

CHAPTER XIV.

ADMINISTRATION OF PUBLIC HEALTH (SMOKE ABATEMENT) ACT, 1926.

THIS Act extends and exempts the smoke abatement powers of the Public Health Act, 1875, and which will prove the greater in helping or hindering smoke abatement will depend entirely on how the New Act is administered. The chimneys of private dwelling-houses have continued exemption. No injustice would be done to anyone if they were, as are other chimneys, compelled by statute to do what is practicable to prevent the unnecessary smoke made.

Section 334 of the Public Health Act, 1875, which exempts special heat treatment processes, has been extended to include the exemption of the processes of re-heating, annealing, hardening, forging, converting, and carburising iron and other metals.

It is only bare justice that these processes should be exempt from proceedings against smoke which is necessary, but it is retrogressive legislation to exempt them after 50 years, during which period proceedings have only been taken against unnecessary smoke.

The exemption of ships is even more retrogressive, for they are among the greatest offenders, and smoke nuisances on any premises occupied for the public service of the Crown ought not to be exempt, but power given to the Local Authority to take proceedings for their abatement as an example to others.

The two extensions against the four exemptions are excellent, viz., that smoke is a nuisance notwithstanding

PUBLIC HEALTH (SMOKE ABATEMENT) ACT. 181

that the smoke is not black smoke, and the expression "smoke" shall include soot, ash, grit, and gritty particles.

Also fifty pounds is substituted for five pounds as the maximum penalty, and the daily penalties for failure to obey a smoke abatement order made by the Court are forty shillings and five pounds, instead of ten shillings and twenty shillings respectively.

The power to proceed against all unnecessary smoke regardless of colour, grit, etc., is a long delayed and most just extension, because its prevention will be a great saving of coal, and the practical prevention of air pollution and poisoning. Moreover, the heavier penalties, when imposed, should cause both employers and employees to do what is required to prevent the emission of unnecessary smoke.

The New Act like all other Acts, is not automatic, and will be a dead letter unless administered.

The most commendable circular issued by the Minister of Health to Local Authorities is evidence of the fact, for it says, "Much has been done to abate nuisances, and if the Local Authorities will co-operate with the industrial interests and administer the additional powers given in the New Act, much more will be done in the future to abate nuisances."

It will be possible and profitable—not only to Local Authorities, but to the general public—in the future for an Authority who has an exceptionally qualified smoke abatement official, to place him at the disposal of other Authorities, to advise them regarding problems of special difficulty. This is borne out by the experience of the author, who for many years has been permitted to help other Authorities all over the country in their smoke abatement troubles.

Sanitary Inspectors have taken a course of smoke abatement training, realising that they must be specially qualified to do the work in a way satisfactory to the Local Authority, smoke makers, and the general public.

And in addition to training Sanitary Inspectors, courses have been given by the writer to engineers, draughtsmen, firemen, and others to prepare them for procuring the Smoke Inspector's certificate, and obtaining appointments as Smoke Inspectors, and thus be specially qualified to administer the New Act in its letter and spirit.

The London Coal Smoke Abatement Society, The Smoke Abatement League of Great Britain, Regional Committees, Federated Health Associations, and other Associations have rendered—at much sacrifice—splendid service in the cause.

Not only have smoke makers resented and resisted their interference, but Local Authorities also—smoke abatement defaulters—and have told them often in language more pointed than polite, to mind their own business.

The administration of the Act is not the business of voluntary associations, but the work of the Local Authorities, who are paid by the public to do it; but 95 per cent. of the Authorities have not done their duty for reasons anything but just and reasonable, and the Voluntary Associations have had to do it to try and make the air fit for a civilised people to breathe.

Circular 759 sent by the Minister of Health to the County Councils and Sanitary Authorities in England and Wales, should be sufficient to stimulate every Authority to administer the New Act, and commence at once their practical abatement policy by appointing specially qualified persons to act as Smoke Inspectors, and small Authorities grouping when there is not sufficient work for an Inspector for each.

Every Authority should fix smoke standards, but these should be well considered, for to allow 2 minutes of black smoke to be emitted in 30 minutes from a chimney which only serves one boiler is too much; 2 minutes in 60 is ample, as has been demonstrated thousands of times in Sheffield and other places.

Other Local Authorities could not do better than adopt the Sheffield smoke standards, which were fixed in 1895, and have been so successful in their operation ever since. They are as follows:—

1 boiler	2 minutes	of black smoke	in the hour.
2 boilers	3	“	“
3 boilers	4	“	“
4 and more boilers	6 minutes	of black smoke	in the hour.
1 boiler, 1 or more Furnaces	served by the same chimney,	6 minutes	in the hour.

It has been proved positively that a chimney serving 8 boilers, 8 and more furnaces, need not exceed the 6 minutes limit, because the increased temperature in furnaces and flues prevent the formation of smoke, and increases the efficiency.

When a chimney emits smoke exceeding the limit allowed, the works should at once be visited by the Inspector—and complaint made to the manager. He should ascertain how many boilers, furnaces and fires are served by the offending chimney, how many are working, what kind of boilers and furnaces are in operation, and whether constructed or not constructed to consume their own smoke as far as practicable, what kind of appliances are attached, if in working order, or working, if sufficient boiler-power, draught, whether the stoker is able to see the chimney top from the boiler front, also the class of coal being used. He should have the furnaces fired to ascertain whether the fireman is expert and the firing done satisfactorily, and if not, then the Inspector must give the necessary instructions to demonstrate smokeless stoking, but if the working conditions are such that they will not permit of it being satisfactorily done, then the employer should be told what to do to abate the nuisance, or take such other measures as are necessary to abate the nuisance.

In addition, within 24 hours of the offence, an Intimatory Notice should be served on the offending firm—without prejudice to any proceedings—giving the

name of the chimney, kind, what it serves, date and hour of offence, number of minutes smoke emitted and other particulars to enable the firm to find out who was responsible for the offence, and forthwith take steps to abate it.

When the Health Committee meets—fortnightly, or at longer intervals—the Inspector should report full particulars of the offence to the committee, and receive by resolution an authority to serve a Statutory Abatement Notice on the firm, requiring them to do certain things, or take such other measures as are necessary to abate the said nuisance, allowing necessary time to do the work required. The statutory life of an abatement notice is six months, and police court proceedings can be taken any time during the six months from the date of the notice, for failure to obey the notice.

The first time the chimney exceeds the smoke limit after the service of the notice, another Intimatory Notice should be served within 24 hours, and the case reported to the committee for prosecution. If the committee decide to prosecute, and the Inspector is able in evidence to satisfy the court that the smoke complained of is not necessary, then the court does—sometimes does not—make an abatement order to carry out the requisitions of the notice, and often imposes a penalty—sometimes the maximum penalty.

There is no statutory life fixed for a Magistrate's Order, the Local Authority decides when it shall expire, but often proceedings have been taken for disobedience of the order four, five and more years after the date of the order, and daily penalties have been imposed by the court for disobedience of the order.

If a chimney exceeds the limit on which a magistrate's abatement order is made, and no caution has been given for 12 months, then the Inspector should immediately after the observation, visit the works to ascertain the cause of the nuisance, and within 24 hours

of the offence serve an Intimatory Notice. If the offence is repeated, then the case should be reported to the committee and proceedings taken for failure to obey the order, and the court does invariably impose the daily penalties for disobedience of the order.

The life of an abatement order is lengthened every time proceedings are taken for failure to obey.

A Stipendiary Magistrate should hear all smoke cases, but if there is not a Stipendiary Magistrate then there should be a special court for smoke cases, because many Magistrates refuse to hear the cases, stating they are either directly, or indirectly, interested in the defendants, and their refusal frequently results in weeks of waiting before there is a court who will hear the cases.

But if the Local Authorities did decide—which is hardly likely—to continue their default, ignore the Government circular, and refuse to administer the New Act, then there could be no other alternative than that the Minister of Health should appoint one or more competent and specially qualified officers, to advise and assist manufacturers and Local Authorities in the difficult problem of practical smoke prevention, and take proceedings, charging defaulting Authorities with the costs, as recommended by the Departmental Committee on "Smoke and Noxious Vapours Abatement" in their final report, 1921.

If the outlined practical and sound policy of administration of the New Act were adopted by all the Local Authorities—and there is no reason why it should not, but every reason why it should—then trade would be greatly helped—not hindered—by the saving of a third of the coal consumed, less damage would be done to property, there would be less laundry expense, 30 per cent. less fogs, 30 per cent. more sunshine, a less polluted and poisoned atmosphere, a greatly improved public health, and a decreased mortality, especially infantile.