

## What You Should Know About Burning at Industrial and Trade Premises

- There are no set times in law which specify when burning may or may not take place.
- The emission of dark smoke from burning at industrial or trade premises is strictly prohibited under Section 2 of The Clean Air Act 1993. Offences made under this legislation incur a maximum penalty of £20,000 for each offence. Smoke emissions from flues, stacks or chimneys are controlled by legislation including The Clean Air Act 1993, The Environmental Protection Act 1990 and The Environmental Permitting (England and Wales) Regulations 2010.
- A person who burns casing and/or insulation from a cable with a view to recovering the metal core(s) is guilty of an offence under Section 33 of The Clean Air Act 1993. Maximum penalties of £5,000 apply.
- It is an offence under Section 79 of The Environmental Protection Act 1990 to cause a nuisance or injure the health of your neighbours with any emission from burning at your premises. This offence is not dependant on the smoke emissions being 'dark' within the meaning of The Clean Air Act 1993. Maximum penalties of £20,000 apply to businesses found guilty of the offence.
- Anyone lighting a fire and allowing it to drift across a highway faces a fine of up to £5,000 under Section 161A of The Highways (Amendment) Act 1986, this legislation is enforced by the Police.
- It is an offence under Section 33 (1)(c) of The Environmental Protection Act 1990 to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health, this includes burning. A Magistrates' Court can impose a maximum fine of £50,000 or a maximum prison sentence of twelve months, or both. A Crown Court can impose an unlimited fine or a maximum prison sentence of five years, or both.
- Burning of controlled waste produced by the operation of a business is a breach of the "Duty of Care" set out in Section 34 of The Environmental Protection Act 1990, The Waste Management Licensing Regulations 1994 and other waste legislation. It applies to anyone who is the producer or holder of controlled waste, including commercial and industrial waste. Persons concerned with waste must ensure that the waste is managed properly, recovered or disposed of safely, does not cause harm to human health or pollution to the environment and is only transferred to someone who is authorised to receive it. A breach of the Duty of Care is an offence with a penalty of up to £5,000 on summary conviction or an unlimited fine on conviction on indictment.

Further enquiries should be addressed to:

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