STATUTORY RULES OF NORTHERN IRELAND

2004 No. 514

ENVIRONMENTAL PROTECTION

The Air Quality Limit Values (Amendment) Regulations (Northern Ireland) 2004

Made - - - - 16th December 2004

Coming into operation 7th January 2005

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the control of pollution in ambient air, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Air Quality Limit Values (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 7th January 2005.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Definitions

2. In these Regulations –

"the 2002 Regulations" means the Air Quality Limit Values Regulations (Northern Ireland) 2002(**4**);

"the 2003 Regulations" means the Air Quality (Ozone) Regulations (Northern Ireland) 2003(**5**).

Amendments to the 2002 Regulations and the 2003 Regulations concerning public participation

3.—(1) In regulation 2(1) of the 2002 Regulations, insert after the definition of "oxides of nitrogen" –

(**1**) S.I.1988/785
(**2**) 1972, c. 68
(**3**) 1954, c. 33 (N.I.)
(**4**) S.R. 2002 No. 94
(**5**) S.R. 2003 No. 240

""public" means natural or legal persons, including health care bodies and other organisations having an interest in ambient air quality and representing the interests of sensitive populations, consumers and the environment;".

(2) In the definition of "public" in regulation 2 of the 2003 Regulations for "has the meaning given in regulation 8(6)" substitute "means natural or legal persons, including health care bodies and other organisations having an interest in ambient air quality and representing the interests of sensitive populations, consumers and the environment;".

(3) In regulation 9 of the 2002 Regulations, insert after paragraph (9) –

"(9A) The Department shall, in accordance with paragraphs (9B) and (9C), ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of the plans or programmes required to be drawn up under paragraph (3).

(9B) The Department shall –

(a) ensure that the public is informed, whether by public notices 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 relevant 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 before decisions on the plans and programmes are made;

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

(e) having examined the comments made 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.

(9C) The Department shall publish any information required to carry out its functions under paragraphs (9A) and (9B) in such manner as it considers appropriate for the purpose of bringing it to the attention of the public and shall –

(a) make copies of such information accessible to the public free of charge through the website of the Department of the Environment, Environmental Policy Division; and

(b) specify in a notice on the website the detailed arrangements made to enable 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 time-frame for any such comments allowing sufficient time for each of the different stages of public participation by paragraphs (9A) and (9B).".

(4) Regulation 11(7) of the 2002 Regulations and regulation 8(6) of the 2003 Regulations are hereby revoked.