

**BIRMINGHAM CITY COUNCIL**

**CLEAN AIR ACT 1993 SECTIONS 18, 19A, 19B & 44 & SCHEDULES 1 & 1A (AS AMENDED)**

**NOTICE OF PROPOSAL TO MAKE THE BIRMINGHAM SMOKE CONTROL ORDER 2025**

1. Notice is hereby given that in pursuance of sections 18, 19A, 19B & 44 and Schedules 1 & 1A of the Clean Air Act 1993 ("the Act"), Birmingham City Council proposes to make an Order entitled The Birmingham Smoke Control Order 2025 (hereinafter referred to as "the proposed Order") declaring the Smoke Control Orders made by the Council listed in the Schedule hereto to be revoked, and declaring the whole of the area of the City of Birmingham to be a Smoke Control Area.
2. The proposed Order if made, shall come into force on a date not less than six months after the date it is made.
3. If, on any day after the proposed Order comes into operation, smoke is emitted from a relevant chimney of any building, a relevant chimney which serves the furnace of any fixed boiler or industrial plant or the relevant chimney of any vessel moored within the Smoke Control Area, the occupier of that building, fixed boiler or industrial plant or moored vessel may be liable to a financial penalty unless they can prove that the emission of smoke was not caused by the use of fuel other than an authorised fuel.
4. If, on any day after the proposed Order comes into operation, any person acquires for use in a building or fireplace, use in any fixed boiler or industrial plant, use in a vessel moored within the Smoke Control Area or sells by retail for delivery, unauthorised fuel within the Smoke Control Area they will be guilty of an offence and liable to a fine unless they can prove that in the case of an offence consisting of the sale of unauthorised fuel for delivery, they had reasonable grounds for believing that the fuel was acquired for use in an exempted building, fireplace, fixed boiler or industrial plant or a vessel moored within the Smoke Control Area.
5. Copies of the proposed Order and accompanying plan may be inspected free of charge at the Council House, Victoria Square, Birmingham B1 1BB between the hours of 9am to 5pm Mondays to Thursdays and 9am to 4pm on Fridays during a period of 9 weeks from 19 June 2025.
6. The proposed Order and accompanying plan is also available to view on the Council's website: [www.birmingham.gov.uk/info/20076/pollution](http://www.birmingham.gov.uk/info/20076/pollution) and on BeHeard [www.birminghambeheard.org.uk/bcc/smoke-control-order-2025](http://www.birminghambeheard.org.uk/bcc/smoke-control-order-2025)
7. Any persons aggrieved by the proposed Order may on or before 21 August 2025 object by notice in writing using the subject header 'Smoke Control Order 2025 Consultation' by email to [Pollution.team@birmingham.gov.uk](mailto:Pollution.team@birmingham.gov.uk) or by post to Birmingham City Council, City Operations Directorate, Smoke Control Order 2025 Consultation, Environmental Health, Units 1-3 Ashted Lock Way, Birmingham, B7 4AZ

Dated this 19<sup>th</sup> day of June 2025

**Birmingham City Council**  
**Legal & Governance Department**

### **Schedule**

The Smoke Control Orders hereby revoked are the:

- A. City of Birmingham Smoke Control Consolidation (No. 2) Order 1987;
- B. Smoke Control Order 1995; and
- C. Any other smoke control orders made pursuant to section 11 of the Clean Air Act 1956, before 13th November 1980, by Birmingham City Council covering the Smoke Control Area shown on the accompanying plan to the proposed Smoke Control Order.