EXPLANATORY MEMORANDUM TO

THE AIR QUALITY STANDARDS (AMENDMENT) REGULATIONS 2016

2016 No. 1184

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Air Quality Standards Regulations 2010 ("the 2010 Regulations") following amendments to Directives 2008/50/EC and 2004/107/EC on air quality made by Directive 2015/1480/EC ("the 2015 Directive"). The changes relate to current technical standards which regulate how air quality is monitored making the methods and data collected more accurate and reliable and bringing these in line with international standards.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The 2010 Regulations implement EU Directives 2008/50/EC and 2004//107/EC.

4.2 These Directives were amended by the 2015 Directive, which sets out changes to be made to current technical standards which regulate how air quality is monitored in order to make the methods and data collected more accurate and reliable.

4.3 This instrument amends the 2010 Regulations in light of this.

4.4 A transposition note for the Air Quality Standards Regulations 2010 is available with those Regulations on www.legislation.gov.uk.

5. Extent and Territorial Application

5.1 This instrument extends to England and Wales.

5.2 This instrument applies to England only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The 2015 Directive ultimately aims to improve air quality which supports the Government's objective of a cleaner, healthier environment which benefits people and the economy. The amendments to 2010 Regulations made by this instrument will reinforce the work that is already being done to improve air quality and reduce emissions by updating current technical standards in line with international standards.

7.2 In practice, the changes imposed by this instrument will not add any additional burdens on industry as they are minor changes and part of routine practice.

Consolidation

7.3 As this is a minor amendment to a consolidated Regulation, it is being transposed as amending regulation.

8. Consultation outcome

8.1 A consultation was not undertaken for this instrument as the instrument imposes no new obligations on external bodies.

9. Guidance

9.1 Guidance on air quality issues, including on measurement methodology, is available at https://uk-air.defra.gov.uk/.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

11.2 There will be no additional burdens or impacts resulting from the amending regulations which are the subject of this Memorandum, therefore no specific action is proposed to minimise regulatory burdens on small businesses.

12. Monitoring & review

12.1 The changes set out in this instrument aim to improve the monitoring and assessment of air quality in line with international standards. Under the 2010 Regulations, a review of classification of zones must be done at least every 5 years in accordance with Section B of Annex II of Directive 2008/50/EC.

13. Contact

13.1 Viana Iancu at the Department for Environment, Food and Rural Affairs Telephone: 0208 2257 874 or email: viana.iancu@defra.gsi.gov.uk can answer any queries regarding the instrument.