
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [2002/3/EC](#) of the European Parliament and Council relating to ozone in ambient air (“the Third Daughter Directive”).

These Regulations also consolidate the Air Quality Limit Values (Scotland) Regulations 2001 and the Air Quality Limit Values (Scotland) Amendment Regulations 2002 which implemented Council Directive [96/62/EC](#) on ambient air quality assessment and management (“the Air Quality Framework Directive”), Council Directive [99/30/EC](#) relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (“the First Daughter Directive”) and Directive [2000/69/EC](#) of the European Parliament and Council relating to relevant values for benzene and carbon MONOXIDE in ambient air (“the Second Daughter Directive”).

These Regulations also revoke the Ozone Monitoring and Information Regulations 1994, the requirements of which have been superseded by the Third Daughter Directive.

Regulation 3 designates the Scottish Ministers as competent authority for the purposes of the Air Quality Framework Directive.

Regulation 4 places the Scottish Ministers under a duty to take the measures necessary to ensure that in each zone in Scotland, concentrations of relevant pollutants do not exceed limit values. The limit values for each pollutant, and the date by which they are to be met, are set out in Schedule 1.

Regulation 5, together with Parts II and III of Schedule 2, sets out the target values and long-term objectives for ozone.

Regulation 6 requires the Scottish Ministers to ensure that ambient air quality is assessed for each zone.

Regulation 7 requires the Scottish Ministers to classify each zone in relation to each of the relevant pollutants in accordance with the means by which ambient air quality in that zone is to be assessed.

Regulation 8 places a duty on the Scottish Ministers to review the classification of zones every five years or in the event of significant changes affecting levels of any of the relevant pollutants.

Regulation 9 requires the Scottish Ministers to ensure that specified methods are used for assessing air quality in relation to each pollutant in each zone. Schedule 4 sets out how sampling points for the relevant pollutants and ozone are to be determined. Schedule 5 sets out criteria for determining the minimum number of sampling points for fixed measurement of concentrations of relevant pollutants and ozone. Schedule 6 concerns the measurement of ozone precursor substances. Schedule 7 makes provision for data quality objectives for the required accuracy of assessment methods, and for compilation of the results of air quality assessment. Schedule 8 prescribes reference methods for the analysis, sampling or measurement of the relevant pollutants and ozone.

Regulation 10 requires the Scottish Ministers to draw up action plans indicating the measures to be taken in the short term where there is a risk that the limit values for any of the relevant pollutants, or the alert thresholds for sulphur dioxide, nitrogen dioxide and ozone will be exceeded. The alert thresholds for sulphur dioxide, nitrogen dioxide and ozone are set out respectively in Parts I, II and VII of Schedule 1.

Regulation 11 requires the Scottish Ministers to draw up a list of zones where the levels of one or more of the relevant pollutants is above the limit value, or between the limit value and any margin of tolerance shown in Schedule 1. Regulation 11 also places a duty on the Scottish Ministers to draw up

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a plan or programme for such zones. The plan or programme must contain at least the information set out in Schedule 9.

Regulation 12 requires the Scottish Ministers to draw lists of zones in which the levels of ozone are either higher than the target values, higher than the long-term objectives but equal to or below the target levels, or meet the long-term objectives, and specifies the measures which must be taken in each of these circumstances.

Regulation 13 places an obligation on the Scottish Ministers to list zones where levels of the relevant pollutants are below limit values, and to ensure that the levels of these pollutants remain below the limit values, and to endeavour to preserve the best ambient air quality compatible with sustainable development.

Regulation 14 requires the Scottish Ministers to ensure that up-to-date information on ambient concentrations of each of the relevant pollutants and ozone is routinely made available to the public. It prescribes the frequency and content of such information. Where alert thresholds for sulphur dioxide or nitrogen dioxide are exceeded, further information, set out in paragraphs 1.3 of Part I and 2.3 of Part II of Schedule 1 must be provided.

Regulation 15 revokes for Scotland and at different dates, parts of the Air Quality Standards Regulations 1989 giving effect to limit values for the relevant pollutants in earlier Directives. The Air Quality Standards Regulations 1989 implemented Council Directive [80/779/EEC](#) on air quality limit values and guidelines for sulphur dioxide and suspended particulates, Council Directive [82/884/EEC](#) on a limit value for lead in the air and Council Directive [85/203/EEC](#) on air quality standards for nitrogen dioxide. These Directives are repealed, with transitional provisions lasting up to 2005 and 2010, by the First Daughter Directive.

The copies of the International Standards Organisation publications referred to in these Regulations can be purchased from the British Standards Institution “BSI” sales department either by telephone on 0208-996-9001 or by post from the BSI, Standards House, 389 Chiswick High Road, London W4 4AL.