

## **BIRMINGHAM CITY COUNCIL**

### **CLEAN AIR ACT 1993 (AS AMENDED)**

#### **THE BIRMINGHAM SMOKE CONTROL ORDER 2025**

Birmingham City Council in exercise of its powers conferred by sections 18, 19A, 19B and 44 and Schedules 1 & 1A of the Clean Air Act 1993 (as amended) (hereinafter referred to as “the Act”) hereby make the following Order:

#### **Citation**

1. This Order may be cited as The Birmingham Smoke Control Order 2025 (hereinafter referred to as “this Order”).

#### **Commencement**

2. This Order shall come into operation on the 23rd day of March 2026 and shall continue in force until varied or revoked.

#### **Declaration and Application**

3. Birmingham City Council declares the whole of the area of the City of Birmingham to be a Smoke Control Area for the purposes of the Clean Air Act 1993. The extent of the Smoke Control Area is shown on the plan annexed at Schedule 1 to this Order.
4. This Order applies to all relevant chimneys of any buildings and all relevant chimneys which serves the furnace of any fixed boiler or industrial plant within the Smoke Control Area unless otherwise excluded from the operation of Schedule 1A to the Clean Air Act 1993. This Order also applies to vessels moored within the Smoke Control Area which are, accordingly, subject to Schedule 1A to the Clean Air Act 1993.

#### **Exemptions**

5. Other than exemptions made by the Secretary of State under Sections 19C and 19D of the Act, there are no buildings, fixed boilers, industrial plants or vessels that are exempt from the operation of Section 19A and Schedule 1A to the Act (penalty for emission of smoke in a smoke control area in England).
6. Other than exemptions made by the Secretary of State under Sections 19C and 19D of the Act, it is an offence to acquire for use or sale within the Smoke Control Area controlled fuels under Section 19B (Acquisition and sale of controlled solid fuel in England) for which a person may be liable to conviction and a fine under sections 19B(7) & 19B(8) of the Act.

#### **Revocation**

7. The following smoke control orders are hereby revoked:
  - 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 13<sup>th</sup> November 1980, by Birmingham City Council covering the Smoke Control Area shown on the plan

Dated this 18th day of September 2025

EXECUTED AS A DEED by affixing )  
THE COMMON SEAL of )  
BIRMINGHAM CITY COUNCIL )  
in the presence of:- )

Authorised Signatory

**Schedule 1**

**Plan of Smoke Control Area**