



**Cynulliad Cenedlaethol Cymru**  
**The National Assembly for Wales**

**ADRODDIAD GAN Y PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE REPORT**

**DRAFFT**

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**The Air Quality Limit Values (Wales) Regulations 2001**

**Background**

These regulations implement a Council Directive on ambient air quality assessment and management, and a Council Directive relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead (“the relevant pollutants”) in ambient air.

A detailed note can be found in the Explanatory Note

Similar provision was made for England on 25 June 2001 with a coming into force date of 19 July 2001. Additionally, however, Regulation 10 of these regulations applies to the United Kingdom as a whole.

**Standing Order 11.5**

The following concerns have been identified in relation to the drafting of these regulations.

**Regulation 2 – “zone”**

This term is defined by reference to a map “to be published by the National Assembly on 1 August 2001”.

Given that the regulations came into force on 19 July 2001 there will have been a period of 14 days during which the various provisions of the regulations relating to zones will not have been capable of implementation. Additionally, the regulations have been brought

into force with the purported incorporation of a map which was not in existence at that time.

### **Regulation 5(7)**

Regulation 5(1) requires each zone to be classified in relation to each of the relevant pollutants. In these circumstances the intended additional effect of Regulation 5(7) is not understood.

### **Regulation 11(6)**

This requires the map of zones “and any revision of it” to be made available to the public. Given that the map of zones is intended to be a map published on a particular date, it is not understood how there can be any revisions of it. Indeed, if there was provision for the map to be revised, this would run counter to the principle that a document cannot be incorporated into a statutory instrument under a formula which purports to allow it to be varied from time to time.

### **Schedules 1 and 7**

The regulations identified in the headings do not appear to be correct. It seems that they should be as follows –

- Schedule 1 – Regulations 3(1), 8(2), 9(1) and (3) and 11(4) and (5).
- Schedule 7 – Regulation 9(4).

### **Typographical points**

It is understood that the regulations were made on 17 July but the date has not been inserted on the copy submitted to the Committee.

The numbering of Regulation 11(1) in the Welsh text requires revision.

In the Welsh text of Schedule 6, Part IV, “fydd” requires revision.

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