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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

**The INSPIRE (EU Exit) (Scotland)  
(Amendment) Regulations 2019**

**PART 3**

Amendments to subordinate legislation to address deficiencies arising from the withdrawal of the United Kingdom from the European Union

**Amendment of the INSPIRE (Scotland) Regulations 2009**

3. The INSPIRE (Scotland) Regulations 2009 are amended in accordance with regulations 4 to 10.

**Amendment of regulation 2 (interpretation)**

4.—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “the Act”, insert—

““[Commission Regulation \(EU\) No 1089/2010](#)” means [Commission Regulation \(EU\) No 1089/2010](#) implementing [Directive 2007/2/EC](#) of the European Parliament and of the Council as regards interoperability of spatial data sets and services,”

(b) omit the definition of “the Directive”, and

(c) in paragraph (b) of the definition of “spatial data set”, for “Annex I, II or III to the Directive” substitute “Annex 1, 2 or 3 of the Metadata Regulation”.

(3) Omit paragraph (2).

(4) Omit paragraph (4).

**Amendment of regulation 7 (metadata)**

5.—(1) Regulation 7 is amended as follows.

(2) In paragraph (2)(aa), for “Annex I to the Directive” substitute “Annex 1 of the Metadata Regulation”.

(3) For paragraph (4) substitute—

“(4) A Scottish public authority or a third party must, in relation to any spatial data set or spatial data service for which that authority or third party is responsible, have in place metadata relating to—

(a) spatial data sets corresponding to the themes listed in Annexes 1 to 3 of the Metadata Regulation, and

(b) spatial data services relating to those data sets.”

(4) Omit paragraph (5).

#### **Amendment of regulation 7A (interoperability)**

6.—(1) Regulation 7A is amended as follows.

(2) In paragraph (1)(a), for “Annex I to the Directive” substitute “Annex 1 of the Metadata Regulation”.

(3) For paragraph (2) substitute—

“(2) The spatial data sets and spatial data services described in paragraph (1) must be available in conformity with the requirements as to the interoperability of spatial data sets and spatial data services set out in [Commission Regulation \(EU\) No 1089/2010](#).”.

(4) Omit paragraph (4).

#### **Amendment of regulation 8 (network services)**

7.—(1) Regulation 8 is amended as follows.

(2) Omit paragraph (1A).

(3) In paragraph (3)(ca), for “Annex I to the Directive” substitute “Annex 1 of the Metadata Regulation”.

(4) In paragraph (3A), for “Annex I to the Directive” substitute “Annex 1 of the Metadata Regulation”.

#### **Amendment of regulation 9 (linking to a network)**

8. In regulation 9(3)(c), for “Annex I to the Directive” substitute “Annex 1 of the Metadata Regulation”.

#### **Amendment of regulation 13 (data sharing between public authorities etc)**

9.—(1) Regulation 13 is amended as follows.

(2) In paragraph (6)—

(a) for “EU legislation” substitute “retained EU law”, and

(b) for “an institution or body of the EU” substitute “a relevant body”.

(3) In paragraph (7)—

(a) omit sub-paragraphs (b) and (c), and

(b) in sub-paragraph (d), for “EU and the United Kingdom are parties” substitute “United Kingdom is a party”.

#### **Substitution of regulation 15 (coordination and monitoring)**

10. For regulation 15 substitute—

##### **“Coordination, monitoring and reporting**

15.—(1) The Scottish Ministers must, for the purposes of ensuring compliance with these Regulations, ensure that appropriate structures and mechanisms are put in place for coordinating, across the different levels of government, the contributions of all persons with an interest in infrastructures for spatial information.

(2) In performing the function described in paragraph (1), the Scottish Ministers must coordinate the contributions of, in particular, users, producers, added-value service providers and coordinating bodies, concerning the identification of relevant data sets, user

needs, the provision of information on existing practices and the provision of feedback on the implementation of these Regulations and the Implementing Rules.

(3) The Scottish Ministers must—

- (a) ensure that Scottish public authorities and third parties comply with these Regulations and the Implementing Rules,
- (b) monitor the implementation and use of the infrastructure for spatial information for the purposes of these Regulations, and make the findings available to the public in accordance with Commission [Decision 2009/442/EC](#) implementing [Directive 2007/2/EC](#) of the European Parliament and of the Council as regards monitoring and reporting (“Commission [Decision 2009/442/EC](#)”), and
- (c) issue guidance to Scottish public authorities and third parties which are responsible for spatial data sets or spatial data services about the implementation of these Regulations.

(4) Guidance issued under paragraph (3)(c) must include provision relating to the internal complaints procedure which Scottish public authorities and third parties are required to establish under regulation 14.

(5) In performing their functions under these Regulations, Scottish public authorities and third parties must have regard to guidance issued under paragraph (3)(c).

(6) Scottish public authorities and third parties must provide such information to the Scottish Ministers as the Scottish Ministers may require in order to perform the functions described in paragraphs (1) to (3).

(7) In this regulation—

- (a) “Implementing Rules” means the requirements of the Metadata Regulation, Commission [Decision 2009/442/EC](#), Commission [Regulation \(EC\) No 976/2009](#) implementing [Directive 2007/2/EC](#) of the European Parliament and of the Council as regards the Network Services, and Commission [Regulation \(EU\) 1089/2010](#),
- (b) “infrastructure for spatial information” means metadata, spatial data sets and spatial data services; network services and technologies; agreements on sharing, access and use; and coordination and monitoring mechanisms, processes and procedures, established, operated or made available in accordance with, and for the purposes of, these Regulations and the Implementing Rules.”