SCOTTISH STATUTORY INSTRUMENTS

2002 No. 556

ENVIRONMENTAL PROTECTION

The Air Quality Limit Values (Scotland) Amendment Regulations 2002

Made - - - -	*17th December 2002*
Laid before the Scottish Parliament - - - -	*17th December 2002*
Coming into force - -	*19th January 2003*

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, commencement and extent

1.—(1) These Regulations may be cited as the Air Quality Limit Values (Scotland) Amendment Regulations 2002 and shall come into force on 19th January 2003.

(2) These Regulations extend to Scotland only.

Amendment of the Air Quality Limit Values (Scotland) Regulations 2001

2.—(1) The Air Quality Limit Values (Scotland) Regulations 2001(**2**) are amended as follows.

(2) In regulation 2 (definitions)–

(i) in the definition of "relevant pollutants", for "and lead;" there is substituted ", lead, benzene and carbon monoxide;"; and

(ii) in the definition of "zone", "which is designated by Scottish Ministers for the purposes of these Regulations and" is omitted.

(3) After regulation 2 there is added–

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

(**2**) S.S.I. 2001/224.

"**Designation of competent authority**

2A. The Scottish Ministers are designated as the competent authority for the purposes of article 3 (implementation and responsibilities) of Council Directive 96/62/EC on ambient air quality assessment and management(**3**).".

(4) In regulation 5 (classification of zones), in paragraph (4) between "zone" and "are" there is inserted "over a representative period".

(5) In regulation 7 (methods of assessment of ambient air quality)–

(a) in paragraph (4)–

(i) between "5(1)(a)" and "the" there is inserted "in relation to a relevant pollutant"; and

(ii) ", in respect of a relevant pollutant," is omitted;

(b) in paragraph (6)–

(i) at the end of sub-paragraph (b) "and" is omitted;

(ii) in sub-paragraph (c) for "," after "PM_{10}" there is substituted ";"; and

(iii) after sub-paragraph (c) there is added–

"(d) the sampling and analysis of benzene; and

(e) the analysis of carbon monoxide,"; and

(c) in paragraph (9) for "and oxides of nitrogen" there is substituted ", oxides of nitrogen, benzene and carbon monoxide".

(6) In regulation 11 (public information)–

(a) after paragraph (3) there is added–

"(3A) Information on ambient concentrations of benzene, as an average value over the last 12 months, shall be updated–

(a) where practicable on a monthly basis;

(b) in all other cases, as a minimum on a three-monthly basis.

(3B) Information on ambient concentrations of carbon monoxide, as a maximum running average over eight hours, shall be updated–

(a) where practicable on an hourly basis;

(b) in all other cases, as a minimum on a daily basis.";

(b) in paragraph (4)(a) for "particular" there is substituted "relevant"; and

(c) in paragraph (6) for "the map of zones prepared under regulation 2(1) and any revision of it" there is substituted "the map mentioned in the definition of "zone" in regulation 2".

(7) In regulation 12(5) before "Directive 80/779/EEC of 15th July 1980" there is inserted "Annex IV to".

(8) In Schedule 1 (limit values, margins of tolerance etc.)–

(a) in Part I (sulphur dioxide) in paragraph 1.1 (limit values for sulphur dioxide), in the table, for the entry in the fourth column (margin of tolerance) opposite item 1. there is substituted–

"60•g/m^3 on 19th January 2003, reducing on 1st January of each following year by equal amounts to reach 0•g/m^3 by 1st January 2005";

(**3**) O.J. No L 296, 21.11.96, p.55.

(b) in Part II (nitrogen dioxide (NO2) and oxides of nitrogen (NOx)) in paragraph 2.1 (limit values for nitrogen dioxide and oxides of nitrogen), in the table for the entry in the fourth column (margin of tolerance)–

(i) opposite item 1. there is substituted–

"70•g/m^3 on 19th January 2003, reducing on 1st January of each following year by equal annual amounts to reach 0•g/m^3 by 1st January 2010"; and

(ii) opposite item 2. there is substituted–

"14•g/m^3 on 19th January 2003, reducing on 1st January of each following year by equal amounts to reach 0•g/m^3 by 1st January 2010";

(c) in Part III (particulate matter), in the table, for the entries in the fourth column (margin of tolerance)–

(i) opposite item 1. there is substituted–

"10•g/m^3 on 19th January 2003, reducing on 1st January of each following year by equal annual amounts to reach 0•g/m^3 by 1st January 2005"; and

(ii) opposite item 2. there is substituted–

"3.2•g/m^3 on 19th January 2003, reducing on 1st January of each following year by equal amounts to reach 0•g/m^3 by 1st January 2005";

(d) in Part IV (lead), in the table, for the entry in the fourth column (margin of tolerance) there is substituted–

"0.2•g/m^3 on 19th January 2003, reducing on 1st January of each following year by equal annual amounts to reach 0•g/m^3 by 1st January 2005"; and

(e) after the table relating to lead there is added–

"PART V

BENZENE

	Averaging Period	*Limit value*	*Margin of Tolerance(**4**)*	*Date by which limit value is to be met*
Limit value for the protection of human health	Calendar year	5 •g/m^3	5•g/m^3 from 19th January 2003 reducing on 1st January 2006 and every 12 months thereafter by 1•g/m^3 to reach 0•g/m^3 by 1st January 2010	1st January 2010

(**4**) The margin of tolerance is calculated from the figures in Annex I of European Parliament and Council Directive 2000/69/EC.