
WELSH STATUTORY INSTRUMENTS

2000 No. 1940 (W. 138)

ENVIRONMENTAL PROTECTION, WALES

The Air Quality (Wales) Regulations 2000

Made - - - - *19th July 2000*

Coming into force - - *1st August 2000*

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred on the Secretary of State by sections 87(1) and (2) and 91(1) of the Environment Act 1995⁽¹⁾ and of all other powers enabling him in that behalf and now vested in the National Assembly for Wales⁽²⁾, having, in accordance with section 87(7) of that Act, consulted the Environment Agency, such bodies or persons appearing to the National Assembly to be representative of the interests of local government and of industry as it considers appropriate, and such other bodies or persons as it considers appropriate:

Citation, commencement and application.

1.—(1) These Regulations may be cited as the Air Quality (Wales) Regulations 2000 and shall come into force on 1 August 2000.

(2) These Regulations apply to Wales only.

Interpretation

2.—(1) In these Regulations,

“the 1995 Act” (“*Deddf 1995*”) means the Environment Act 1995,

“air quality objective” (“*amcan ansawdd aer*”) has the meaning given by regulation 4 of these Regulations,

“the Schedule” (“*yr Atodlen*”) means the Schedule to these Regulations,

“substance” (“*sylwedd*”) means a substance listed in the left hand column of the Table, and

“the Table” (“*y Tabl*”) means the Table in Part I of the Schedule.

(2) The provisions of Part II of the Schedule shall have effect for the purpose of the interpretation of the Schedule.

(1) [1995 c. 25](#). See the definition of “prescribed”, “regulations” and “the relevant period” in section 91(1) of the Environment Act 1995 (“the 1995 Act”).

(2) The functions of the Secretary of State under sections 87 and 91 of the 1995 Act are transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. [1999/672](#)) to which there are amendments not relevant to these Regulations.

Relevant periods

3. The relevant period prescribed for the purposes of Part IV of the 1995 Act⁽³⁾, in relation to an air quality objective, shall be the period beginning with the date on which these Regulations come into force and ending on the date prescribed in the right hand column of the Table opposite the relevant air quality objective.

Air quality objectives

4.—(1) It is an air quality objective for each substance that the level at which that substance is present in the air is restricted to the level prescribed in the left hand column of the Table for that substance by no later than the date prescribed in the right hand column of the Table for that substance, or, if more than one air quality objective is prescribed for a substance, the date prescribed in the right hand column opposite the relevant air quality objective for that substance.

(2) The achievement or likely achievement of an air quality objective prescribed in accordance with paragraph (1) shall be determined by reference to the quality of air at locations

- (a) which are situated outside of buildings or other natural or artificial structures above or below ground; and
- (b) at which members of the public are regularly present.

Revocation

5. The Air Quality Regulations 1997⁽⁴⁾ are hereby revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁵⁾.

19th July 2000

D. Elis Thomas
Presiding Officer

⁽³⁾ See sections 82 to 85 of the 1995 Act.

⁽⁴⁾ S.I. 1997/3043. These Regulations, which applied to Great Britain, were revoked in relation to Scotland by S.S.I. 2000/97 and in relation to England by S.I. 2000/928.

⁽⁵⁾ 1998 c. 38.

THE SCHEDULE**Regulations 2, 3 and 4****PART I****TABLE****AIR QUALITY OBJECTIVES**

Substance/ Air Quality Objective levels	Date by which objective to be achieved
Benzene: 16.25 micrograms per cubic metre or less, when expressed as a running annual mean	31 December 2003
1, 3 -Butadiene: 2.25 micrograms per cubic metre or less, when expressed as a running annual mean	31 December 2003
Carbon monoxide: 11.6 milligrams per cubic metre or less, when expressed as a running 8 hour mean	31 December 2003
Nitrogen dioxide: 200 micrograms per cubic metre or less, when expressed as an hourly mean, not to be exceeded more than 18 times a year	31 December 2005
Nitrogen dioxide: 40 micrograms per cubic metre or less, when expressed as an annual mean	31 December 2005
Lead: 0.5 micrograms per cubic metre or less, when expressed as an annual mean	31 December 2004
Lead: 0.25 micrograms per cubic metre or less, when expressed as an annual mean	31 December 2008
PM₁₀: 50 micrograms per cubic metre or less, when expressed as a 24 hour mean, not to be exceeded more than 35 times a year	31 December 2004
PM₁₀ 40 micrograms per cubic metre or less, when expressed as an annual mean	31 December 2004
Sulphur dioxide: 125 micrograms per cubic metre or less, when expressed as a 24 hour mean, not to be exceeded more than 3 times a year	31 December 2004
Sulphur dioxide: 350 micrograms per cubic metre or less, when expressed as an hourly mean, not to be exceeded more than 24 times a year	31 December 2004
Sulphur dioxide: 266 micrograms per cubic metre or less, when expressed as a 15 minute mean, not to be exceeded more than 35 times a year	31 December 2005

PART II

Interpretation

For the purposes of this Schedule:

1.—(1) A running annual mean is a mean which is calculated on an hourly basis, yielding one running annual mean per hour. The running annual mean for a substance at a particular location for a particular hour is the mean of the hourly levels for that substance at that location for that hour and the preceding 8759 hours.

(2) For the purpose of the calculation of a running annual mean, the hourly level for a substance at a particular location is either:

- (a) the level at which that substance is recorded as being present in the air at that location during the hour on the basis of a continuous sample of air taken during that hour for at least 30 minutes; or
- (b) the mean of the levels recorded at that location on the basis of 2 or more samples of air taken during the hour for an aggregate period of at least 30 minutes.

2. A running 8 hour mean is a mean which is calculated on an hourly basis, yielding one running 8 hour mean per hour. The running 8 hour mean for a substance at a particular location for a particular hour is the mean of the hourly means for that substance at that location for that hour and the preceding 7 hours.

3.—(1) An annual mean is a mean which is calculated on a yearly basis, yielding one annual mean per calendar year. The annual mean for a substance at a particular location for a particular calendar year is:

- (a) in the case of lead, the mean of the daily levels for that year;
- (b) in the case of nitrogen dioxide, the mean of the hourly means for that year; and
- (c) in the case of PM₁₀, the mean of the 24 hour means for that year.

(2) For the purpose of the calculation of the annual mean for lead, the daily level for lead at a particular location for a particular day is the level at which lead is recorded as being present in the air at that location during the week in which the day occurs on the basis of a continuous sample of air taken throughout that week (each day in that week therefore being attributed with the same daily level).

(3) “PM₁₀” means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 10µm aerodynamic diameter.

(4) For the purpose of sub-paragraph (2), “week” means a complete week beginning on a Monday, except that it also includes any period of less than seven days from the beginning of the calendar year until the first Monday in that year or from the beginning of the last Monday in the calendar year to the end of that year.

4. An hourly mean is a mean calculated every hour. The hourly mean for a substance at a particular location for a particular hour is the mean of the levels recorded, at a frequency of not less than once every 10 seconds, for that substance at that location during that hour.

5. A 24 hour mean is a mean calculated every 24 hours. The 24 hour mean for a substance at a particular location for a particular 24 hour period is the level at which that substance is recorded as being present in the air at that location on the basis of a continuous sample of air taken throughout the period.

6. A 15 minute mean is a mean calculated every 15 minutes. The 15 minute mean for a substance at a particular location for a particular 15 minutes is the mean of the levels recorded, at a frequency of not less than once every 10 seconds, for that substance at that location during that 15 minutes.

7. The reference to a number of micrograms or milligrams per cubic metre of a substance is a reference to the number of micrograms or milligrams per cubic metre of that substance when measured with the volume standardised at a temperature of 293 K and at a pressure of 101.3 kPa.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part IV of the Environment Act 1995 (“the 1995 Act”) requires county and county borough councils in Wales to review the quality of air within their area. The reviews have to consider the air quality for the time being and the likely future air quality during the “relevant period” (a period to be prescribed by regulations).

Such reviews have to be accompanied by an assessment of whether any air quality standards or objectives, as prescribed by regulations, are being achieved or are likely to be achieved within the relevant period.

These Regulations, which come into force on 1 August 2000, prescribe the relevant period referred to above (regulation 3) and the air quality objectives to be achieved by the end of that period (regulation 4 and the Schedule). The objectives are the same as those set out in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Cm 4548, January 2000) and published by the National Assembly for Wales in accordance with section 80 of the 1995 Act.

Where any of the air quality objectives prescribed by these Regulations are not likely to be achieved within any part of a council’s area within the relevant period, the council concerned will have to designate that part of its area as an air quality management area (section 83(1) of the 1995 Act). An action plan covering the designated area will then have to be prepared setting out how the council intends to exercise its powers in relation to the designated area in pursuit of the achievement of the prescribed objectives (section 84(2) of the 1995 Act).

These Regulations revoke the Air Quality Regulations 1997. Those Regulations applied to Great Britain but have already been revoked in relation to Scotland by the Air Quality (Scotland) Regulations 2000 ([S.S.I. 2000/97](#)) and in relation to England by the Air Quality (England) Regulations 2000 ([S.I.2000/928](#)).