
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend to Scotland only.

These Regulations implement the following Directives:

Council Directive [96/62/EC](#) on ambient air quality assessment and management (O.J. No L 296, 21.11.96, p.55);

Council Directive [1999/30/EC](#) relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (O.J. No L 163, 29.06.99, p.41);

Directive [2000/69/EC](#) of the European Parliament and of the Council relating to limit values for benzene and carbon monoxide in ambient air (O.J. No L 313, 13.12.00, p.12);

Directive [2002/3/EC](#) of the European Parliament and of the Council relating to ozone in ambient air (O.J. No L 67, 09.03.02, p.14); and

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 (O.J. No L 23, 26.01.05, p.3) (“the Fourth Daughter Directive”).

These Regulations also incorporate requirements imposed by the following:

Commission Decision [2001/744/EC](#) amending Annex V to Council Directive [1999/30/EC](#) (O.J. No L 278, 23.10.01, p.35);

Directive [2003/35/EC](#) of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives [85/337/EEC](#) and [96/61/EC](#) (O.J. No L 156, 25.06.03, p.17); and

Commission Decision [2004/279/EC](#) concerning guidance for implementation of Directive [2002/3/EC](#) of the European Parliament and of the Council relating to ozone in ambient air (O.J. No. L 87, 25.3.04, p.50).

In addition to providing for the transposition of the Fourth Daughter Directive, these Regulations consolidate and replace the Air Quality Limit Values (Scotland) Regulations 2003 ([S.S.I. 2003/428](#)) (as amended by the Air Quality Limit Values (Scotland) Amendment Regulations 2003 ([S.S.I. 2003/547](#)) and the Air Quality Limit Values (Scotland) Amendment Regulations 2005 ([S.S.I. 2005/300](#))), all of which are revoked by regulation 30. Those Regulations previously implemented for Scotland the air quality Directives referred to above except the Fourth Daughter Directive.

Regulation 3 designates the Scottish Ministers as the competent authority for the purposes of Article 3 (implementation and responsibilities) of Council Directive [96/62/EC](#).

Chapter 1 of Part 2 of these Regulations requires the attainment of air quality standards in respect of the concentration of various pollutants in ambient air. In accordance with regulation 6 and Schedule 1, limit values are imposed for “Group A” pollutants (benzene, carbon monoxide, lead, nitrogen dioxide and oxides of nitrogen, particulate matter (PM₁₀) and sulphur dioxide); target values are imposed for “Group B” pollutants (arsenic, benzo(a)pyrene, cadmium and nickel, and their compounds) within the PM₁₀ fraction; and target values and long-term objectives are imposed for ozone. For the purposes of this Part, regulation 5 requires the Scottish Ministers to divide Scotland into zones within which the necessary air quality management and assessment takes place.

Status: This is the original version (as it was originally made).

Chapter 2 of Part 2 sets out the measures the Scottish Ministers are required to take in order to ensure attainment of the relevant standards. The measures ordinarily required are those set out in regulation 7. In relation to benzene or nitrogen dioxide, where concentrations exceed the limit value plus the margin of tolerance specified, the Scottish Ministers are required by regulation 8(2) to prepare and implement an improvement plan. The Scottish Ministers are also required to prepare and implement an improvement plan by regulation 8(3) in cases where concentrations of ozone exceed the target value, unless the Scottish Ministers consider that the target value would not be attainable through proportionate measures. Schedule 2 makes provision as to the content of improvement plans. Regulation 9 requires the Scottish Ministers to take the measures specified in cases where concentrations of Group B pollutants exceed the relevant target value or in cases where concentrations of ozone comply with the target value but exceed a long-term objective.

Regulation 10 requires the Scottish Ministers to maintain compliance with the limit values and target values and, as far as the factors specified in that regulation permit, the long-term objectives for ozone. Regulation 11 requires the Scottish Ministers to prepare and, to the extent they consider necessary, implement, action plans which indicate the measures to be taken in cases where there is a risk that any limit value or the alert thresholds for nitrogen dioxide and sulphur dioxide will be exceeded. The Scottish Ministers are also obliged to consider the preparation of action plans where there is a risk that the alert threshold for ozone will be exceeded. Alert thresholds are set out in Schedule 3.

Regulation 12 requires the Scottish Ministers to assess the concentration of Group A pollutants, Group B pollutants and ozone within each zone. Regulations 13 to 16 and Schedules 4 to 9 prescribe the assessment methods which are required or permitted (as the case may be), and the detailed requirements in relation to each method (for instance, requirements as to sampling points for fixed measurement).

Regulations 17 to 19 require the Scottish Ministers to monitor or measure, respectively, PM_{2.5}, ozone precursor substances and certain polycyclic aromatic hydrocarbons. Schedule 10 makes specific provision for the measurement of ozone precursor substances. Regulation 20 requires the taking of indicative measurements of the concentration and deposition of Group B pollutants, basic polycyclic aromatic hydrocarbons and mercury.

Regulations 21 to 25 and Schedule 11 require the Scottish Ministers to make up-to-date information available to the public, including organisations representing relevant public interests. Regulation 26 requires the production of an annual report for ozone and regulation 27 requires action and improvement plans, and information as to their implementation, to be made available. Regulation 28 requires the Scottish Ministers to consult the public in the preparation, modification and review of improvement plans. Regulation 29 requires the Scottish Ministers to obtain and collate certain information contained in Schedule 12.