This draft Statutory Instrument supersedes the draft titled The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility (Amendment) (EU Exit) Regulations 2022 which was laid before Parliament on 22 June 2022 and was published on 23 June 2022 (ISBN 978-0-348-23658-3). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2022 No. [XXX]

PUBLIC SECTOR INFORMATION

EXITING THE EUROPEAN UNION

The Public Sector Bodies (Websites and Mobile Applications) Accessibility (Amendment) (EU Exit) Regulations 2022

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

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Sector Bodies (Websites and Mobile Applications) Accessibility (Amendment) (EU Exit) Regulations 2022.

(2) These Regulations come into force on the day after the day on which they are made.

(3) In these Regulations "the 2018 Regulations" means the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018(**b**).

Amendments to the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018

2. The 2018 Regulations are amended as follows.

3. In regulation 3—

(**a**) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**b**) S.I. 2018/952.

(a) omit the definitions of "the Directive", "European standard", "harmonised standard", "Official Journal" and "standard"; and

(b) in the definition of "model accessibility statement", for "adopted by the European Commission in accordance with Article 7(2) of the Directive" substitute "published electronically by the Minister for the Cabinet Office".

4. For regulation 9 substitute—

"**9.** A website or mobile application of a public sector body will be presumed to be in conformity with the accessibility requirement to the extent that the website or mobile application conforms to Level A and AA Success Criteria as set out in the Web Content Accessibility Guidelines recommended by the World Wide Web Consortium, as amended from time to time(**a**)."

5. In regulation 10—

(a) in paragraph (2) —

(i) for "2021" substitute "2024"; and

(ii) for the words "submit a report to the European Commission" substitute "publish a report";

(b) omit paragraph (3); and

(c) in paragraph (5) for the words from "established in" to "accessibility requirement" substitute "published by the Minister for the Cabinet Office and as amended from time to time".

6. Omit the Schedule to the 2018 Regulations.

Revocation of retained direct EU legislation

7. The following retained direct EU legislation is revoked—

(a) Commission Implementing Decision (EU) 2018/1523 of 11 October 2018 establishing a model accessibility statement in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies(**b**);

(b) Commission Implementing Decision (EU) 2018/1524 of 11 October 2018 establishing a monitoring methodology and the arrangements for reporting by Member States in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies; and

(c) Commission Implementing Decision (EU) 2018/2048 of 20 December 2018 on the harmonised standard for websites and mobile applications drafted in support of Directive (EU) 2016/2102 of the European Parliament and of the Council.

Name
Parliamentary Secretary
Cabinet Office

Date

(**a**) The latest version of the Web Content Accessibility Guidelines (WCAG 2.1) is available from http://www.w3.org/TR/WCAG/. This can also be obtained in hard copy at the Central Digital & Data Office, The White Chapel Building, 10 Whitechapel High Street, 7th Floor, London, E1 8QS.

(**b**) EUDN 2018/1523.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively, and other deficiencies arising from the withdrawal of the United Kingdom from the European Union (and in particular, deficiencies under paragraph (g) of section 8(2) of that Act).

Regulation 3 omits definitions in regulation 3 of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 which are no longer appropriate.

Regulation 4 substitutes for the European accessibility standard (EN 301 549) the international web accessibility standard as the standard that a public sector body's website or mobile application must meet to be presumed to be in conformity with the accessibility requirement.

Regulation 5 substitutes the requirement for the Minister for the Cabinet Office to submit a report to the European Commission on the outcome of their monitoring with a requirement for the Minister for the Cabinet Office to publish a report on the outcome of their monitoring.

Regulation 6 omits the Schedule to the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 which is no longer appropriate.

Regulation 7 revokes three Commission Implementing Decisions which are retained direct EU legislation relating to the accessibility of the websites and mobile applications of public sector bodies for which alternative provision is made by these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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