

Subs. (2) was substituted for the original subs. (2) by s. 16 of the Clean Air Amendment Act 1982.

In subs. (7) the Town and Country Planning Act 1977, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Town and Country Planning Act 1953.

27. Registers of licences---(1) Every licensing authority shall keep a register of licences issued by it.

(2) The contents of every such register may be evidenced in any proceedings by a certificate under the hand of the Director-General, in the case of licences issued by him, or under the hand of the clerk to the local authority in any other case.

(3) A certificate purporting to be under the hand of the Director-General, or of the clerk to the local authority, as the case may require, that on a date specified in the certificate the name of any person did or did not appear in a register, or did not appear in a register in relation to a particular scheduled process or particular scheduled premises, shall, until the contrary is proved, be sufficient evidence of the matters therein specified.

(4) A document certified under the hand of the Director-General or under the hand of the clerk to the local authority, as the case may require, purporting to be a duplicate or a copy of a licence or of any other instrument issued under this Act by the Director-General or the local authority shall, until the contrary is proved, be sufficient evidence of the matters therein specified.

(5) Every register of licences shall be kept in such form, whether in bound book or otherwise, as the licensing authority may determine, and shall, together with applications for, and any copies of, current licences under the control of the licensing authority and copies of any other documents recording conditions imposed on licences, be open for inspection during ordinary office hours by members of the public on payment of such fee, if any, as may be prescribed.

Cf. Clean Air Act 1963, ss. 20, 49 (1) (d)-(f) (Queensland)

In subss. (2) to (4), as to the term "clerk", see the notes to this term and "principal administrative officer" in the reprinted Local Government Act 1974 (R.S. Vol. 20, pp. 25, 26). See also s. 9 (17) of the Local Government Amendment Act (No. 3) 1977 (R.S. Vol. 20, p. 651).

28. Renewal and transfer of licences---(1) Subject to subsection (2) of this section and to section 29 of this Act, on application being made to the licensing authority . . . , the licensing authority shall renew the licence or transfer the licence to another person, as the case may require.

(2) Sections 23 and 26 of this Act shall apply to every application for the renewal or transfer of a licence as if it were an application for a new licence:

Provided that any application for the transfer of a licence shall be made by the licensee and the person to whom it is proposed that the licence shall be transferred.

(3) In granting any renewal or transfer of a licence the licensing authority may endorse the existing licence or may issue a new licence instead thereof.

(4) Every application for a renewal of a licence under this section shall be made not later than one month before the date of expiry of the existing licence or within such extended time as may be allowed by the licensing authority in any particular case.

[(5) Every renewal of a licence under this section shall have effect for such period as is specified by the licensing authority in granting that renewal.]

(6) Where application for renewal of a licence is duly made under this section the licence shall, where the application is not disposed of before the expiration of the previous period for which the licence was issued, continue in force until the application is disposed of.

(7) The licensing authority shall note in the register kept under section 27 of this Act particulars of every renewal and transfer of a licence under this section and shall delete from that register the particulars of any licence which has expired without such renewal.

(8) As soon as practicable after taking the appropriate action under subsection (7) of this section, the Director-General shall notify the local authority, within whose district the scheduled process which is or was the subject of the licence is carried on, of the renewal or transfer or expiration of the licence, and the local authority shall, in the case of any licence issued by it, similarly notify the Director-General.

Cf. 1956, No. 65, ss. 54 (5), (7), 56; 1959, No. 67, s. 2; 1960, No. 96, s. 5 (2); Clean Air Act 1963, s. 19 (4), (6) (Queensland)

In subs. (1) words were omitted by s. 17 (1) of the Clean Air Amendment Act 1982.

Subs. (5) was substituted for the original subs. (5) by s. 17 (2) of the Clean Air Amendment Act 1982.

[29. Refusal of licences---(1) A licensing authority may refuse to issue or renew a licence in respect of a scheduled process if---

(a) In the case of a process being carried on at the time of the application, he or it is satisfied that the process is detrimental to the health of persons living or working in the vicinity of the premises; or

(b) In any other case, he or it is not satisfied that the carrying on of that process in or on the scheduled premises would not be detrimental to the health of persons living or working in the vicinity of those premises.

(2) A licensing authority may refuse to issue or transfer a licence to, or renew a licence held by, a person---

(a) Who or which was a licensee under a licence at the time when the licence was cancelled under section 53 of this Act; or

(b) Who was, at the time of the cancellation of the licence, a shareholder in, or a director, manager, or other principal officer of, a corporate body to which paragraph (a) of this subsection applies; or

(c) Which is a corporate body in which a person to whom paragraph (a) of this subsection applies is a shareholder, director, manager, or other principal officer.

(3) Subject to subsection (5) of this section, a licence shall not be issued, renewed, or transferred if the carrying on of the scheduled process specified in the material application in or on the scheduled premises would contravene any provision of the Town and Country Planning Act 1977, or any bylaw of the local authority within whose district the premises are situated, or any other enactment, or if such local authority, acting pursuant to any such enactment, has not approved or consented to the carrying on of the scheduled process in or on those premises.

(4) A licensing authority shall, in any case where he or it refuses to issue or renew or transfer a licence, give the reasons for his or its refusal.

(5) If a licensing authority issues a licence in respect of a scheduled process which cannot lawfully be carried on in or on the premises specified in the application without approval under the Town and Country Planning Act 1977, the licence shall have no effect unless or until such approval has been obtained:

Provided that the licensing authority may, at his or its discretion, postpone the issue of a licence until such approval has been obtained.

(6) The Director-General shall neither issue a new licence in respect of a process specified or described in Part A of the Second Schedule to this Act, nor vary the conditions imposed in any such licence, until he has notified the local authority within whose district the scheduled premises are situated, and, if the scheduled process is likely to affect the district of another local authority, that other local authority, of the conditions which he proposes to impose in the licence; and either---

(a) The period of one month has elapsed from the date of receipt of such notification, or, if more than one local authority is so notified, the date when the last of those notifications was given; or

(b) That local authority, or, if more than one local authority is so notified, all those local authorities has or have informed the licensing authority in writing that it or they does or do not object to those conditions, subject to such additions, changes, or modifications, if any, as may have been proposed or conceded by the licensing authority during the said period of one month.

(7) A local authority shall neither, if the scheduled process is likely to affect the district of another local authority, issue a new licence in respect of a process specified or described in Part B of the Second Schedule to this Act, nor vary the conditions imposed in any such licence, until it has notified that other local authority of the conditions which it proposes to impose on the licence; and either---

(a) The period of one month has elapsed from the date of receipt of such notification, or, if more than one local authority is so notified, the date when the last of those notifications was given; or

(b) That local authority, or, if more than one local authority is so notified, all those local authorities, has or have informed the licensing authority in writing that it or they does or do not object to those conditions, subject to such additions, changes, or modifications, if any, as may have been proposed or conceded by the licensing authority during the said period of one month.

(8) If, during the period of 3 months following the expiration of the period of one month referred to in subsection (6) or subsection (7) of this section, the licensing authority has reason to believe that an appeal

will be instituted by a local authority under this Act in respect of the conditions imposed, or omitted to be imposed, or proposed to be imposed or omitted, the licensing authority may postpone the issue of a licence until the expiration of the said period of 3 months, and, if an appeal is instituted within that period before the licence is issued, the licensing authority shall postpone the issue of the licence until the appeal is determined.

(9) In any case in which, pursuant to subsection (6) or subsection (7) of this section, a local authority, other than the local authority within whose district the scheduled premises are situated, is notified of the conditions proposed to be imposed on the licence, the licensing authority shall, forthwith upon the issue of the licence, transmit a copy thereof to that local authority.]

This section was substituted for the original s. 29 (as amended by s. 178 (1) of the Town and Country Planning Act 1977) by s. 18 (1) of the Clean Air Amendment Act 1982.

[29A. Shutting down of process---(1) Where the Director-General or any officer authorised by him in that behalf believes on reasonable grounds that a scheduled process on any premises is likely to cause imminent danger to health, and that immediate action is required to prevent that danger, the Director-General or any such officer may require the licensee to immediately cease the operation of that process.

(2) In any case where a requirement made under subsection (1) of this section is not obeyed forthwith, an officer authorised by the Director-General in that behalf, with such assistants as may be necessary, and without notice, may enter on the premises and shut down the process.]

This section was inserted by s. 19 of the Clean Air Amendment Act 1982.

30. Repealed by s. 20 of the Clean Air Amendment Act 1982.

31. Restrictions on work on scheduled premises---(1) Except with the prior approval of the licensing authority [on the advice of an officer], or where so required to do so under section 9 of this Act, the occupier of any scheduled premises shall not, if by so doing he is likely to cause or increase air pollution from the premises,---

(a) Alter the method of operation of any trade, industry, process, fuel burning equipment, control equipment, or industrial plant in or on the premises; or

(b) Install, alter, or replace any equipment or plant in or on the premises.

(2) No person shall---

(a) Carry out work in or on premises for the purpose of enabling those premises to be used for a scheduled process; or

(b) Construct on any land a building designed to enable the land or building to be used for a scheduled process; or

(c) Except where so required to do so under section 9 of this Act, erect or alter the height of any chimney through which air pollutants may be emitted from any scheduled premises;

unless---

(i) Plans and specifications of the work, building, erection, or alteration, as the case may be, have been submitted to and approved by the licensing authority [on the advice of an officer]; and

(ii) The site on which the work is to be carried out or the building is to be constructed, or the chimney is to be erected or altered, as the case may be, have been approved by the licensing authority [on the advice of an officer].

(3) Any application for approval under this section shall be accompanied by---

(a) The prescribed fee (if any); and

(b) In any case to which paragraph (a) or paragraph (b) of subsection (2) of this section applies, particulars of the trade, industry, or process proposed to be carried on, together with particulars of the methods intended to be adopted so as to control air pollution from the premises; and

(c) Evidence of any approval required under any other enactment.

(4) The licensing authority [on the advice of an officer] may require an applicant for approval under this section to furnish such other information as the licensing authority [on the advice of an officer] may consider necessary and relevant to the application.

(5) The licensing authority [on the advice of an officer] may, if it sees fit, impose conditions on his or its approval under this section, and in that event the approval shall be ineffective unless those conditions are complied with.

(6) If approval under this section is not granted within 2 months from the date on which the application for approval is received, it shall, for the purposes of sections 32 to 39 of this Act, be deemed to have been refused on the date of the expiration of that period.

(7) Every person who contravenes subsection (1) of this section commits an offence.

(8) Where any person contravenes subsection (2) of this section the person who is carrying on or is proposing to carry on the scheduled process commits an offence if the prohibited act is done by him or with his authority, permission, or consent.

Cf. Clean Air Act 1963, s. 27 (Queensland)

In subss. (1), (2), (4), and (5) the words in square brackets were inserted by s. 21 of the Clean Air Amendment Act 1982.
See S.R. 1973/303.

Appeals

32. Appeals to Director-General---(1) Every person who---

(a) Being a licensee or an applicant for a licence, or an applicant for the renewal or transfer of a licence, in respect of a process specified or described in Part B or Part C of the Second Schedule to this Act, is aggrieved by any condition imposed or added or proposed to be imposed by a local authority in respect of such licence or by the variation by the local authority of any condition to which the licence is subject; or

(b) Being a licensee in respect of any such process, is aggrieved by the refusal of the local authority to grant approval, or by any condition imposed by the local authority on its approval, under section 31 of this Act,---

may appeal to the Director-General who, after giving the local authority and the person so aggrieved an opportunity to be heard, either orally or in writing, may confirm, vary or reverse the decision of the local authority.

(2) Every appeal under this section shall be made to the Director-General in writing setting out the particulars of the decision to which the appeal relates and the grounds for appeal, within 28 days of the receipt by the appellant of notice of that decision or within such extended time as the Director-General may allow.

33. Right of appeal to High Court---(1) Subject to section 34 of this Act, any person may appeal to the [High Court] if,---

(a) Having appealed to the Director-General under section 32 of this Act, he is dissatisfied with the decision of the Director-General on such appeal; or

(b) Being a licensee or an applicant for a licence, or an applicant for the renewal or transfer of a licence, in respect of a process specified or described in Part A of the Second Schedule to this Act, he is aggrieved by any condition imposed or added or proposed to be imposed by the Director-General in respect of such licence or by the variation by the Director-General of any condition to which the licence is subject; or

(c) Being a licensee in respect of any such process, he is aggrieved by the refusal of the Director-General to grant approval, or by any condition imposed by the Director-General on his approval, under section 31 of this Act; or

(d) Being the occupier of any premises, he is aggrieved by any decision of the Director-General under section 8 of this Act whereby---

- (i) An exemption in respect of those premises is refused; or
- (ii) Any such exemption is revoked; or
- (iii) A condition in respect of any such exemption is imposed or added; or
- (iv) Any such condition is varied; or

(e) Being the occupier of any premises, he is aggrieved by a requirement of the Director-General under section 9 of this Act; or

(f) Being an applicant for a licence, he is aggrieved by the refusal of the licensing authority to issue that licence; or

(g) Being an applicant for the renewal or transfer of a licence, he is aggrieved by the refusal of the licensing authority to grant the renewal or transfer of a licence; or

(h) Being an applicant for an exemption under section 21 of this Act, he is aggrieved by the refusal of the Director-General to grant such exemption or by the terms of any such exemption; or

(i) Being the holder of an exemption under section 21 of this Act, he is aggrieved by any decision of the Director-General under that section whereby---

- (i) The exemption is revoked; or
- (ii) A condition in respect of the exemption is added; or
- (iii) Any condition in respect of the exemption is varied[; or]

[j) Being the occupier of premises, he is aggrieved by---

- (i) A requirement of the Director-General or an officer under section 29A (1) of this Act; or
- (ii) The fact that an officer has shut down a process on those premises under section 29A (2) of this Act].

(2) Subject to section 34 of this Act, a local authority may appeal to the [High Court] if,---

(a) Being the local authority whose decision has been the subject of an appeal under section 32 of this Act, it is dissatisfied with the decision of the Director-General on such appeal; or

(b) Being the local authority within whose district the material premises is situated, it is aggrieved---

(i) By any exemption or approval granted by the Director-General under section 8, section 21, or section 31 of this Act; or

(ii) By any condition or the terms of any condition imposed or added by the Director-General under section 8, section 21, section 26, or section 31 of this Act, or by the variation or deletion by the Director-General under any of the provisions of those sections of any such condition; or

(iii) By a refusal of the Director-General to impose under any of those sections, in relation to a particular case, a condition which the local authority considers ought to be imposed or to express any condition in the terms in which the local authority considers it ought to be expressed; or

(c) Being the local authority within whose district the material premises are situated, it is aggrieved by a refusal of the Director-General, in relation to a particular case, to issue a notice under section 9 of this Act or by the terms of any notice issued or proposed to be issued by him under that section; or

(d) Being a local authority (other than the local authority within whose district the scheduled premises are situated) which has received a notification under subsection (6) of section 29 of this Act, it is aggrieved--

(i) By any condition or the terms of any condition imposed or added or proposed to be imposed or added under section 26 of this Act in respect of any licence or by the variation or deletion or the proposed variation or deletion of any such condition; or

(ii) By a refusal of the licensing authority to impose on the licence a condition which the local authority considers ought to be imposed or to express any condition in the terms in which the local authority considers it ought to be expressed.

Cf. 1956, No. 65, ss. 55, 115 (4)

In subs. (1) (i) the word "; or" was added by s. 22 (2) of the Clean Air Amendment Act 1982.

In subs. (1), para. (j) was added by s. 22 (1) of the Clean Air Amendment Act 1982.

34. Commencement of appeals to High Court---(1) Every appeal pursuant to section 33 of this Act shall be commenced within 28 days after the date on which notice of the matter which is the subject of the appeal has been given to the person seeking to exercise a right of appeal or within such extended time as the Court may allow.

(2) Notwithstanding anything in subsection (1) of this section---

(a) No appeal shall be commenced by a local authority, which has received a notification under subsection (6) of section 29 of this Act, within the period of one month referred to in that subsection:

(b) An appeal by any such local authority in respect of the conditions to be imposed on the licence to which the notification relates may be commenced at any time after the expiration of the said period of one month and before the licence is issued, but nothing in this paragraph shall prevent a local authority, which has not commenced an appeal before the licence is issued within the period of 3 months referred to in subsection (7) of section 29 of this Act from commencing an appeal within the period of 28 days following the day of the receipt of a copy of the licence:

(c) In the case of an appeal under paragraph (f) of subsection (1) of section 33 of this Act by a person in respect of a scheduled process which cannot lawfully be carried on by him without planning approval, the period of 28 days specified in subsection (1) of this section shall be computed from the date on which planning approval is obtained, or on which notice of the refusal of the licence is given to that person, whichever is the later.

35. Hearing of appeals to High Court---(1) Every appeal pursuant to section 33 of this Act shall be heard and determined by the Administrative Division of the [High Court].

(2) For the purposes of each such appeal, there shall be 2 additional members of the Administrative Division of the [High Court] (not being Judges of the [High Court]) who shall be appointed by a Judge of the [High Court] from persons whose names appear on the list of additional members prepared under subsection (3) of this section.

(3) The Secretary for Justice shall maintain a list of persons who may be appointed pursuant to subsection (2) of this section. The only names entered on that list shall be the names of persons approved for the purpose by the Minister of Justice after consultation with the Minister of Health.

(4) Where the name of any person has been so entered on the list it shall remain on the list until---

(a) The person dies; or

(b) The Minister of Justice directs that the name of that person be removed; or

(c) The expiration of a period of 5 years from the date on which the Minister of Justice last approved the entry of the person's name; or

(d) The person requests that his name be removed from the list and gives to the Secretary for Justice written notice to that effect.

(5) No member or officer of any local authority or of the Council . . . or of the Department of Health shall be qualified to have his name entered or retained on the list.

(6) There shall be paid to the additional members out of money appropriated by Parliament for the purpose remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the additional members were members of a statutory Board within the meaning of that Act.

In subs. (5) the words "or of the Board of Health" were omitted by s. 4 (4) of the Health Amendment Act 1988.

36. Oath to be taken by additional members---Before entering upon the exercise of the duties of their office, the additional members shall take and subscribe an oath before a Judge of the [High Court] that they will faithfully and impartially perform the duties of their office.

37. Proceedings before Court---(1) At the hearing of the appeal, the Court shall hear all evidence tendered and representations made by or on behalf of the appellant, the Director-General, the local authority, and other persons, which the Court considers relevant to the subject-matter of the appeal.

(2) The Court may at the hearing receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectually with the matters before it, whether or not it would be otherwise admissible in a Court of law.

(3) The Court in its discretion may, having regard to the interests of all parties concerned and to the public interest, order that the hearing or any part of it shall be held in private.

(4) Subject to the provisions of this Act, the procedure in respect of any appeal under this section shall be in accordance with rules of Court.

38. Quorum and decisions of Court---(1) The presence of a Judge of the Administrative Division and of at least one additional member shall be necessary to constitute a sitting of the Court.

(2) The decision of a majority (including the Judge, or, where more than one Judge sits, including a majority of the Judges) of the members present at a sitting of the Court shall be the decision of the Court. If the members present are equally divided in opinion, the decision of the Judge, or of a majority of the Judges, shall be the decision of the Court.

(3) If any question before the Court cannot be decided in accordance with subsection (2) of this section, the question shall be referred to the Court of Appeal for decision in accordance with the practice and procedure of that Court, which for that purpose shall have all the powers of the Court under this Act. The decision of the Court of Appeal in any proceedings under this subsection shall be final and shall take effect and be enforced as if it were a decision of the Court under this Act.

(4) The Court may allow or dismiss any appeal wholly or in part, and may make such modifications in any decision, requirement, condition, or limitation to which the appeal relates as it thinks fit, and may make or impose any new decision, requirement, condition, or limitation in substitution for or in addition to the one to which the appeal relates.

(5) Notwithstanding anything in the foregoing provisions of this section, a Judge of the Administrative Division sitting alone shall have jurisdiction to make any of the following orders:

(a) An order on any application made in the course of any proceedings:

(b) An order which is not opposed:

(c) An order in any proceedings which the parties agree should be heard and determined by a Judge alone:

(d) An order in any proceedings where the matter in issue is substantially a question of law only:

(e) An order made on the application of any party directing that any proceedings should be heard and determined by a Judge alone on the ground that the matter in issue is substantially a question of law only:

(f) An order granting leave to appeal to the Court of Appeal.

Cf. 1948, No. 50, s. 13; 1968, No. 42, s. 7; 1970, No. 25, s. 2

39. Further provisions regarding appeals---(1) Unless the Minister, for the purpose of protecting the public health, directs, in relation to any particular case, that the decision of a local authority or of the Director-General, as the case may require, shall have effect notwithstanding that an appeal to the [High Court] is pending or available, no decision under subsection (3) of section 8, subsection (1) or subsection (4) of section 21, or subsection (3) or subsection (5) of section 26 of this Act, or requirement under section 9 of this Act, and no decision of the Director-General under section 32 of this Act varying or reversing the decision of a local authority or confirming a decision of a local authority under subsection (3) of section 26 of this Act, shall have effect until the time for appealing has expired, or, if an appeal is instituted within that time, until the appeal is determined.

(2) No person shall be deprived of a right of appeal under this Act by reason of the fact that he has accepted a licence, or a renewal of a licence, or acted on an approval or exemption, which is for the time being subject to a condition or limitation to which he objects, or by reason of the fact that he has withdrawn his application for a licence, or an approval or exemption, or returned his licence to the licensing authority, because he objects to a condition which will be or has been imposed on the licence, approval or exemption.

(3) Notwithstanding anything in section 33 of this Act, no appeal shall lie in respect of the conditions imposed on a licence if those conditions conform with any decision of the [High Court] on an appeal in respect of the conditions proposed to be imposed on that licence.

(4) Without limiting the powers, duties, functions, and discretions conferred or imposed on the Director-General or the [High Court] by or under this or any other Act, the Director-General or that Court, as the case may require, shall, for the purpose of hearing and determining any appeal under section 32 or section 33 of this Act, have all the powers, duties, functions, and discretions that the person or body whose decision is the subject of the appeal had in respect of the same matter.

(5) Any decision of the Director-General under section 32 of this Act, which is not the subject of an appeal to the [High Court], shall have effect as if it were a decision of the local authority, and any decision of the [High Court] shall have effect as if it were a decision of the Director-General or the local authority, as the case may require, and it shall be the duty of the Director-General, or the local authority, as the case may require, to take all necessary steps, either by the issue or amendment of a licence, approval or exemption, or otherwise, to implement the decision of the [High Court].

40. Stating a case for Court of Appeal---The Judge of the Court may, on the application of any party to any proceedings before the Court, or of his own motion, state a case for the opinion of the Court of Appeal on any question of law arising in the proceedings.

41. Appeal to Court of Appeal in certain cases---(1) Any party to any proceedings before the Court who is dissatisfied with any determination of the Court may, with the leave of the Court or of the Court of Appeal, appeal to the Court of Appeal.

(2) In determining whether to grant leave to appeal under this section, the Court to which the application for leave is made shall have regard to the following matters:

- (a) Whether any question of law or general principle is involved:
- (b) The importance of the issues to the parties:
- (c) Such other matters as in the particular circumstances the Court thinks fit.

(3) The Court granting leave under this section may in its discretion impose such conditions as it thinks fit, whether as to costs or otherwise.

(4) The decision of the Court of Appeal on any such appeal shall be final.

(5) Subsection (1) of section 39 of this Act shall apply in relation to any appeal under this section only if---

- (a) Leave to appeal is given by the Court whose decision is the subject of the appeal; and
- (b) That Court, when giving such leave, directs that that subsection shall so apply.

Miscellaneous Provisions

42. Duty to furnish information---(1) The Director-General or, subject to subsection (3) of this section, the local authority may, for the purposes of this Act, by notice in writing to the occupier of any premises require such occupier to furnish to him or it, within 14 days or such longer period as may be specified in the notice, such information as to any process, fuel burning equipment, control equipment, or industrial plant, in or on such premises, and the fuel or waste burned in or on the premises, as is required by the terms of the notice.

(2) Any person who, when required by any notice under subsection (1) of this section, or by any officer acting for the purposes of this Act, to answer any question or to furnish any information or to sign any declaration---

(a) Except where he would incriminate himself or his spouse or where he would be disclosing information that he could not be compelled to disclose in any proceeding within the meaning of the Evidence Act 1908, fails to answer any such question or furnish such information or sign such declaration; or

(b) Knowingly gives any answer or furnishes any information or signs any declaration, which is false or misleading in any material respect,---

commits an offence.

(3) A local authority shall not, without the consent of the Director-General, exercise in respect of any process specified or described in Part A of the Second Schedule to this Act any power conferred on it by this section.

Cf. Clean Air Act 1963, ss. 34, 35 (Queensland)

43. Powers of officers---(1) Subject to subsection (4) of this section, an officer may, together with any person he may think competent to assist him in making any inspection, examination, or test, at all reasonable times enter any industrial or trade premises, and therein or thereon---

(a) Examine and inspect any fuel burning equipment, control equipment, and industrial plant; and

(b) Make such examinations and inquiries and tests, inspect and copy such records, [take such photographs,] and ask such questions and request such information, as he considers necessary or desirable,--- for the purpose of ascertaining whether the provisions of this Act or of any regulations made under this Act, or any requirement or direction under this Act, or any condition or limitation imposed on any licence or exemption under this Act, are being or have been complied with.

(2) Every officer who enters any premises pursuant to the power conferred on him by subsection (1) of this section shall produce to any person in or on the premises, who questions his right to enter those premises or to exercise any of the powers conferred on him by paragraph (a) or paragraph (b) of subsection (1) of this section, written evidence of his identity and of his appointment as an officer.

(3) An officer shall have such other powers and duties as may be prescribed.

(4) No officer holding office as such by virtue of an appointment made by a local authority shall, without the consent of the Director-General, exercise in respect of any process specified or described in Part A of the Second Schedule to this Act any power conferred on an officer by or under this section.

Cf. Clean Air Act 1963, s. 40 (Queensland); 1956, No. 65, s. 114 (3)

In subs. (1) (b) the words in square brackets were inserted by s. 23 of the Clean Air Amendment Act 1982.

44. Obstruction of officers---(1) The occupier of any premises and any person in charge or apparently in charge of any premises shall furnish to an officer all reasonable assistance and all information required by that officer with respect to the exercise of his powers and the discharge of his duties under this Act which that occupier or person is capable of furnishing.

(2) Any person who---

(a) Fails to comply with subsection (1) of this section or otherwise delays or obstructs an officer in the exercise of his powers under this Act; or

(b) Fails to facilitate by all reasonable means the entry and inspection of any premises or records by an officer, or the examination and inspection of any process, fuel burning equipment, control equipment or industrial plant, or the making of any tests which an officer is empowered by or under this Act to make,---

commits an offence.

Cf. Clean Air Act 1963, ss. 41, 42 (Queensland)

45. Protection of persons acting under authority of Act---A person who does any act in pursuance or intended pursuance of any of the functions conferred on him by or under this Act shall not be under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless he has acted in bad faith or without reasonable care.

Cf. 1956, No. 65, s. 129 (1)

46. Service of documents---(1) Any document required or authorised under this Act, or under any regulations made under this Act, to be served on or given to any person may be served or given by delivering it to that

person, or by leaving it at his usual or last known place of abode or business, or by posting it by registered letter addressed to him at his usual or last known place of abode or business. If so posted, it shall be deemed to have been served or given at the time when the registered letter would be delivered in the ordinary course of post.

(2) If the person is absent from New Zealand, the document may be served or given in any such manner as aforesaid on his agent in New Zealand. If he is deceased, the notice may be served or given in any such manner as aforesaid on his personal representative.

(3) If the person or his place of abode or business is not known, or if he is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, the document may be served or given in such manner as may be directed by a [District Court Judge]; or, in the case of a document relating to any building or other premises, may be served on or given to the occupier thereof, or, if there is no occupier, may be put on some conspicuous part of the building or premises. It shall not be necessary in any such document to specify the name of the owner or occupier of any building or premises to which the document relates, if that name is not known to the person issuing the document.

(4) In any case where a document relates to any building or other premises in which more than 5 persons hold an estate or interest as tenants in common and that document is served on or given to any 5 of those persons that document shall, without prejudice to the other provisions of this section, be deemed to have been served on or given to all the tenants in common. Every document which is served or given in accordance with the provisions of this subsection shall notify the persons on whom it is served or to whom it is given that it is served upon them or given to them as representatives of all the owners of such estate or interest.

(5) Notwithstanding anything in the foregoing provisions of this section, a [District Court Judge] may in any case make an order directing the manner in which any document is to be served or given or dispensing with the service or giving thereof.

Cf. 1956, No. 65, s. 131; 1964, No. 34, s. 12

In subss. (3) and (5) the reference to a District Court Judge was substituted for a reference to a Magistrate by s. 18 (2) of the District Courts Amendment Act 1979.

47. Repealed by s. 25 (1) of the Official Information Amendment Act 1987.

48. Enforcement---(1) It shall be the duty of a local authority to enforce the provisions of this Act in respect of scheduled premises within its district in relation to which it is the licensing authority and in respect of premises within its district which are not scheduled premises.

(2) Subject to subsection (3) of this section, but without prejudice to section 13 of the Summary Proceedings Act 1957, any local authority may institute proceedings for an offence against any of the provisions of sections 7, 8, and 10 of this Act in the case of any air pollutant which affects any part of its district notwithstanding that the air pollutant is emitted from premises outside its district.

(3) No prosecution for an offence against this Act in relation to any process specified or described in Part A of the Second Schedule to this Act shall be commenced except by an officer appointed under subsection (1) of section 5 of this Act or with the leave of the Director-General.

Cf. Clean Air Act 1956, s. 29 (U.K.); Clean Air Act 1968, Schedule I, para. 8 (U.K.)

49. Duty to notify occupiers of offences---(1) If, in the opinion of an officer, an offence is being or has been committed against section 10 or section 16 of this Act, he shall, unless he has reason to believe that notice thereof has already been given to the occupier of the premises, as soon as may be notify the occupier of the premises, and, if his notification is not in writing, shall, within 72 hours after he becomes aware of the offence, confirm the notification in writing.

(2) In any proceedings for an offence against section 10 or section 16 of this Act it shall be a defence to prove that the provisions of subsection (1) of this section have not been complied with in the case of the

offence, and, if no such notification as is required by that subsection has been given before the end of the 3 days next following the day of the offence, the said subsection (1) shall be deemed not to have been complied with until the contrary is proved.

Cf. Clean Air Act 1956, s. 30 (U.K.); Clean Air Act 1968, Schedule I, para. 9 (U.K.); Smoke Restriction Regulations 1964, reg. 5 (2) (c)

50. Legal proceedings---(1) Every offence against this Act or against any regulations made under this Act shall be punishable on summary conviction.

(2) Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information in respect of any offence against this Act or against any regulations made under this Act may be laid at any time within one year after the time when the matter of the information arose.

(3) Where any body corporate is convicted of an offence against this Act or against any regulation made under this Act, every director and every person concerned in the management of the body corporate shall be guilty of a like offence if it is proved that the act or omission which constituted the offence took place with his authority, permission, or consent.

[(4) In any proceedings brought under or by virtue of section 10 or section 16 of this Act, or under section 26 of this Act where compliance with the provisions of section 10 or section 16 of this Act is a condition of the licence, if any method of ascertaining whether smoke is dense smoke or light smoke is prescribed, proof in any such proceedings that that method was properly applied, and that the smoke was thereby ascertained to be dense smoke or light smoke, as the case may be, shall be accepted by the Court as sufficient.]

Cf. 1969, No. 7, ss. 30 (3), 38 (1), (2); Smoke Restriction Regulations 1964, reg. 3 (2); Clean Air Act 1956, ss. 27, 34 (2) (U.K.); Clean Air Act 1968, Schedule I, para. 11 (U.K.); Clean Air Act 1963, ss. 46 (2), (3), 47 (Queensland)

Subs. (4) was substituted for the original subs. (4) (as amended by s. 24 of the Clean Air Amendment Act 1982) by s. 8 (1) of the Clean Air Amendment Act 1986.

51. Repealed by s. 25 of the Clean Air Amendment Act 1982.

52. Penalties---(1) Every person who commits an offence against section 7, section 8, section 10, section 42, or section 44 of this Act is liable to a fine not exceeding [\$3,000].

(2) Every person who commits an offence against section 9, section 23, section 26, or section 31 of this Act is liable,---

(a) In the case of an offence relating to a scheduled process specified or described in Part A of the Second Schedule to this Act, to a fine not exceeding [\$10,000], and, if the offence is a continuing one, to a further fine not exceeding [\$1,000] for every day or part of a day during which the offence has continued:

(b) In the case of an offence other than an offence referred to in paragraph (a) of this subsection to a fine not exceeding [\$3,000], and, if the offence is a continuing one, to a further fine not exceeding [\$500] for every day or part of a day during which the offence has continued.

(3) Repealed by s. 25 (1) of the Official Information Amendment Act 1987.

(4) Every person who commits an offence against this Act for which no penalty is provided in the preceding provisions of this section is liable to a fine not exceeding [\$500].

(5) Notwithstanding anything in subsection (1), subsection (2), or subsection (4) of this section, if, in the opinion of the Court recording the conviction, the offence which is the subject of the conviction amounts to a wilful disregard or contravention of any decision of the [High Court] on an appeal under section 33 of this Act, the convicted person is liable to a fine not exceeding twice the amount of the maximum fine specified in the said subsection (1) or in paragraph (a) or paragraph (b) of the said subsection (2) or in the said subsection (4), as the case may require, and, in the case of a continuing offence, to a further fine not

exceeding twice the amount so specified in that behalf for every day or part of a day during which the offence has continued.

Cf. 1956, No. 65, ss. 54 (6), 115 (5), 116 (2), 136; Clean Air Act 1956, s. 27 (U.K.); Clean Air Act 1963, ss. 35, 42, 45, 46 (4) (Queensland)

In subs. (1) the expression "\$3,000" was substituted for the expression "\$500" by s. 26 (a) of the Clean Air Amendment Act 1982.

In subs. (2) (a) the expressions "\$10,000" and "\$1,000" were substituted for the expressions "\$5,000" and "\$500" respectively by s. 26 (b) of the Clean Air Amendment Act 1982.

In subs. (2) (b) the expressions "\$3,000" and "\$500" were substituted for the expressions "\$1,000" and "\$100" respectively by s. 26 (c) of the Clean Air Amendment Act 1982.

In subs. (4) the expression "\$500" was substituted for the expression "\$200" by s. 26 (e) of the Clean Air Amendment Act 1982.

53. Cancellation of licence---(1) In any case where the holder of a licence is convicted of an offence against this Act, relating to the scheduled process which is the subject of his licence, the Court may, in addition to or instead of imposing any other penalty, cancel the licence either forthwith or with effect from such future date as may be specified by the Court.

(2) When a Court cancels a licence pursuant to subsection (1) of this section, the licence shall cease to have effect either forthwith or on the date specified by the Court, as the case may require, and the particulars of the licence shall thereupon be deleted from the register of licences kept under section 27 of this Act.

(3) For the purposes of Part IV of the Summary Proceedings Act 1957, the cancellation of a licence under this section shall be deemed to be a sentence or part of a sentence, as the case may be.

(4) The particulars of any cancellation under this section, and of the particulars of the conviction relating thereto, shall be notified in writing to the appropriate licensing authority by the Registrar of the Court.

54. Other Acts not affected---Except as expressly provided in this Act, nothing in this Act shall limit or otherwise affect any provision of [the Town and Country Planning Act 1977] or of the Health Act 1956.

The Town and Country Planning Act 1977, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Town and Country Planning Act 1953.

55. Regulations---(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the issue, renewal, transfer, and replacement of licences, prescribing the manner and content of applications in respect of any such matter, and requiring applications to be supported by statutory declarations and by such other documents or information as may be prescribed:

(b) Prescribing conditions to which licences shall be subject:

(c) Prescribing or providing for the fixing of fees payable in respect of any licence, application, or other matter under this Act, the manner of assessing any such fee, and the other matters in respect of which fees are to be payable:

(d) Prescribing forms of applications, licences, registers, notices, and other documents required for the purposes of this Act, or authorising the Director-General or a local authority to prescribe or approve such forms, and requiring the use of such forms:

(e) Prescribing tests to be carried out and the records to be maintained by persons holding licences and occupiers of premises with respect to the emission of air pollutants and the consumption of fuel in the course of carrying on any scheduled process or from or on such premises:

(f) Prescribing the types of control equipment that may be used in or on any premises that are not scheduled premises under this Act, and the manner in which such equipment shall be operated and maintained:

(g) Prescribing standards of concentration, or rates, or rates at specified heights, of emission of air pollutants, the points at which such standards of concentration or rates of emission are to be determined, the method of making tests, the frequency of any such tests, and the occasions on which any such tests shall be

made for the purposes of ascertaining whether any of the provisions of this Act or any conditions to which a licence or exemption is subject are being or have been complied with, and providing that any such test shall be made only in accordance with the prescribed method:

- (h) Authorising or prohibiting the use of fuels or particular fuels or particular classes of fuels:
- (i) Prohibiting the use of specified combustible materials, fuel burning equipment, or industrial plant or specified classes of combustible materials, fuel burning equipment, or industrial plant:
- (j) Prohibiting the use of combustible materials, fuel burning equipment, or industrial plant, other than specified combustible materials, fuel burning equipment, or industrial plant, or specified classes of combustible materials, fuel burning equipment, or industrial plant:
- (k) Requiring manufacturers, importers, or sellers of fuel to declare to the Director-General the composition of that fuel and the composition of any substance included in the fuel or manufactured, imported, or offered for sale for the purpose of adding it to a fuel:
- (l) Prescribing the assistance and facilities (including access to, and the means of making examinations, inspections, and tests) to be provided by occupiers of premises to enable officers to exercise their powers under this Act:
- (m) Prescribing, regulating, and controlling the powers, authorities, functions, duties and qualifications of officers and classes of officers:
- (n) Prescribing returns of any information, statistics, and data relating to air pollution to be furnished to the Director-General or a local authority, and the contents thereof, and the persons or classes of persons who shall furnish such returns and the times and places for the furnishing thereof:
- (o) Regulating the procedure of the Council:
- (p) Without limiting any power to grant exemptions conferred by this Act, exempting or providing for the exemption of any specified processes or classes of processes, or any specified person or classes of persons from all or any of the provisions of sections 23 to 31 of this Act, and of any specified premises or classes of premises from all or any of the provisions of sections 7, 8, 9, 10, and 16 of this Act:
- (q) Providing for appeals against any decision made pursuant to any regulation under this Act and conferring on the Administrative Division of the [High Court] jurisdiction to hear and determine any such appeal or making other provision for the hearing and determination of any such appeal:
- (r) Regulating the transmission of communications, for the purposes of this Act, between the Director-General and any local authority:
- (s) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act, and the amounts of fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$200 and, where the offence is a continuing one, a further amount not exceeding \$10 for every day or part of a day during which the offence has continued:
- (t) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(2) For the purposes of this section, "premises" include locomotive engines, aircraft, hovercraft, motor vehicles, other vehicles, and ships, and "occupier" includes the owner of a locomotive engine, motor vehicle, or other vehicle, and the owner, and master or other officer or person in charge, of a ship. In this section the word "owner", in relation to a ship, has the same meaning as in section 20 of this Act.

(3) Any regulations made under this Act may apply generally or may apply, or be applied from time to time by the Minister by notice in the Gazette, within any specified district or subdivision of a district of any local authority, or within any specified part of New Zealand; and any such notice may be revoked or varied at any time in like manner.

(4) If at any time while any such regulations apply within any specified district or subdivision of a district of any local authority the boundaries of the district or subdivision are altered, the regulations, unless the context thereof or of any such notice as aforesaid otherwise requires, shall thereafter apply within the district or subdivision as so altered.

(5) The operation of any regulations made under this Act may, if so provided in the regulations, be wholly suspended until they are applied by the Minister by notice pursuant to subsection (3) of this section.

(6) Any regulations made under this Act may make different provisions for different premises, trades, industries, processes, fuel burning equipment, industrial plants, or control equipment, or different classes of

premises, trades, industries, processes, fuel burning equipment, industrial plants, or control equipment, or different circumstances, and may exempt, or provide for the exemption of, any such matter or class of matters from any specified provision of the regulations.

Cf. Clean Air Act 1963, ss. 36, 50 (1), (4) (Queensland); 1956, No. 65, ss. 119 (c), 122 (1)-(3)

See S.R. 1973/303, and S.R. 1975/52.

[55A. Bylaws controlling open fires---(1) Every local authority may, for the purposes of this Act, make bylaws permitting or regulating or prohibiting the setting on fire, in the open air, of any vegetation or any other combustible material whatsoever on the premises of any dwelling or on any other premises.

(2) Every person who contravenes or fails to comply with any bylaw made under subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$500.

(3) All bylaws made by a local authority under subsection (1) of this section shall be made in the same manner in all respects as if they were bylaws made pursuant to the Act under which the local authority is constituted.

(4) The local authority shall cause printed copies of all its bylaws under subsection (1) of this section to be kept at its office, and to be sold at a reasonable charge to any person who applies for the same.

(5) The powers conferred by subsection (1) of this section are in addition to the powers conferred on any local authority by any other Act.]

This section was inserted by s. 9 of the Clean Air Amendment Act 1986.

SCHEDULES

FIRST SCHEDULE

Section 2 (1), 3

CLASSES OF SPECIFIED AIR POLLUTANTS

1. Radioactive, carcinogenic, teratogenic, or mutagenic substances.
2. Antimony, arsenic, beryllium, cadmium, lead, mercury, thallium, selenium, uranium, and their compounds.
3. Boron, chromium, cobalt, copper, magnesium, manganese, nickel, potassium, sodium, tellurium, tin, vanadium, zinc, and their compounds.
4. Dust containing asbestos, quartz, or other of the pneumoconioses inducing or asthmagenic substances.
- [5. Dusts, and fumes, containing metallic elements; and dusts, and fumes, containing organic and inorganic materials including fertilisers, cement, coal, coke, soot, carbon, tars, wood, fibres, and pathogenic substances.]
6. Sulphur, sulphur oxides, [sulphur oxy acids], carbon di-sulphide, hydrogen sulphide, di-sulphides, poly-sulphides, mercaptans, and other acidic, toxic, or odorous sulphur compounds.
7. Nitrogen oxides, nitric acid, ammonia, and hydrazine, and their compounds, volatile amines, cyanides, cyanates, di-isocyanates or other toxic or odorous compounds of nitrogen.
- [8. Fluorine, chlorine, bromine, iodine, and their compounds.]
9. Phosphorus and its oxides, acids, and organic compounds.
10. Alkyl, carbonyl, and other toxic organo-metal compounds.
11. Hydrocarbons and their partially oxidised or halogenated derivatives, particularly acrolein, [esters of acrylic acid,] formaldehyde, and volatile carboxylic acids, and anhydrides and industrial solvents.
12. Ozone, carbon monoxide.

Clause 5 was substituted for the original clause 5 by clause 2 (1) of S.R. 1982/278.

In clause 6 the words in square brackets were substituted for the words "and acids" by clause 2 (2) of S.R. 1982/278.

Clause 8 was substituted for the original clause 8 by clause 2 (3) of S.R. 1982/278.

In clause 11 the words in square brackets were inserted by clause 2 (4) of S.R. 1982/278.

SECOND SCHEDULE

Sections 2 (1), (2), 3, 10 (4), 23 (3), 24 (1), (2), 28 (5), 29 (6), 32 (1), 33 (1), 42 (3), 43 (4), 48 (3), 52 (2), 56 (5)

PART A---Processes subject to licensing by the Department of Health
after application to the local authority

[1. Any combustion processes (not being combustion processes for the drying of grain) involving fuel burning equipment, including flaring or incineration of trade wastes or refuse, which singly or together can be used to burn any combustible matter:

- (a) At a rate of heat release exceeding 50 MW; or
- (b) At a rate exceeding [[100 kg]] an hour where pathological material, garbage, refuse, or trade wastes are incinerated; or
- (c) At a rate of heat release exceeding 500 kW where the products of combustion are used---
 - (i) To stove enamel; or
 - (ii) To bake or dry any substance that on heating releases dust or other air pollutants; or
 - (iii) To maintain reducing conditions in any manufacturing process; or
- (d) At a rate, where the combustible matter is a combination of combustible materials which contains sulphur or arsenically treated wood or rubber or oil sludge or pitch or paint residues, that will incinerate in excess of 100 kg an hour of---
 - (i) Sulphur; or
 - (ii) Arsenically treated wood; or
 - (iii) Rubber; or
 - (iv) Oil sludge; or
 - (v) Pitch; or
 - (vi) Paint residues; or

(e) At a rate, where the combustible matter is a combination of combustible materials which contains chemicals, plastics, or fibre in which fluorine, chlorine, phosphorous, or nitrogen has been chemically combined, that will incinerate in excess of 25 kg an hour of such chemicals, plastics, or fibre.]

2. Any industrial chemical processes, [excluding electro-plating processes], having as a product or by-product or emission any substance that can cause air pollution, including any processes used in:

- (a) Bodying of natural oils or manufacture or reaction of monomers for production of synthetic resins, varnishes, and plastics; or
- (b) Production of soap, grease, detergents, and surface active agents; or
- (c) Synthesis or extraction of organic chemicals, including formulation of insecticides, weedicides, plant hormones, and like toxic or offensive organic compounds; or
- (d) Production of inorganic chemicals, including concentration of acids and anhydrides, ammonia, and alkalis; or
- (e) Production of phosphatic or nitrogenous synthetic fertilisers, including granulation of single or mixed fertilisers; or
- (f) Any chemical manufacturing processes using or producing chlorine and any industrial processes using chlorine but only for other than water sterilisation and at rates exceeding 5 kg an hour; or
- (g) Separation or concentration for manufacture or disposal of any uranium metal or compound or any radioactive substance.

[3. Any animal or plant matter processes having singly or together a raw material capacity in excess of---

- (a) 0.5 of a tonne an hour, and being processes for rendering or reduction or drying through application of heat to animal matter (including feathers, blood, bone, hoof, skin, offal, whole fish, and fish heads and guts and like parts, and organic manures . . .); or
- (b) 5 tonnes an hour, and being processes for deep fat frying, oil frying, curing by smoking, roasting of berries or grains, or where organic matter including wood is subject to such temperatures or conditions that there is partial distillation or pyrolysis[; or]]
- [[(c) 2 tonnes an hour, and being processes for the drying of milk or milk products]].]

[4. Any process involving the extraction from the surface of the ground or from an open pit of minerals (including coal, coke, and carbon), or the size reduction and screening of such minerals, or the storage outside and above the ground of such minerals, or the drying or heating of minerals that on heating release dust or any air pollutant, being processes which, singly or together,---

(a) Have or require---

- (i) An opencast extraction capacity in excess of 100 tonnes an hour; or
- (ii) A size reduction and screening capacity in excess of 200 tonnes an hour; or
- (iii) A storage capacity in excess of 10,000 tonnes; or
- (iv) A rate of heat release in excess of 2,000 kW; or

(b) Are part of a manufacturing process for portland or similar cements and pozzolanic materials; or

(c) Are part of a manufacturing process for the sintering, calcining, or roasting of metal ores in preparation for smelting or for burning of calcium or calcium-magnesium carbonates to produce calcium or magnesium oxides or hydroxides, or the expansion or exfoliation of minerals, or the dehydration of gypsum; or

(d) Are part of a manufacturing process for making hot-mix asphalt paving mixes; or

(e) Are part of a manufacturing process for making glass or frit from raw materials or making mineral wool or glass fibre, including application of any surface coating to the fibres.]

5. Any industrial metallurgical processes, including associated foundry practices, which involve:

(a) The extraction, including electro-chemical methods of reduction, of any metal or metal alloy from its ore, oxide, or other compound; or

(b) The making of steel or the refining of any metal or modification of any alloy in the molten state by blowing with air, oxygen, or oxygen enriched air, or chlorine or other gases, or by addition of reactive chemicals or volatile fluxes and the use of oxygen lancing in scarfing and similar operations; or

(c) The manufacture of silicon or ferrosilicon or of metal powders or of alloys rich in any metals specified or described in clauses 1 to 3 of the First Schedule to this Act; or

(d) The melting of any metal or metal alloy, including secondary melting, and the sweating of scrap metal, where the aggregated melting capacity exceeds one tonne an hour; or

(e) Hot dip galvanising or other processes for the protection of surfaces by metal coating using fluxes.

6. Any industrial carbonising or gasification processes in which natural gas, petroleum oil, shale, coal, wood, or other carbonaceous material is subject to:

(a) Pyrolysis, carbonisation, or destructive distillation, the solid liquid or gaseous products being recovered; or

(b) Gasification by partial combustion with air or oxygen or reaction with steam.

[7. Any process (not being the purification by distillation of drycleaning solvents at retail outlets) for the refining, purification, or reforming of hydrocarbons in or derived from natural gas, petroleum, shale, coal, wood, or other organic substances, and including:

(a) Hydrocarbon separation or recovery by distillation or absorption and desorption or removal of carbon dioxide or condensable hydrocarbons from natural or manufactured gas; or

(b) Reforming including viscosity breaking by thermal and catalytic cracking and hydrogenation and alkylation and like processes, including preparation of ethylene or acetylene or other feed stock for chemical synthesis; or

(c) Refining to reduce sulphur or to improve other qualities with the aid of any substance specified in the First Schedule to this Act or by air blowing.]

8. Any industrial wood pulp or particle board processes in which:

(a) Wood or other cellulose material is cooked with chemical solutions to dissolve lignin and the associated processes of bleaching and chemical and by-product recovery; or

(b) Hardboard or particle board or wood pulp are made by processes involving emission of air pollutants.

[9. Any use of geothermal steam at a rate of heat release exceeding 5 MW.

10. Any industrial or trade processes involving the use of---

(a) Di-isocyanates at a rate exceeding 100 kg an hour; or

(b) Organic plasticisers at a rate exceeding 100 kg an hour.

[[11. Any process---

(a) Which involves the production of compost from raw materials that contain municipal or domestic refuse and which has a raw materials capacity exceeding 10 tonnes per day; or

(b) Which involves the production of compost from raw materials that do not contain municipal or domestic refuse and which has on the premises at any time a volume of compost and raw materials exceeding 750 cubic metres.]]

12. Any process specified or described in Part B . . . of this Schedule that is owned or operated by a local authority where the process is situated within the area administered by that local authority.]

[13. Any fellmongery processes involving---

(a) The use of sulphides; or

(b) The treatment of fellmongery liquid wastes containing sulphides.]

Clause 1 was substituted for the original clause 1 by clause 3 (1) of S.R. 1982/278.

In clause 1 (b) the expression "100 kg" was substituted for the expression "500 kg" by clause 2 of S.R. 1987/371.

In clause 2 the words in square brackets were substituted for the former words by clause 3 (2) of S.R. 1982/278.

Clause 3 was substituted for the original clause 3 by clause 3 (3) of S.R. 1982/278.

In clause 3 (a) words were omitted by clause 3 (1) of S.R. 1987/371.

In clause 3 (b) the word "; or" was added by clause 3 (2) of S.R. 1987/371.

In clause 3, para. (c) was added by clause 3 (3) of S.R. 1987/371.

Clause 4 was substituted for the original clause 4 by clause 4 of S.R. 1987/371.

Clause 7 was substituted for the original clause 7 by clause 3 (5) of S.R. 1982/278.

Clauses 9 to 12 were substituted for the original clause 9 by clause 3 (6) of S.R. 1982/278.

Clause 11 was substituted for the former clause 11 by clause 5 of S.R. 1987/371.

In clause 12 the words "or Part C" were omitted by clause 6 of S.R. 1987/371.

Clause 13 was added by clause 7 of S.R. 1987/371.

PART B---Processes subject to licensing by local authorities

1. Any combustion processes involving fuel burning equipment, including flaring or incineration of trade wastes or refuse, not otherwise specified or described in this Schedule but which singly or together can be used to burn combustible matter:

(a) For any purpose at a rate of heat release exceeding 5 MW; or

(b) For the purpose of---

(i) The recovery of metals from insulated cable, motor vehicles, or any other mixture or combinations of metals and combustibles; or

(ii) The cleaning of drums or containers; or

(iii) Frost protection on more than one occasion in any period of 12 months by the use of fire pots [; or]

[[(c) At a rate not exceeding 100 kg an hour where pathological material, garbage, refuse, or trade wastes are incinerated; or]]

(d) At a rate, where the combustible matter is a combination of combustible materials which contains sulphur or arsenically treated wood or rubber or oil sludge or pitch or paint residues, that will incinerate in excess of 25 kg an hour but not in excess of 100 kg an hour of---

(i) Sulphur; or

(ii) Arsenically treated wood; or

(iii) Rubber; or

(iv) Oil sludge; or

(v) Pitch; or

(vi) Paint residues; or

(e) At a rate, where the combustible matter is a combination of combustible materials which contains chemicals, plastics, or fibre in which fluorine, chlorine, phosphorous, or nitrogen has been chemically

combined, that will incinerate in excess of 5 kg an hour but not in excess of 25 kg an hour of such chemicals, plastics, or fibre.]

2. Any industrial or trade processes (not otherwise specified or described in this Schedule) for the [blending, packaging, or handling of] air polluting substances specified in the First Schedule to this Act including grain elevators or seed dressing plant but not processes solely concerned with retail distribution or with distribution of fuels.

[3. Any industrial or trade animal or plant matter processes---

(a) Described in clause 3 (a) of Part A of this Schedule, but having a raw material capacity not in excess of 0.5 of a tonne per hour; or

(b) Described in clause 3 (b) of Part A of this Schedule, but having a raw material capacity in excess of 250 kg an hour but not in excess of 5 tonnes an hour; or

(c) Described in clause 3 (c) of Part A of this Schedule, but having a raw material capacity not in excess of 2 tonnes an hour.]

[4. Any industrial or trade mineral processes described in clause 4 (a) of Part A of this Schedule, but having or requiring---

(a) An opencast extraction capacity in excess of 5 tonnes an hour but not in excess of 100 tonnes an hour; or

(b) A size reduction and screening capacity in excess of 5 tonnes an hour but not in excess of 200 tonnes an hour; or

(c) A storage capacity in excess of 500 tonnes but not in excess of 10,000 tonnes; or

(d) A rate of heat release less than 2,000 kW.]

5. Any industrial or trade processes for manufacture of flock or for the teasing of textiles or shredding of paper or for cleaning sacks or crushing or separating dags from wool.

[6. Any industrial or trade process which is not otherwise specified or described in this Part of this Schedule and which involves [[dry]] abrasive blasting.

[[7. Any industrial or trade process using di-isocyanates at a rate not exceeding 100 kg an hour.]]]

[8. Any process of wool scouring.

9. Any process---

(a) Which involves the production of compost from raw materials that contain municipal or domestic refuse and which has a raw materials capacity not exceeding 10 tonnes per day; or

(b) Which involves the production of compost (except silage) from raw materials that do not contain municipal or domestic refuse and which has on the premises a volume of compost and raw materials exceeding 100 cubic metres but not exceeding 750 cubic metres.]

In clause 1 (b) the word "; or" was added by clause 4 (1) of S.R. 1982/278.

In clause 1, paras. (c) to (e) were added by clause 4 (2) of S.R. 1982/278.

In clause 1, para. (c) was substituted for the former para. (c) by clause 8 of S.R. 1987/371.

In clause 2 the words in square brackets were substituted for the former words by clause 4 (3) of S.R. 1982/278.

Clause 3 was substituted for the former clause 3 (as substituted by clause 4 (4) of S.R. 1982/278) by clause 9 of S.R. 1987/371.

Clause 4 was substituted for the original clause 4 (as amended by clause 4 (5) of S.R. 1982/278) by clause 10 of S.R. 1987/371.

Clauses 6 and 7 were added by clause 4 (6) of S.R. 1982/278.

In clause 6 the word "dry" was inserted by clause 11 of S.R. 1987/371.

Clause 7 was substituted for the former clause 7 by clause 12 of S.R. 1987/371.

Clauses 8 and 9 were added by clause 13 of S.R. 1987/371.

PART C---Processes requiring notification to local authorities and
subject to licence pursuant to bylaws

1. Any combustion processes involving fuel burning equipment, including flaring or incineration of trade wastes or refuse, not otherwise specified or described in this Schedule which singly or in combination in any one unit can burn combustible matter having a rate of heat release exceeding [40 kW].
2. Any industrial or trade processes not otherwise specified or described in this Schedule for pneumatic conveying of any air polluting substance specified in the First Schedule to this Act
3. Any industrial or trade processes described in clause 3 of Part A of this Schedule but having a raw material capacity less than 250 kg an hour.
- 4, 5. Repealed by clause 5 (2) of S.R. 1982/278.
6. Any industrial or trade processes not otherwise specified or described in this Schedule which may separately or together discharge to the atmosphere hydrocarbons and related substances in quantity [exceeding 5 kg an hour].
7. Any industrial or trade processes not otherwise specified or described in this Schedule or for which a lower emission limit is not specified in this Schedule but which may discharge to the atmosphere air pollutants specified in the First Schedule to this Act.
- [8. Any process which involves the production of compost (except silage) from raw materials that do not contain municipal or domestic refuse and which has on the premises at any time a volume of compost and raw materials not exceeding 100 cubic metres.
9. Any industrial or trade process which is not otherwise specified or described in this Part of this Schedule and which involves wet abrasive blasting.]

In clause 1 the expression "40 kW" was substituted for the expression "100 kW" by clause 14 of S.R. 1987/371.

In clause 2 words were omitted by clause 5 (1) of S.R. 1982/278.

In clause 6 the words in square brackets were substituted for the former words by clause 5 (3) of S.R. 1982/278.

Clauses 8 and 9 were added by clause 15 of S.R. 1987/371.

THIRD SCHEDULE

Section 6 (5)

PROVISIONS RELATING TO CLEAN AIR COUNCIL

1. Membership of Council---(1) The Clean Air Council shall consist of---
 - (a) A person possessing an academic qualification in chemistry or chemical engineering:
 - (b) A medical practitioner [suitably experienced and qualified in community medicine]:
 - (c) A representative of industry:
 - (d) A meteorologist or scientist having special knowledge of air pollution:
 - [(e) A person nominated by the New Zealand Local Government Association Incorporated:]
 - (f) A person nominated by the Minister for the Environment:
 - (g) A person having special knowledge in the field of energy resources:
 - (h) Two other persons.
- (2) The members of the Council shall be appointed by the Minister, after consultation with such organisations, if any, as he sees fit to consult.

(3) Every member of the Council shall be appointed for a term of 3 years, but any such member may from time to time be reappointed or may be at any time removed from office by the Minister for such cause as he thinks sufficient, or may at any time resign his office by writing addressed to the Minister.

(4) The powers of the Council shall not be affected by any vacancy in the membership thereof.
Cf. 1956, No. 65, s. 11 (1), (2), (3), (5)

In subclause (1) (b), the words in square brackets were substituted for the former words by s. 6 of the Health Amendment Act 1987.

In subclause (1), para. (e) was substituted for the original para. (e) by s. 2 (1) of the Clean Air Amendment Act 1988. See s. 2 (2) of that Act.

2. Remuneration and travelling expenses---(1) The Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Council, and to the members of any committee appointed by the Council, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if all the members of any such committee were members of a statutory Board within the meaning of that Act.

3. Chairman and Deputy Chairman---(1) At the first meeting of the Council held after the commencement of this Act, and at the first meeting of the Council held after the 1st day of April in each succeeding year, the Council shall appoint one of its members to be the Chairman of the Council and another of its members to be the Deputy Chairman of the Council.

(2) Any person appointed to be the Chairman or the Deputy Chairman of the Council shall hold office, while he continues to be a member of the Council, until the appointment of his successor, or he sooner resigns that office, or, in the case of the Deputy Chairman, he is appointed to be Chairman of the Council.

(3) If the Chairman or Deputy Chairman dies, or resigns his office, or ceases to be a member of the Council, the Council shall appoint some other member in his stead to be Chairman or Deputy Chairman, as the case may require, until the next occasion on which a Chairman or Deputy Chairman is appointed under subclause (1) of this clause.

(4) Any person appointed to be Chairman or Deputy Chairman under this clause may from time to time be reappointed.

(5) During any vacancy in the office of Chairman, or in the absence of the Chairman from New Zealand or while the Chairman is incapacitated by sickness or otherwise, the Deputy Chairman shall have and may exercise and perform all the powers and duties of the Chairman.

4. Meetings of Council---(1) Meetings of the Council shall be held at such times and places as the Chairman of the Council, or the Secretary to the Council on the direction of the Chairman, may from time to time appoint:

Provided that the first meeting of the Council shall be held at a time and place to be fixed by the Director-General.

(2) The Chairman of the Council shall preside at all meetings of the Council at which he is present. In the absence of the Chairman from any meeting the Deputy Chairman, if present, shall preside. In the absence from any meeting of both the Chairman and the Deputy Chairman the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(3) At any meeting of the Council 5 members shall form a quorum.

(4) At any meeting of the Council the Chairman of that meeting shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote. All questions before the Council shall be determined by a majority of the votes of the members present at the meeting.

(5) Subject to the provisions of this Act and of any regulations made under this Act, the Council may regulate its procedure in such manner as it sees fit.

5. Annual report---(1) As soon as practicable after the end of each year ending with the 31st day of March the Council shall furnish to the Minister a report of its operations and proceedings during that year.

(2) A copy of the report shall be laid before Parliament as soon as practicable after its receipt by the Minister.

6. Secretary of the Council---(1) There may from time to time be appointed under [the State Sector Act 1988] a Secretary of the Council.

(2) Any person appointed to be Secretary of the Council under subclause (1) of this clause may hold that position either separately from or in conjunction with any other position in the Public Service.

In subclause (1) the reference to the State Sector Act 1988 was substituted for a reference to the State Services Act 1962 by s. 90 (a) of the State Sector Act 1988.

6. Secretary of the Council---(1) There may from time to time be appointed under [the State Sector Act 1988] a Secretary of the Council.

(2) Any person appointed to be Secretary of the Council under subclause (1) of this clause may hold that position either separately from or in conjunction with any other position in the Public Service.

In subclause (1) the reference to the State Sector Act 1988 was substituted for a reference to the State Services Act 1962 by s. 90(a) of the State Sector Act 1988.

7. Council may be appointed as a Commission of Inquiry---(1) For the purposes of enabling the Council to perform its functions under this Act, the Governor-General may from time to time appoint the Council, or any 3 or more persons being members of the Council, to be a Commission under the Commission of Inquiry Act 1908 to inquire into any matter within the scope of those functions, and, subject to the provisions of this Act, all the provisions of that Act, except sections 11 and 12 (which relate to costs), shall apply accordingly.

(2) In any such case the Chairman of the Commission, or the Secretary of the Council purporting to act by direction of the Chairman, may exercise the powers of the Commission in respect of citing parties and summoning witnesses, and may do any other act preliminary or incidental to the hearing or consideration of any matter by the Commission.

(3) In addition to its powers under the Commissions of Inquiry Act 1908, the Commission may from time to time, if it thinks fit, rehear any matter that had been heard and determined by it.
Cf. 1956, No. 65, s. 17

8. Committees of Council---(1) The Council may from time to time appoint committees, consisting of 2 or more persons whether or not they are members of the Council, to inquire into and report to the Council on such matters within the scope of its functions as are referred to them by the Council, or to exercise on behalf of the Council any of its functions; and may from time to time delegate to any such committee any such function.

(2) Every such committee shall be subject in all things to the control of the Council, and may at any time be discharged, altered, or reconstituted by the Council.

(3) Subject to any general or special directions given or conditions imposed by the Council, any committee to whom any function of the Council has been delegated may exercise that function in the same manner and with the same effect as if it had been conferred directly by this Act and not by delegation.

(4) Every committee purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(5) Any delegation under this section may be revoked at any time.

(6) No delegation under this section shall prevent the exercise of any function by the Council.
Cf. 1956, No. 65, s. 18.

FOURTH SCHEDULE

Section 56 (1)

ENACTMENTS AMENDED

| Title of Act | Amendment |
|---|--|
| 1956, No. 65---The Health Act 1956 (1957 Reprint, Vol. 6, p. 1) | The amendments specified have been incorporated in the reprinted Health Act 1956 (R.S. Vol. 19, p. 493). |

Parts of this Schedule have been repealed by the following enactments:

The Town and Country Planning Act 1977: s. 17 8 (1) (Impliedly)

The Local Government Amendment Act 1979: s. 9 (1)

FIFTH SCHEDULE

Section 56 (2)

ENACTMENTS REPEALED

1956, No. 65---The Health Act 1956: Sections 56, 113, 116, paragraph (c) of section 119, and the Fourth and Fifth Schedules (1957

Reprint, Vol. 6, pp. 39, 68, 69, 70, 74, 85, 86, and 87).

1960, No. 96---The Health Amendment Act 1960: Section 5.

SIXTH SCHEDULE

Section 56 (3)

REGULATIONS AND ORDER REVOKED

| Title | Serial Number |
|------------------------------------|---------------|
| The Air Pollution Regulations 1957 | 1957/95 |
| The Chemical Works Order 1960 | 1960/43 |

Amending Act/Rule(s)

1 The Clean Air Amendment Act 1982

The Clean Air Act Schedules Order 1982

3 The Clean Air Amendment Act 1986

4 The Clean Air Amendment Act 1987

The Clean Air Act Second Schedule Order 1987

6 The Clean Air Amendment Act 1988