

## STATUTORY INSTRUMENTS

# 2010 No. 1001

## The Air Quality Standards Regulations 2010

### PART 7

#### General

#### Power to give directions

**31.**—(1) For the purposes of implementing any obligations [<sup>F1</sup>under these Regulations or under Commission Decision 2011/850/EC as regards the reciprocal exchange of information and reporting on ambient air quality], the Secretary of State has the same power to give directions under these Regulations to—

- (a) local authorities in Greater London; and
- (b) the Mayor of London,

as the Secretary of State has under section 85(5)(a) of the Environment Act 1995 <sup>M1</sup> in relation to local authorities outside Greater London.

(2) The provisions of subsections (6) and (7) of section 85 of the Environment Act 1995 apply to directions given under this regulation as they apply to directions given under section 85(5)(a) and in the case of paragraph (1)(b) of this regulation, as if the Mayor of London were a local authority.

#### Textual Amendments

**F1** Words in [reg. 31\(1\)](#) substituted (31.12.2020) by [The Air Quality \(Amendment of Domestic Regulations\) \(EU Exit\) Regulations 2019 \(S.I. 2019/74\)](#), regs. 2(b), 4(7); 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

**M1** 1995 c. 25.

#### Transboundary air pollution

**32.**—(1) For the purpose of this Regulation a transboundary pollution issue arises when any of the following is exceeded within any part of [<sup>F2</sup>the United Kingdom or] a member State due to significant transport of air pollutants or their precursor substances from [<sup>F3</sup>any other part of those territories]—

- (a) a limit value or target value together with any relevant margin of tolerance;
- (b) an alert threshold;
- (c) a long-term objective.

(2) The relevant administration must notify the Secretary of State where any transboundary pollution issue affects their territory.

(3) Where the Secretary of State—

- (a) considers that a transboundary pollution issue has arisen in England;
- (b) is notified under paragraph (2); or
- (c) is notified by [<sup>F4</sup>a] member state as to a transboundary pollution issue in their territory which arises from the United Kingdom,

the Secretary of State must consult the relevant [<sup>F5</sup>administration and may consult the relevant] member State as to any remedial action that might be appropriate.

(4) The Secretary of State must inform any relevant administration affected of any notification from [<sup>F6</sup>a] member State and consult the relevant administration about any action he proposes to take.

(5) Where information or alert thresholds are exceeded in locations close to the border of the United Kingdom—

- (a) any relevant administration affected must inform the Secretary of State,
- (b) the Secretary of State must provide prompt information in relation to England or as provided by the relevant administration under paragraph (a), as the case may be, to [<sup>F7</sup>any other relevant administration;]
- [<sup>F8</sup>(c) the Secretary of State may provide information provided under this paragraph to any member State as is considered appropriate.]

#### Textual Amendments

- F2** Words in reg. 32(1) inserted (31.12.2020) by *The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019* (S.I. 2019/74), regs. 2(b), **4(8)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 32(1) substituted (31.12.2020) by *The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019* (S.I. 2019/74), regs. 2(b), **4(8)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in reg. 32(3)(c) substituted (31.12.2020) by *The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019* (S.I. 2019/74), regs. 2(b), **4(8)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 32(3) inserted (31.12.2020) by *The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019* (S.I. 2019/74), regs. 2(b), **4(8)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in reg. 32(4) substituted (31.12.2020) by *The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019* (S.I. 2019/74), regs. 2(b), **4(8)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 32(5)(b) substituted (31.12.2020) by *The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019* (S.I. 2019/74), regs. 2(b), **4(8)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Reg. 32(5)(c) inserted (31.12.2020) by *The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019* (S.I. 2019/74), regs. 2(b), **4(8)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Revocations

- 33.** The Air Quality Standards Regulations 2007 <sup>M2</sup> are revoked.

#### Marginal Citations

- M2** S.I.2007/64.

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Quality Standards Regulations 2010, PART 7.