Draft Regulations laid before Parliament under section 87(8) of the Environment Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

ENVIRONMENTAL PROTECTION, ENGLAND

The Air Quality (England) (Amendment) Regulations 2002

Made - - - -	*2002*
Coming into force - -	*2002*

The Secretary of State, in exercise of the powers conferred upon her by sections 87(1) and (2) and 91(1) of the Environment Act 1995(**1**) ("the Act"), having, in accordance with section 87(7) of the Act, consulted the Environment Agency, such bodies or persons appearing to her to be representative of the interests of local government and of industry as she considers appropriate, and such other bodies or persons as she considers appropriate, hereby makes the following Regulations, a draft of which has, in accordance with section 87(8) of the Act, been laid before, and approved by a resolution of, each House of Parliament:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Air Quality (England) (Amendment) Regulations 2002 and shall come into force on the day after the day on which they are made.

(2) These Regulations apply to England only.

Air quality objectives for benzene and carbon monoxide

2.—(1) The Schedule to the Air Quality (England) Regulations 2000(**2**) (Air Quality Objectives) is amended as follows.

(2) In the Table—

(a) there is created an additional row which relates to benzene and—

(i) in the column headed "Air quality objective levels" there are inserted the words "5 micrograms per cubic metre or less, when expressed as an annual mean";

(ii) in the column headed "Air quality objective dates" there are inserted the words "31st December 2010"; and

(**1**) 1995, c. 25. In section 91(1) see the definition of "regulations". The Secretary of State may exercise the powers conferred by sections 87(1) & (2) and 91(1) of the 1995 Act only in relation to England: see article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I. 2000/928.

(b) in the row which relates to carbon monoxide and the column headed "Air quality objective levels" the number "10" is substituted for "11.6" and the words "maximum daily" are inserted before "running".

(3) In the Interpretation note—

(a) for paragraph 3 (calculation of a running 8 hour mean) there is substituted—

"**3.**—(1) A maximum daily running 8 hour mean is calculated on a daily basis. The maximum daily running 8 hour mean for a particular substance at a particular location for a particular day is the maximum of the running 8 hour means ending during that day.

(2) For the purpose of sub-paragraph (1) a "running 8 hour mean" is a mean which is calculated on an hourly basis, yielding one running 8 hour mean per hour. The running 8 hour mean for the relevant substance at the relevant location for a particular hour is the mean of the hourly means for the substance at the location for the hour and the preceding 7 hours.";

(b) in paragraph 4 (calculation of an annual mean)—

(i) after the word "year" in sub-paragraph (1)(c) there is inserted—

";

(d) in the case of benzene, either the mean of the daily levels for that year or the mean of the hourly means for that year"; and

(ii) after sub-paragraph (3) there is added—

"(4) For the purpose of any calculation of the annual mean for benzene on the basis of the mean of the daily levels, the daily level for benzene at a particular location for a particular day is the level at which benzene is recorded as being present in the air at that location during the fortnight in which the day occurs on the basis of a continuous sample of air taken throughout that fortnight (each day in the fortnight therefore being attributed with the same daily level).

(5) For the purpose of sub-paragraph (4) "fortnight" means a complete fortnight, that is a period of two weeks beginning on a Monday (no particular week in a calendar year being included in more than one fortnight), except that it also includes —

(a) in any calendar year beginning on a day other than a Monday, the period from the beginning of the year until the first Monday in that year; and

(b) in any year, the period from the end of the last complete fortnight in the year to the end of that year."; and

(c) in paragraph 5 (calculation of an hourly mean) for the second sentence there is substituted —

"The hourly mean for a particular substance at a particular location for a particular hour is the mean of the levels recorded for that substance at that location:

(a) in the case of benzene, at a frequency of not less than once during the hour; and

(b) in the case of carbon monoxide, nitrogen dioxide and sulphur dioxide, at a frequency of not less than once every 10 seconds during the hour.".

Minister of State,
Department for Environment, Food and Rural Affairs