

POLICY NOTE

THE AIR QUALITY (SCOTLAND) AMENDMENT REGULATIONS 2016

SSI 2016/162

The above Instrument is made in exercise of the powers conferred by sections 87(1), (2)(b) and (h), (5)(b), and 91(1) of the Environment Act 1995⁽¹⁾ and all other powers enabling them to do so. The Instrument is subject to affirmative procedure.

Policy objectives

Part 4 of the Environment Act 1995 requires local authorities in Scotland to review air quality within their areas against objectives for several pollutants of concern for human health. Such reviews must be accompanied by an assessment of whether the objectives are being achieved or are likely to be achieved within the relevant period.

These Regulations amend the Air Quality (Scotland) Regulations 2000, which prescribe the relevant period for the purpose of Part 4 of the 1995 Act and set the air quality objectives to be achieved.

Regulation 2(4) amends the table in the Schedule to the 2000 Regulations (the air quality objective table) by setting an air quality objective for the substance PM_{2.5}. Regulation 2(5) introduces a definition of PM_{2.5} into the 2000 Regulations.

An objective for PM_{2.5} (particulate matter with a diameter of 2.5 microns or less) was not included in the 2000 Regulations, as it is only in recent years that the full significance of the health impact has become clear and that sufficient scientific evidence has been available to set a meaningful objective.

Regulation 2(2) and (3) amends regulation 3 of the 2000 Regulations so as to prescribe the relevant period for the purposes of Part 4 of the 1995 Act in relation to the new air quality objective.

Consultation

Consultation on the Instrument was undertaken as part of a wider consultation on ‘Cleaner Air for Scotland – The Road to a Healthier Future’, Scotland’s first distinct air quality strategy, which was published in November 2015.

Impact Assessments

The Instrument will have no negative environmental impact, and has no negative socio-economic implications. Therefore no environmental, equality or other impact assessments have been undertaken.

(1) 1995 c.25. Section 91(1) provides a power to prescribe “the relevant period” and provides definitions of “appropriate agency” and “prescribed” that are relevant to the exercise of these powers. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Sections 87(7) and 91(1) were relevantly amended by S.I. 2013/755 and paragraph 29(5) of schedule 3 to the Regulatory Reform (Scotland) Act 2014 (asp 3) respectively.

Financial Effects

The Instrument imposes no new financial requirements on businesses, therefore no Business and Regulatory Impact Assessment was undertaken.

Scottish Government
Directorate for Environment & Forestry

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