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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 297**

**ENVIRONMENTAL PROTECTION**

**The Air Quality (Scotland) Amendment Regulations 2002**

*Made*        -        -        -        -        *11th June 2002*

*Coming into force*        -        -        *12th June 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 87(1) and (2)(b) and (h) and 91(1) of the Environment Act 1995(1) and of all other powers enabling them in that behalf, having, in accordance with section 87(7) of that Act, consulted the Scottish Environment Protection Agency, such bodies or persons appearing to them to be representative of the interests of local government and of industry as they may consider appropriate, and such other bodies or persons as they consider appropriate, hereby make the following Regulations, a draft of which has, in accordance with section 87(8) of that Act, been laid before, and approved by a resolution of, the Scottish Parliament:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Air Quality (Scotland) Amendment Regulations 2002 and shall come into force on the day after the day on which they are made.

(2) These regulations extend to Scotland only.

**Amendment of the Principal Regulations**

2.—(1) The Air Quality (Scotland) Regulations 2000(2) are amended as follows.

(2) Regulation 3 (relevant periods) is renumbered as regulation 3(1).

(3) In regulation 3(1)–

(a) after “shall” there is inserted–

“, subject to paragraph (2) below,”; and

(b) at the end there is inserted–

“(2) The relevant period for the purposes of Part IV of the 1995 Act in relation to an air quality objective prescribed or amended by the Air Quality (Scotland) Amendment Regulations 2002 shall be the period beginning with the date on which those regulations come into force.”.

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(1) [1995 c. 25](#). See the definitions of “prescribed”, “regulations” and “relevant period” in section 91(1) of that Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c. 46\)](#).  
(2) [S.S.I. 2000/97](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(4) In the table in the Schedule to the Regulations (air quality objectives table)–

(a) after the entry numbered 1 relating to Benzene there is inserted–

“1A	Benzene	3.25 micrograms per cubic metre or less, when expressed as a running annual mean	31st December 2010”;
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(b) in the entry numbered 3 relating to Carbon Monoxide in the second column (*Air Quality Objectives*) for “11.6” there is substituted “10”;

(c) after the entry numbered 8 relating to PM10 there is inserted–

“8A	PM10	50 micrograms per cubic metre or less when expressed as a 24 hour mean, not to be exceeded more than 7 times a year	31st December 2010”; and
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(d) after the entry numbered 9 relating to PM10 there is inserted–

“9A	PM10	18 micrograms per cubic metre or less, when expressed as an annual mean	31st December 2010”.
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St Andrew’s House,  
Edinburgh  
11th June 2002

*ALLAN WILSON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part IV of the Environment Act 1995 (“the 1995 Act”) requires local authorities in Scotland to review air quality within their areas. Such reviews must be accompanied by an assessment of whether any of the prescribed air quality objectives detailed in the associated regulations 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 periods for the purpose of that review and set the air quality objectives to be achieved by the end of those periods.

Regulation 2(2) and (3) amends Regulation 3 of the Air Quality (Scotland) Regulations 2000 by inserting a relevant period for the new air quality objectives.

Regulation 2(4) amends the table in the Schedule to the Air Quality (Scotland) Regulations 2000 (the air quality objectives table) by setting new air quality objectives for benzene, carbon monoxide and PM10 and by prescribing the relevant period for their achievement. The new objective for carbon monoxide replaces the current objective, whereas the new objectives for benzene and PM10 supplement the current objectives.

The new objectives are set out in the addendum to the Air Quality Strategy for England, Scotland, Wales and Northern Ireland, to be published by the Scottish Executive in accordance with section 80 of the 1995 Act. Guidance entitled ‘Review and Assessment: Pollutant Specific Guidance LAQM TG4’ contains the recommended methodology to be used by local authorities in undertaking their air quality review and assessment.