Draft Regulations laid before the Scottish Parliament under section 87(8) of the Environment Act 1995, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

ENVIRONMENTAL PROTECTION

The Air Quality (Scotland) Amendment Regulations 2016

Made - - - -	*2016*
Coming into force - -	*1st April 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 87(1), (2)(b) and (h), (5)(b), and 91(1) of the Environment Act 1995(**a**) and all other powers enabling them to do so.

In accordance with section 87(7) of that Act, the Scottish Ministers have 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 consider appropriate, and such other bodies or persons as they consider appropriate.

In accordance with section 87(8) of that Act(**b**), a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Air Quality (Scotland) Amendment Regulations 2016 and come into force on 1st April 2016.

Amendment of the Air Quality (Scotland) Regulations 2000

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

(2) In regulation 3(1) (relevant periods), for "paragraph (2)" substitute "paragraphs (2) and (3)".

(3) After regulation 3(2), insert—

"(3) The relevant period for the purposes of Part IV of the 1995 Act in relation to the air quality objective specified in entry number 7A of the Table in the Schedule (relating to $PM_{2.5}$) is the period beginning on 1st April 2016 and ending on 31st December 2020.".

(**a**) 1995 c.25. Section 91(1) provides a power to prescribe "the relevant period" and provides definitions of "appropriate agency" and "prescribed" that are relevant to the exercise of these powers. 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). Sections 87(7) and 91(1) were relevantly amended by S.I. 2013/755 and paragraph 29(5) of schedule 3 to the Regulatory Reform (Scotland) Act 2014 (asp 3) respectively.

(**b**) Section 87(8) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(**c**) S.S.I. 2000/97, as amended by S.S.I. 2002/297.

(4) In the Table in the Schedule (air quality objective table), after entry number 7 relating to Nitrogen dioxide, insert—

"7A	$PM_{2.5}$	10 micrograms per cubic metre or less, when expressed as an annual mean	31st December 2020"

(5) In the Schedule, after paragraph 1 (definition of PM_{10}), insert—

"**1A**. "$PM_{2.5}$" means particulate matter which passes through a size-selective inlet with a 50% efficiency cut-off at 2.5μm aerodynamic diameter.".

Name
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 4 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 air quality objectives are being achieved or are likely to be achieved within the relevant period.

These Regulations amend the Air Quality (Scotland) Regulations 2000 ("the 2000 Regulations"), which prescribe the relevant period for the purpose of Part 4 of the 1995 Act and set the air quality objectives to be achieved.

Regulation 2(4) amends the table in the Schedule to the 2000 Regulations (the air quality objective table) by setting an air quality objective for the substance $PM_{2.5}$. Regulation 2(5) introduces a definition of $PM_{2.5}$ into the 2000 Regulations.

Regulation 2(2) and (3) amends regulation 3 of the 2000 Regulations so as to prescribe the relevant period for the purposes of Part 4 of the 1995 Act in relation to the new air quality objective.

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