
STATUTORY INSTRUMENTS

2010 No. 1001

The Air Quality Standards Regulations 2010

PART 1

General

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Air Quality Standards Regulations 2010 and come into force on 11th June 2010.

(2) They apply in England, except regulations 3(a), 23, 24, 25(4) and 32 which extend to the United Kingdom^{M1}.

Marginal Citations

M1 In relation to Scotland, the Secretary of State relies on section 57(1) of the [Scotland Act 1998 \(c. 46\)](#); in relation to Northern Ireland, the Secretary of State relies on section 23(1) of the [Northern Ireland Act 1998 \(c. 47\)](#); in relation to Wales, the Secretary of State relies on article 2(3) of the [European Communities \(Designation\) \(No 3\) Order 2000 \(S.I. 2000/2812\)](#).

Definitions

2. In these Regulations—

“ambient air” means outdoor air in the troposphere, excluding workplaces where members of the public do not have regular access;

“AOT 40” (expressed in $(\mu\text{g}/\text{m}^3) \cdot \text{hours}$) means the sum of the difference between hourly concentrations greater than $80 \mu\text{g}/\text{m}^3$ (=40 parts per billion) and $80 \mu\text{g}/\text{m}^3$ over a given period using only the one-hour values measured between 08.00 hours and 20.00 hours Central European Time (CET) each day;

“arsenic”, “cadmium”, “nickel” and “benzo(a)pyrene” mean the total content of those elements and compounds within the PM_{10} present in ambient air;

[^{F1}“[Directive 2008/50/EC](#)” means [Directive 2008/50/EC](#) of the European Parliament and of the Council on ambient air quality and cleaner air for Europe;]

[^{F2}“[Directive 2004/107/EC](#)” means [Directive 2004/107/EC](#) of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air;]

“fixed measurements” means measurements taken at fixed locations, either continuously or by sampling from time to time, to determine levels of pollutants in accordance with the relevant data quality objectives;

“indicative measurement” means measurements which meet data quality objectives that are less strict than those required for fixed measurements;

“margin of tolerance” means the percentage of the limit value by which that value may be exceeded in a given year;

“oxides of nitrogen” means the sum of the volume mixing ratio (ppbv) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide ($\mu\text{g}/\text{m}^3$);

“ozone precursor substances” means substances which contribute to the formation of ground level ozone;

“PM₁₀” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM₁₀, EN 12341, with a 50% efficiency cut-off at 10 μm aerodynamic diameter;

“PM_{2.5}” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM_{2.5}, EN 14907, with a 50% efficiency cut-off at 2.5 μm aerodynamic diameter;

“particulate matter” means PM_{2.5} and PM₁₀;

“pollutant” means any of the following—

- (a) sulphur dioxide,
- (b) nitrogen dioxide,
- (c) oxides of nitrogen,
- (d) particulate matter,
- (e) lead,
- (f) benzene,
- (g) carbon monoxide,
- (h) arsenic,
- (i) cadmium,
- (j) mercury,
- (k) nickel,
- (l) benzo(a)pyrene or other polycyclic aromatic hydrocarbons,
- (m) ozone;

“polycyclic aromatic hydrocarbons” means those organic compounds composed of at least two fused aromatic rings made entirely from carbon and hydrogen;

“relevant administration” means—

- (a) the Welsh Ministers for Wales;
- (b) the Scottish Ministers for Scotland; and
- (c) the Department of the Environment for Northern Ireland;

F1 Words in [reg. 2](#) substituted (31.12.2016) by [The Air Quality Standards \(Amendment\) Regulations 2016 \(S.I. 2016/1184\)](#), [regs. 1\(1\)](#), [2\(1\)](#)

F2 Words in [reg. 2](#) substituted (31.12.2016) by [The Air Quality Standards \(Amendment\) Regulations 2016 \(S.I. 2016/1184\)](#), [regs. 1\(1\)](#), [2\(2\)](#)

[^{F3} Interpretation

- 2A.—**(1) When interpreting Directive [2008/50/EC](#) for the purposes of these Regulations—
- (a) Article 3(f) is to be read as if for “other Member States” there were substituted “ member States ”;
 - (b) in Annex 1—
 - (i) in section A, footnote (1) is to be read as if—
 - (aa) for “Member States” there were substituted “ the Secretary of State ”;
 - (bb) for “they” there were substituted “ the Secretary of State ”;
 - (cc) the words “to the Commission” were omitted;
 - (ii) section C is to be read as if—
 - (aa) at each place it occurs, a reference to “harmonised” there were substituted a reference to “designated”;
 - (bb) in paragraph 1, for “appropriate competent authorities and bodies designated pursuant to Article 3” there were substituted “ the Secretary of State ”;
 - (cc) in point (i), the words “pursuant to Articles 6 and 9” were omitted;
 - (dd) in point (iii), the words from “and that institutions” to the end of that point were omitted;
 - (ee) in point (iv), in the first sentence, the words from “by the appropriate” to “Article 3” were omitted;
 - (ff) in point (iv), in the first sentence, the words from “the reference to” to “the European Union” were omitted;
 - (gg) in point (iv), the second sentence, the words from “for the coordination” to “be responsible” were omitted;
 - (hh) points (v) and (vi) were omitted;
 - (ii) in paragraph 2 for “All reported data under Article 27” there were substituted “ all data ”;
 - (c) in Annex 2, in section B, the second paragraph is to be read as if for “Member States” there were substituted “ the Secretary of State ”;
 - (d) in Annex 3, in section A, paragraph 2(b) is to be read as if the words “In accordance with Article 2(1)” were omitted;
 - (e) in Annex 5, in section A, footnotes (1) and (2) are to be read as if for “Member State”, in each place where the words occur, there were substituted “ the United Kingdom ”;
 - (f) in Annex 6, section B is to be read as if—
 - (i) in point 1—
 - (aa) for “A Member State” there were substituted “ the Secretary of State ”;
 - (bb) for “it” there were substituted “ the Secretary of State ”;
 - (cc) for “the Member State concerned” there were substituted “ the Secretary of State ”;
 - (ii) points 2, 3 and 4 were omitted;
 - (g) in Annex 8, in section A, the paragraph after the table is to be read as if after the words “in the Community” there were inserted “ in so far as it forms part of retained EU law ”.
- (2) When interpreting Directive [2004/107/EC](#) for the purposes of these Regulations—

- (a) in Annex 2, in section 2 (determination of exceedances of upper and lower assessment thresholds), the second paragraph is to be read as if for “Member States” there were substituted “ the Secretary of State ”;
- (b) in Annex 3, in section 4, point (b) is to be read as if the words “as defined by Article 2(11) of Directive 96/61/EC” were omitted;
- (b) in Annex 4—
 - (i) in section I (data quality objectives), the fifth and sixth paragraphs are to be read as if—
 - (aa) for “Member State”, in each place where the words occur, there were substituted “ the Secretary of State ”;
 - (bb) for “they”, in each place where the words occur, there were substituted “ the Secretary of State ”;
- (c) Annex 5 is to be read as if—
 - (i) in section 1 (reference method for the sampling and analysis of arsenic, cadmium and nickel in ambient air), in the second paragraph, for “A Member State” there were substituted “ The Secretary of State ”;
 - (ii) in section 2 (reference method for the sampling and analysis of polycyclic aromatic hydrocarbons in ambient air)—
 - (aa) in the first paragraph, for “Member States are allowed to” there were substituted “ the Secretary of State may ”;
 - (bb) in the second paragraph, for “A Member State” there were substituted “ The Secretary of State ”;
 - (iii) in section 3 (reference method for the sampling and analysis of mercury in ambient air), in the second paragraph, for “A Member State” there were substituted “ The Secretary of State ”;
 - (iv) section 5 were omitted.]

F3 Reg. 2A inserted (31.12.2020) by The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019 (S.I. 2019/74), regs. 2(b), 4(2); 2020 c. 1, Sch. 5 para. 1(1)

Designation of competent authority

- 3. The Secretary of State is designated as the competent authority—
 - (a) for the United Kingdom for the purposes of article 3(f) of Directive 2008/50/EC, and
 - (b) save as set out in paragraph (a), in England for the purposes of Directive 2008/50/EC and for the purposes of Directive 2004/107/EC.

Zones and agglomerations

- 4.—(1) The Secretary of State must, for the purposes of these Regulations, divide the territory of England into zones and agglomerations.
- (2) A zone will be classified as an agglomeration if it is a conurbation with a population in excess of 250,000 inhabitants.
- (3) In these Regulations references to a zone include a zone which has been classified as an agglomeration.
- (4) Zones are identified on a map published by the Secretary of State in January 2010. ^{M2}

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Marginal Citations

- M2** The map is deposited at the Defra Information and Resource Centre, Lower Ground Floor, Ergon House, Horseferry Road, London SW1P 2AL.

Changes to legislation:

There are currently no known outstanding effects for the The Air Quality Standards Regulations 2010, PART 1.