
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 204

The Air Quality Standards (Scotland) Regulations 2010

PART 1 S

General

Citation, commencement and extent S

1.—(1) These Regulations may be cited as the Air Quality Standards (Scotland) Regulations 2010 and come into force on 11th June 2010.

(2) These Regulations extend to Scotland only.

Definitions S

2. In these Regulations—

“ambient air” means outdoor air in the troposphere, excluding workplaces as defined by Council Directive [89/654/EEC](#)^{M1} where provisions concerning health and safety at work apply and to which members of the public do not have regular access;

“AOT 40” (expressed in $(\mu\text{g}/\text{m}^3)\cdot\text{hours}$) means the sum of the difference between hourly concentrations greater than $80 \mu\text{g}/\text{m}^3$ (= 40 parts per billion) and $80 \mu\text{g}/\text{m}^3$ over a given period using only the one-hour values measured between 0800 hours and 2000 hours Central European Time each day;

“arsenic”, “cadmium”, “nickel” and “benzo(a)pyrene” mean the total content of those elements and compounds within the PM_{10} fraction present in ambient air;

[^{F1}“[Directive 2004/107/EC](#)” means [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 [^{F2}(but see regulation 2A)];]

[^{F3}“[Directive 2008/50/EC](#)” means [Directive 2008/50/EC](#) of the European Parliament and of the Council on ambient air quality and cleaner air for Europe [^{F4}(but see regulation 2A)];]

“fixed measurements” means measurements taken at fixed locations, either continuously or by sampling from time to time, to determine levels of pollutants in accordance with the relevant data quality objectives;

“indicative measurements” means measurements which meet data quality objectives that are less strict than those required for fixed measurements;

“margin of tolerance” means the percentage of the limit value by which that value may be exceeded in a given year;

“oxides of nitrogen” means the sum of the volume mixing ratio (ppbv) of nitrogen monoxide (nitric oxide) and nitrogen dioxide expressed in units of mass concentration of nitrogen dioxide ($\mu\text{g}/\text{m}^3$);

“ozone precursor substances” means substances which contribute to the formation of ground level ozone;

“PM₁₀” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM₁₀, EN 12341: 1998 ^{M2}, with a 50 per cent efficiency cut-off at 10 µm aerodynamic diameter;

“PM_{2.5}” means particulate matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM_{2.5}, EN 14907: 2005c, with a 50 per cent efficiency cut-off at 2.5µm aerodynamic diameter;

“particulate matter” means PM_{2.5} and PM₁₀;

“pollutant” means any of the following:—

- (a) sulphur dioxide;
- (b) nitrogen dioxide;
- (c) oxides of nitrogen;
- (d) particulate matter;
- (e) lead;
- (f) benzene;
- (g) carbon monoxide;
- (h) arsenic;
- (i) cadmium;
- (j) mercury;
- (k) nickel;
- (l) benzo(a)pyrene or other polycyclic aromatic hydrocarbons;
- (m) ozone;

“polycyclic aromatic hydrocarbons” means those organic compounds composed of at least two fused aromatic rings made entirely from carbon and hydrogen; and

“total gaseous mercury” means elemental mercury vapour (Hg⁰) and reactive gaseous mercury, being water-soluble mercury species with sufficiently high vapour pressure to exist in the gas phase.

Textual Amendments

- F1** Words in [reg. 2](#) substituted (31.12.2016) by [The Air Quality Standards \(Scotland\) Amendment Regulations 2016 \(S.S.I. 2016/376\)](#), regs. 1, **3(a)**
- F2** Words in [reg. 2](#) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **9(2)(a)**
- F3** Words in [reg. 2](#) substituted (31.12.2016) by [The Air Quality Standards \(Scotland\) Amendment Regulations 2016 \(S.S.I. 2016/376\)](#), regs. 1, **3(b)**
- F4** Words in [reg. 2](#) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **9(2)(b)**

Marginal Citations

- M1** O.J. No. L 393, 30.12.1989, p.1, amended by Directive 2007/30/EC (O.J. No. L 165, 27.6.2007, p.21).
- M2** These standards are issued by the European Committee for Standardisation (CEN). Copies may be obtained from CEN at 36, Rue de Strassart B-1050, Brussels, Belgium, <http://www.cenorm.be>.

[F5] Interpretation **S**

- 2A.**—(1) When interpreting [Directive 2004/107/EC](#) for the purposes of these Regulations—
- (a) in Annex 2, in Section 2, the second paragraph is to be read as if for “Member States” there were substituted “the Scottish Ministers”,
 - (b) in Annex 3, in Section 4, paragraph (b), for “BAT as defined by Article 2(11) of [Directive 96/61/EC](#)” there is substituted “best available techniques (as defined in regulation 4 of the Pollution Prevention and Control (Scotland) Regulations 2012)”,
 - (c) in Annex 4, in Section 1, the fourth and fifth paragraphs following the table are to be read as if for “Member States” in each place where the words occur, there were substituted “The Scottish Ministers”,
 - (d) Annex 5 is to be read as if—
 - (i) in Sections 1, 2 and 3, in the second paragraph of each —
 - (aa) for “A Member State” there were substituted “The Scottish Ministers”,
 - (bb) for “it” there were substituted “they”,
 - (ii) in Section 2, in the first paragraph, for “Member States are allowed to” there were substituted “the Scottish Ministers may”,
 - (iii) Section 5 were omitted.
- (2) When interpreting [Directive 2008/50/EC](#) for the purposes of these Regulations—
- (a) Article 3(f) is to be read as if for “other Member States” there were substituted “Member States”,
 - (b) in Annex 1, in section A, footnote (1) is to be read as if—
 - (i) for “Member States” there were substituted “the Scottish Ministers”,
 - (ii) the words “to the Commission” were omitted,
 - (c) in Annex 1, section C is to be read as if—
 - (i) in paragraph 1, for “appropriate competent authorities and bodies designated pursuant to Article 3” there were substituted “Scottish Ministers”,
 - (ii) in subparagraph (i)—
 - (aa) the words “pursuant to Articles 6 and 9” were omitted,
 - (bb) for “set out in the harmonised standard for testing and calibration laboratories” there were substituted “of the ISO/IEC standard 17025”,
 - (iii) in subparagraph (iii), the words from “and that institutions” to the end were omitted,
 - (iv) in subparagraph (iv)—
 - (aa) for the first sentence there were substituted “that the National Reference Laboratories are appointed by the Scottish Ministers and are accredited for the reference methods referred to in Annex 6, at least for those pollutants for which concentrations are above the lower assessment threshold, according to the ISO/IEC standard 17025”,
 - (bb) in the second sentence, the words from “for the coordination” to “be responsible” were omitted,
 - (cc) in the third sentence, for the words “relevant harmonised standard for proficiency testing” there were substituted “ISO/IEC standard 17043”,
 - (v) subparagraphs (v) and (vi) were omitted,

- (vi) in paragraph 2, for “All reported data under Article 27” there were substituted “All data”,
- (d) in Annex 2, in Section B, the second paragraph is to be read as if for “Member States” there were substituted “the Scottish Ministers”,
- (e) in Annex 3—
 - (i) in Section A, paragraph (2)(b) is to be read as if the words “in accordance with Article 2(1),” were omitted,
 - (ii) in Section B, paragraph 2 is to be read as if for “A Member State” there were substituted “The Scottish Ministers”,
 - (iii) Section D is to be read as if the last sentence were omitted,
- (f) in Annex 5, in Section A, footnotes (1) and (2) to the table are to be read as if for “a Member State” in each place, there were substituted “the United Kingdom”,
- (g) in Annex 6, Section B is to be read as if—
 - (i) in paragraph 1—
 - (aa) for “A Member State” there were substituted “The Scottish Ministers”,
 - (bb) for “it” there were substituted “they”,
 - (cc) for “Member State concerned” there were substituted “Scottish Ministers”,
 - (ii) paragraphs 2, 3 and 4 were omitted,
- (h) in Annex 8, in Section A, the paragraph after the table is to be read as if after the words “in the Community” there were inserted “in so far as it forms part of [^{F6}assimilated] law”.]

Textual Amendments

- F5** [Reg. 2A](#) inserted (1.6.2022) by [The Environment and Trade in Animals and Related Products \(EU Exit\) \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022 \(S.S.I. 2022/138\)](#), regs. 1, **9(3)**
- F6** Word in [reg. 2A\(2\)\(h\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), **sch. 2 para. 19**

Designation of competent authority **S**

3. The Scottish Ministers are designated as the competent authority for the purposes of Directive [2008/50/EC](#) (other than for the purpose specified in Article 3(f) of that Directive) and for the purposes of Directive [2004/107/EC](#).

Zones and agglomerations **S**

4.—(1) The Scottish Ministers must, for the purposes of these Regulations, divide the territory of Scotland into zones and agglomerations.

(2) A zone is classified as an agglomeration if it is a conurbation with a population in excess of 250,000 inhabitants.

(3) Unless the context otherwise requires, in these Regulations references to a zone includes a zone which has been classified as an agglomeration.

Changes to legislation:

There are currently no known outstanding effects for the The Air Quality Standards (Scotland) Regulations 2010, PART 1.