
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 215

ENVIRONMENTAL PROTECTION

**The Air Quality (Amendment, etc.)
Regulations (Northern Ireland) 2018**

Made - - - - 19th December 2018

Coming into operation 17th January 2019

The Department for Agriculture, Environment and Rural Affairs, 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 environment, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Air Quality (Amendment, etc.) Regulations (Northern Ireland) 2018 and come into operation on 17th January 2019.

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

(1) [S.I. 1992/2870](#) and [S.I. 2008/301](#)

(2) [1972 c.68](#) section 2(2) was amended by the Legislative and Regulatory Reform Act [2006 \(c.51\)](#), section 27(1)(a), and the European Union (Amendment) Act [2008 \(c.7\)](#), the Schedule Part 1. Section 2(2) is prospectively repealed by the European Union (Withdrawal) Act [2018 \(c.16\)](#), section 1 from exit day (see section 20 of that Act).

(3) [1954 c.33 \(N.I.\)](#).

PART 2

Amendment of primary legislation

Amendments to the Environment (Northern Ireland) Order 2002

2.—(1) The Environment (Northern Ireland) Order 2002⁽⁴⁾ is amended as follows.

(2) In Article 3 (purpose of Article 4), in paragraph (a), for “Council [Directive 96/61/EC](#) concerning integrated pollution prevention and control” substitute “[Directive 2010/75/EU](#) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)⁽⁵⁾”.

(3) In Article 8 (interpretation of this Part), in paragraph (2)(e), for “Council [Directive 96/61/EC](#)” substitute “[Directive 2010/75/EU](#) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)”.

(4) In Schedule 1 (particular purposes for which provision may be made under Article 4), in Part 1, for paragraph 20(2)(a) substitute “[Directive 2010/75/EU](#) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)”.

PART 3

Amendment of subordinate legislation

Amendment of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000

3. In regulation 2(1) (interpretation) of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000⁽⁶⁾, after the definition of “the Directive”, insert—

““[Directive 2008/98/EC](#)” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste and repealing certain Directives⁽⁷⁾, as last amended by Council Regulation (EU) 2017/997 amending Annex III to [Directive 2008/98/EC](#) of the European Parliament and of the Council as regards the hazardous property HP 14 ‘Ecotoxic’⁽⁸⁾”.

Amendment of the Air Quality Standards Regulations (Northern Ireland) 2010

4.—(1) The Air Quality Standards Regulations (Northern Ireland) 2010⁽⁹⁾ are amended as follows.

(2) After regulation 18(2) (duty in relation to limit values), insert—

“(3) Where, in accordance with Article 20 of the Directive, the Department considers that a limit value has been exceeded for a reason attributable to natural sources, that limit value will not be considered to be exceeded for the purposes of these Regulations.

(4) For the purposes of paragraph (3), the Department must prepare information, for the relevant zones and agglomerations, demonstrating that the exceedances are attributable to natural sources.”.

(4) [S.I. 2002/3153 \(N.I. 7\)](#), as amended by [S.R. 2011 No. 127](#).

(5) O.J. No. L334, 17.12.2010, p.17-119

(6) [S.R. 2000 No. 232](#)

(7) O.J. No. L312, 22.11.2008, p.3-30

(8) O.J. No. L150, 14.6.2017, p.1-4

(9) [S.R. 2010 No. 188](#), as amended by [S.R. 2017 No. 2](#) and [S.R. 2018 No. 33](#)