

2018 No.

EQUALITY

PUBLIC SECTOR INFORMATION

**Public Sector Bodies (Websites and Mobile Applications)
Accessibility Regulations 2018**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Minister for the Cabinet Office is designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the accessibility of public sector bodies' websites and mobile applications(b).

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A(c) of Schedule 2 to, the European Communities Act 1972.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act, and it appears to the Minister for the Cabinet Office that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018.

(2) These Regulations come into force on 23rd September 2018.

(a) 1972 c.68; section 2(2) was amended by section 3(3) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7), and section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51).

(b) [TBC: Insert SI number when designation order made.]

(c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by section 3(3) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7) and SI 2007/1388.

Interpretation

2.—(1) In these Regulations—

“accessibility requirement” means the requirement to make a website or mobile application accessible by making it perceivable, operable, understandable and robust;

“accessibility statement” means a detailed, comprehensive and clear statement produced by a public sector body on the compliance of its website and/or mobile application with these Regulations;

“bodies governed by public law” means bodies that have all of the following characteristics—

- (a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
- (b) they have legal personality; and
- (c) they have any of the following characteristics:—
 - (i) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law;
 - (ii) they are subject to management supervision by those authorities or bodies; or
 - (iii) they have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;

“the Directive” means Directive 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies;

“European standard” means a European standard adopted by a European standardisation organisation;

“harmonised standard” means a harmonised standard adopted on the basis of a request made by the European Commission for the application of Union harmonisation legislation;

“mobile application” means application software designed and developed by or on behalf of a public sector body for use by the general public on mobile devices such as smartphones and tablets, but does not include the software that controls those devices (mobile operating systems) or hardware;

“model accessibility statement” means an accessibility statement adopted by the European Commission in accordance with Article 7(2) of the Directive;

“Official Journal” means the Official Journal of the European Union;

“public sector body” means—

- (a) the State;
- (b) regional or local authorities;
- (c) bodies governed by public law; or
- (d) associations formed by one or more of the authorities in paragraph (b) or one or more of the bodies in paragraph (c), if those associations are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;

“technical specifications” means specifications established in implementing acts adopted by the European Commission which meets the accessibility requirements;

“time-based media” means media of one or more of the following types: audio-only, video-only, audio-video, audio and/or video combined with interaction;

Application

3.—(1) These Regulations apply to a website or mobile application of a public sector body, except a website or mobile application of—

- (a) public service broadcasters and their subsidiaries, and of other bodies or their subsidiaries fulfilling a public service broadcasting remit;

- (b) non-governmental organisations, unless they provide services that—
 - (i) are essential to the public; or
 - (ii) specifically address the needs of, or are meant for, persons with disabilities; and
- (c) schools or nurseries, except for the content of their websites or mobile applications relating to essential online administrative functions.

(2) These Regulations do not apply to the following content of a website and mobile application of a public sector body:—

- (a) office file formats published before 23rd September 2018, unless such content is needed for active administrative processes relating to the tasks performed by the public sector body concerned;
- (b) pre-recorded time-based media published before 23rd September 2020;
- (c) live time-based media;
- (d) online maps and mapping services, as long as essential information is provided in an accessible digital manner for maps intended for navigational use;
- (e) third-party content that is neither funded nor developed by, nor under the control of, the public sector body concerned;
- (f) reproductions of items in heritage collections that cannot be made fully accessible because of either—
 - (i) the incompatibility of the accessibility requirement with either the preservation of the item concerned or the authenticity of the reproduction; or
 - (ii) the unavailability of automated and cost-efficient solutions that would easily extract the text of manuscripts of other items in heritage collections and transform it into content compatible with the accessibility requirement;
- (g) content of extranets and intranets published before 23rd September 2019, but only until the website undergoes a substantial revision;
- (h) content of websites and mobile applications qualifying as archives.

(3) In this regulation, “items in heritage collections” means privately or publicly owned goods presenting an historical, artistic, archaeological, aesthetic, scientific or technical interest and that are part of collections preserved by cultural institutions such as libraries, archives and museums.

(4) In this regulation, “extranets and intranets” means a website that is only available for a closed group of people and not to the general public.

(5) In this regulation, “archives” means a website or mobile application which—

- (a) only contains content that is not needed for active administrative processes; and
- (b) is not updated or edited after 23rd September 2019.

PART 2

Obligations for public sector bodies

Application of Part 2

4.— This Part applies as follows—

- (a) for websites of public sector bodies not published before 23rd September 2018, on 23rd September 2019;
- (b) for any other websites of public sector bodies, on 23rd September 2020; and
- (c) for mobile applications of public sector bodies, on 23rd June 2021.

Obligation to make websites and mobile applications accessible

5.— Subject to Regulation 6, public sector bodies must take the necessary measures to make their websites and mobile applications more accessible by making them perceivable, operable, understandable and robust.

Disproportionate burden assessment

6.—(1) Regulation 5 does not require a public sector body to apply the accessibility requirement if doing so would impose a disproportionate burden on the public sector body.

(2) A public sector body must perform an initial assessment of the extent to which compliance with the accessibility requirement imposes a disproportionate burden.

(3) In undertaking a disproportionate burden assessment, the public body concerned must take account of relevant circumstances, including—

- (a) the size, resources and nature of the public sector body concerned; and
- (b) the estimated costs and benefits for the public sector body concerned in relation to the estimated benefits for persons with disabilities, taking into account the frequency and duration of use of the specific website or mobile application.

(4) If, following a disproportionate burden assessment, a public sector body determines that compliance with the accessibility requirement would impose a disproportionate burden, it must—

- (a) explain in its accessibility statement the parts of the accessibility requirement that could not be complied with; and
- (b) where appropriate, provide accessible alternatives to documents held by that public sector body that are not available on their website or mobile application.

Accessibility statement

7.—(1) Public sector bodies must provide and regularly update an accessibility statement which uses the model accessibility statement.

(2) For a website, the accessibility statement must be—

- (a) provided in an accessible format; and
- (b) published on the website of the public sector body.

(3) For a mobile application, the accessibility statement must be—

- (a) provided in an accessible format; and
- (b) available on the website of the public sector body that developed the mobile application concerned, or alongside other information available when downloading the application.

(4) The accessibility statement must include—

- (a) an explanation of those parts of the content that are not accessible and the reasons why;
- (b) where appropriate, the accessible alternatives provided for;
- (c) a description of, and a link to, a contact form which enables any person to—
 - (i) notify the public sector body concerned of any failure of its website or mobile application to comply with the accessibility requirement; and
 - (ii) request details of the information excluded under regulation 3(2) and regulation 6; and
- (d) a link to the enforcement procedure set out in regulation [X] to which recourse may be had in the event of an unsatisfactory response to the notification or the request.

PART 3

Presumed conformity

8.—(1) A website of a public sector body will be presumed to be in conformity with the accessibility requirement to the extent that:

- (a) it meets harmonised standards or parts thereof, the references to which have been published in the Official Journal in accordance with Regulation (EU) No 1025/2012^(a); and
- (b) where no references to the harmonised standards referred to in subparagraph (a) have been published, it fulfils the relevant requirements of European standard EN 301 549 V1.1.2 (2015-04) or parts thereof;

(2) A mobile application of a public sector body will be presumed to be in conformity with the accessibility requirement to the extent that:

- (a) it meets harmonised standards, or parts thereof;
- (b) where no references to harmonised standards have been published, it meets the technical specifications or parts thereof; and
- (c) where no references to the harmonised standards have been published, and in the absence of the technical specifications, it fulfils the relevant requirements of European standard EN 301 549 V1.1.2 (2015-04) or parts thereof.

PART 4

Monitoring and reporting

9.—(1) The Minister for the Cabinet Office must monitor the compliance by public sector bodies of their websites and mobile applications with the accessibility requirement, on the basis of the monitoring methodology.

(2) By no later than 23rd December 2021, and every three years thereafter, the Minister for the Cabinet Office must submit a report to the European Commission on the outcome of the monitoring referred to in paragraph (1), including the measurement data.

(3) The Schedule makes supplemental provision about the reporting requirements referred to in paragraph (2).

(4) Paragraph (2) of this regulation applies while the United Kingdom is a Member State of the European Union.

(5) In this regulation, the “monitoring methodology” means a methodology for monitoring the conformity of websites and mobile applications with the accessibility requirement;

(6) In this regulation, the “measurement data” means—

- (a) the quantified results of the monitoring activity carried out in order to verify the compliance by public sector bodies of their websites and mobile applications with the accessibility requirement;
- (b) quantitative information about the sample of websites and mobile applications tested, including number of websites and applications with, potentially, the number of visitors or users, etc.; and
- (c) quantitative information about the level of accessibility.

(a) OJ No L 316, 14.11.2012.

PART 3
Enforcement

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Signatory text

Address	<i>Name</i>
Date	Minister for the Cabinet Office Cabinet Office

SCHEDULE

Regulation 9

Reporting requirements

1. The first report referred to in Regulation 9(2) must contain—
 - (a) a description of the mechanisms set up by the Minister for the Cabinet Office for consulting with relevant stakeholders on the accessibility of websites and mobile applications;
 - (b) procedures to make public any developments in accessibility policy relating to websites and mobile applications;
 - (c) findings from the implementation of the accessibility requirement;
 - (d) information on training and awareness-raising activities;
 - (e) information on the use of the enforcement procedure.
2. The report does not need to list the websites, mobile applications or public sector bodies examined.
3. The report must be made public in an accessible format.
4. The report must conform to the arrangements for reporting set by the European Commission in implementing acts.
5. Where significant changes have been made in relation to the elements referred to in paragraph 1 since the last report, the Minister for the Cabinet Office must include in the report information concerning those changes.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose Directive 2016/2102 of the European Parliament and of the Council on the accessibility of websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016) (“the Directive”).

The objective of the Directive is the establishment of a harmonised market for the accessibility of public sector bodies’ websites and mobile applications. The Directive aims to make websites and mobile applications of public sector bodies more accessible to users, particularly persons with disabilities.

Part 1 establishes what the Directive applies to, and provides a limited list of public sector bodies and content which are exempt from the Directive.

Part 2 imposes an obligation on a public sector body to make its websites and mobile applications more accessible, to the extent that this does not impose a disproportionate burden, and a further obligation on a public sector body to publish and regularly update an accessibility statement on compliance with the accessibility requirement. It also sets out the requirement for a public sector body to make a disproportionate burden assessment, and specifies the type of factors to take into account.

Part 3 sets out the standards which public sector bodies’ websites and mobile applications must meet to be presumed to be in conformity with the accessibility requirement.

Part 4 sets out the requirements for monitoring public sector bodies’ compliance with the accessibility requirement, and reporting back to the European Commission on these findings whilst the United Kingdom is a member of the European Union.

Part 5 [**will set out the enforcement procedure**].

The Schedule lists the specific requirements for the report to the European Commission on the outcome of the monitoring and the list of measures taken in application of the Directive.

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sectors is foreseen.