SCOTTISH STATUTORY INSTRUMENTS

2005 No.300

ENVIRONMENTAL PROTECTION

The Air Quality Limit Values (Scotland) Amendment Regulations 2005

Made - - - -	*2nd June 2005*
Laid before the Scottish Parliament - - - -	*3rd June 2005*
Coming into force - -	*25th June 2005*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Air Quality Limit Values (Scotland) Amendment Regulations 2005 and shall come into force on 25th June 2005.

Amendment of the Air Quality Limit Values (Scotland) Regulations 2003

2. The Air Quality Limit Values (Scotland) Regulations 2003(**2**) are amended in accordance with regulations 3 and 4.

Public participation

3.—(1) For the definition of "public" in regulation 2 (interpretation), substitute–

> ""public" means one or more natural or legal persons and any body of persons (whether incorporated or not) including, but not limited to, health care bodies and organisations having an interest in ambient air quality and representing the interests of sensitive populations, consumers and the environment;".

(2) In regulation 11 (action to be taken where limit values are exceeded), after paragraph (9) insert–

(**1**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) S.S.I. 2003/428, as amended by S.S.I. 2003/547.

"(10) The Scottish Ministers shall ensure that the public is given early and effective opportunities to participate in the preparation, modification or review of the plans or programmes required to be drawn up under paragraph (3), in accordance with paragraphs (11) and (12).

(11) The Scottish Ministers shall–

(a) ensure that the public is informed, whether by public notice or other appropriate means such as electronic media, about any proposals for such plans or programmes or for their modification or review;

(b) ensure that information about the proposals referred to in sub–paragraph (a) is made available to the public, including information about the right to participate in decision making;

(c) ensure that the public is entitled to make comments and express opinions before decisions concerning the plans and programmes are made;

(d) in making those decisions, take due account of the results of the public participation;

(e) having examined the comments made and opinions expressed by the public, make reasonable efforts to inform the public about–

(i) the decisions taken and the reasons and considerations on which those decisions are based; and

(ii) the public participation process.

(12) The Scottish Ministers shall publish any information required to carry out their functions under paragraphs (10) and (11) in such manner as they consider appropriate for the purpose of bringing it to the attention of the public and without prejudice to the foregoing shall–

(a) publish such information on their website; and

(b) specify in a notice on the website the detailed arrangements made to enable public participation in the preparation, modification or review of the plans or programmes including–

(i) the address to which comments may be submitted; and

(ii) the period within which such comments may be submitted.

(13) The Scottish Ministers shall ensure that sufficient time is allowed for each of the different stages of public participation required by paragraph (11).".

(3) In regulation 14, omit paragraph (15).

Reference methods for the sampling and measurement of PM10

4.—(1) In regulation 9(13)–

(i) for "Reference" substitute "Subject to paragraph (13A), reference"; and

(ii) omit "unless other methods are used which the Scottish Ministers consider can be demonstrated to give equivalent results".

(2) After regulation 9(13) insert–

"(13A) The requirements of paragraph (13) do not apply where the Scottish Ministers consider that other methods can be used which–

(a) can be demonstrated to give equivalent results; or

(b) in relation to paragraph (13)(c) only, can be demonstrated to display a consistent relationship to the reference method.".