

EXPLANATORY MEMORANDUM TO
THE PUBLIC REGULATED SERVICE (GALILEO) (REVOCAION)
REGULATIONS 2022

2022 No. 631

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the UK Space Agency, an Executive Agency of the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 These Regulations revoke the Public Regulated Service (Galileo) Regulations 2018 (S.I. 2018/230) (“the 2018 Regulations”) to address the failure of the 2018 Regulations to operate effectively as a result of the withdrawal of the UK from the EU and the Galileo Space Programme.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The Public Regulated Service (Galileo) (Revocation) Regulations 2022 was laid before the Sifting Committees for consideration on 28 April 2022. The Secondary Legislation Scrutiny Committee considered the proposed negative instrument and made no recommendation to upgrade as reported in its First Report of Session 2022-23 published on 19 May 2022. At its meeting on 24 May 2022, the European Statutory Instruments Committee agreed that the negative procedure should apply to the instrument.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England, Wales, Scotland, and Northern Ireland.
- 4.2 The territorial application of this instrument is England, Wales, Scotland, and Northern Ireland.

5. European Convention on Human Rights

- 5.1 The Minister for Science, Research and Innovation, George Freeman has made the following statement regarding Human Rights:

“In my view the provisions of the Public Regulated Service (Galileo) (Revocation) Regulations 2022 are compatible with the Convention rights.”

6. Legislative Context

- 6.1 The European Commission decision of 2 October 2020 (Commission Decision of 2 October 2020 (C2020) 6634 final) applied the derogation provided for in Article 127(7)(b) of the Withdrawal Agreement of 19 October 2019. The effect of this is that Decision 1104/2011/EU on the rules for access to the public regulated service provided by the global navigation service established under the Galileo programme

(“the PRS Decision”) ceased to apply to the UK before the end of the transition period. The PRS Decision was therefore not operative immediately before exit day and does not form part of domestic law under section 3 of the European Union (Withdrawal) Act 2018.

- 6.2 The PRS Regulations 2018 were made under section 2(2) of the European Communities Act 1972 to implement the PRS Decision and so constitute retained EU law under section 2(1) of the European Union (Withdrawal) Act 2018. These Regulations revoke the 2018 Regulations to address failures to operate effectively and other deficiencies (in particular under section 8(2)(a) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

7. Policy background

What is being done and why?

- 7.1 The 2018 Regulations implemented the PRS Decision in the UK to enable government authorised users to access Galileo PRS. As a result of the UK’s withdrawal from the EU and participation in the Galileo space programme, the PRS Decision ceased to apply to the UK and any PRS licences granted have been terminated. These Regulations revoke the 2018 Regulations under the EU (Withdrawal) Act 2018 as it is no longer required due to the UK no longer having this capability. These Regulations do not impose any new policies, liabilities or obligations and therefore low public interest is expected as this is non contentious.

Explanations

What did any law do before the changes to be made by this instrument?

- 7.2 The 2018 Regulations implemented the PRS Decision. The 2018 Regulations set out the licensing, investigation, and enforcement powers of the Secretary of State in granting persons access to and use of the public regulated service provided by the global navigation satellite system established under the EU Galileo programme (“PRS”).

Why is it being changed?

- 7.3 During the transition period, the EU decided to exclude the UK from participation in the PRS by Commission Decision of 2 October 2020 (C2020) 6634 final. This means that the UK no longer has any Galileo PRS capability. In addition, since UK withdrawal, the EU have adopted the new Space Regulation 2021/696 which means any new UK development of this capability either through national programmes or possible future involvement in Galileo would require new UK legislation.

What will it now do?

- 7.4 These Regulations revoke the redundant 2018 Regulations.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument is being made using the power in section 8(1) of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 There are no current plans to consolidate the 2018 Regulations, as these are being revoked.

10. Consultation outcome

10.1 As these Regulations do not impose any new policies, liabilities or obligations following the UK's withdrawal from the EU and the Galileo space programme, no public consultation was undertaken. Whilst consultation with devolved administrations is not necessary, as space matters have not been devolved, the policy team did contact the devolved administrations via email to inform them of these Regulations and the effect on the 2018 Regulations.

11. Guidance

11.1 It is not necessary to issue specific guidance with respect to these Regulations as it does not impose new policies, liabilities or obligations.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because no impact on business is foreseen, as the UK PRS capability was removed during the transition period as part of the EU decision of 2 October 2020 (C2020) 6634. These Regulations revoke the 2018 Regulation following this decision and the UK's withdrawal from the EU and Galileo space programme.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is not required as these Regulations will revoke the 2018 Regulations.

14.2 As this instrument is made under the European Union (Withdrawal) Act 2018, no review clause is required.

15. Contact

15.1 Matthew Pritchard-Evans at the UK Space Agency, Telephone: 07741 689021 or email: matthew.pritchard-evans@ukspaceagency.gov.uk can be contacted with any queries regarding the instrument.

15.2 Rebecca Norton-Price, Director for International policy, at the UK Space Agency can confirm that this Explanatory Memorandum meets the required standard.

15.3 George Freeman, Minister for Science, Research and Innovation at the Department for Business, Energy & Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018 and the European Union (Future Relationship) Act 2020

Part 1A

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees.
Appropriateness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before IP completion day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising section 8 or part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 5 or 19, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 14, Schedule 8	Anybody making an SI after IP completion day under powers conferred before the start of the 2017-19 session of Parliament which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 15, Schedule 8	Anybody making an SI after IP completion day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before IP completion day, and explaining the instrument's effect on retained EU law.

Part 1B

Table of Statements under the 2020 Act

This table sets out the statements that may be required under the 2020 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraph 8 Schedule 5	Ministers of the Crown exercising section 31 to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees.

Part 2

Statements required under the European Union (Withdrawal) 2018 Act or the European Union (Future Relationship) Act 2020

1. Sifting statement(s)

- 1.1 The Minister for Science, Research and Innovation, George Freeman has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Public Regulated Service (Galileo) (Revocation) Regulations 2022 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)”.

- 1.2 This is the case because these Regulations do not fall into the category of regulations identified in paragraph 1(2) of the Schedule 7 to the European Withdrawal Act 2018 as requiring approval in draft by resolution of both Houses of Parliament. These Regulations revoke the Public Regulated Service (Galileo) Regulations 2018 following the UK’s withdrawal from the EU as set out in Section 7, Policy Background, of this Explanatory Memorandum. We do not consider that there is any reason why they should not be subject to the negative resolution procedure.

2. Appropriateness statement

- 2.1 The Minister for Science, Research and Innovation, George Freeman has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Public Regulated Service (Galileo) (Revocation) Regulations 2022 does no more than is appropriate”.

- 2.2 This is the case because these Regulations remove any references to obligations under EU law that will no longer have effect or become redundant after the UK’s withdrawal from the EU. These Regulations do not change current policy or impose any new liabilities or obligations on any relevant persons.

3. Good reasons

- 3.1 The Minister for Science, Research and Innovation, George Freeman has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action”.

- 3.2 These are because these Regulations address failures of the retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU and Galileo space programme. These Regulations do not impose any new policies, liabilities, or obligations on any relevant persons. The policy rationale for the changes is set out in Section 7, Policy Background, of this Explanatory Memorandum.

4. Equalities

4.1 The Minister for Science, Research and Innovation, George Freeman has made the following statement(s):

“The draft instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

4.2 The Minister for Science, Research and Innovation, George Freeman has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the draft instrument, I, George Freeman have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

4.3 The revocation made by these Regulations does not raise any issues relevant to the public sector equality duty under section 149(1) of the Equality Act 2010 because they are minor and technical and do not impose new policies, liabilities, or obligations on any relevant persons.

5. Explanations

5.1 The explanations statement has been made in section 7 of the main body of this explanatory memorandum.