



THE QUEEN'S PRINTER FOR SCOTLAND

Report covering the period

1 April 2018 to 31 March 2019

Laid before the Scottish Parliament by the Scottish Ministers

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1 The role of the Queen's Printer for Scotland

- 1.1 The role of the Queen's Printer for Scotland (QPS) was established under section 92 of the Scotland Act 1998¹ as a non-ministerial office holder and member of staff of the Scottish Administration, with effect from 1 July 1999.
- 1.2 The Scotland Act states that the office of Queen's Printer for Scotland shall be held by the Queen's Printer of Acts of Parliament. These offices are held by the Keeper of Public Records; the Chief Executive of The National Archives, Jeff James, who was appointed as Queen's Printer for Acts of Parliament on 1 July 2017 by Letters Patent. The functions of the QPS are carried out from within The National Archives.
- 1.3 The QPS is responsible for overseeing the publication of primary and secondary Scottish legislation, the production and publication of Explanatory Notes to Acts of the Scottish Parliament (ASPs), and the publication of lists, including amendment lists, and annual editions of instruments. The QPS has also published Policy Notes for Scottish Statutory Instruments (SSIs), since October 2012.
- 1.4 The detailed provisions for the publication and preservation of ASPs are set out in the Interpretation and Legislative Reform (Scotland) Act 2010². The Scottish Statutory Instruments Regulations 2011 set out the detailed requirements for SSIs under this Act³.

¹ <http://www.legislation.gov.uk/ukpga/1998/46/contents>

² <http://www.legislation.gov.uk/asp/2010/10/contents>

³ <http://www.legislation.gov.uk/ssi/2011/195/contents/made>

- 1.5 Broader issues affecting primary legislation are considered through bi-annual meetings of the Primary Legislation Group, attended by the Scottish Chief Parliamentary Counsel, and the holders of the equivalent role for the UK, Wales and Northern Ireland. These meetings are convened by the QPS, and are a forum for sharing information about the legislative programmes of the jurisdictions and updates about the developments made to the legislation publishing, editorial and online services.
- 1.6 The status of the QPS, as a Public Authority for the FOI(S)A, involves several compliance obligations. The QPS Publication Scheme is available on the Scottish Government website. The QPS also has to respond to FOI(S)A access requests and provide data on these requests to the Scottish Information Commissioner.
- 1.7 Under the Public Records (Scotland) Act 2011, the QPS has to have in place a records management plan that is subject to periodic scrutiny by the National Records of Scotland.
- 1.8 Under section 92(3) of the Scotland Act 1998, the Queen's Printer manages the Crown's copyright in respect of ASPs, SSIs and material created by or assigned to the Scottish Government. The QPS has an agreement in place to provide copyright and licensing advice to the Scottish Parliament.

2 How we work

Publishing legislation

- 2.1 The statutory requirements to print, publish and distribute Scottish legislation and associated products are delivered by a specialist team at The National Archives, and through a contract with a supplier. This legislation contract is currently awarded to The Stationery Office. The contract sets out the timescales that need to be adhered to for the publication of new ASPs and SSIs both online and in print.
- 2.2 Scottish legislation and associated documents are published via a web-based legislation publishing system, which is used by legislation drafters in the Scottish government to validate secondary legislation and submit documents for publication, and by the QPS and its contractor to manage all the steps of the publishing process. The system assures the integrity of the data published on legislation.gov.uk by recording the process through a publishing audit trail. The legislation publishing system is also used to register SSIs – a process that involves automatic and manual checks to ensure that documents meet the criteria for publication and that the documents are correctly numbered and can be accurately cited.
- 2.3 Scottish drafters currently use a range of Microsoft Word templates to draft legislation. SSIs are drafted using a bespoke Secondary Legislation drafting template, created and maintained by the QPS. Before legislation can be published online and printed, these Word files have to be converted into Crown Legislation Markup Language (CLML) - the open standard format for legislation data specified by the QPS. This process is carried out under the legislation contract.

- 2.4 Legislation as it is originally enacted or made, and in a revised form showing how it has changed over time, is published on legislation.gov.uk. Scottish legislation can be found at www.legislation.gov.uk/browse/scotland. The website also makes available Acts of the Old Scottish Parliament (AOSPs). If required, as-enacted or made Scottish legislation is also printed and made available for purchase. The work to maintain, operate and develop the website is carried out under the legislation contract.
- 2.5 The legislation.gov.uk website serves around 3 million user sessions per month. Users include legal professionals, non-legal trained professionals, government staff, academics and members of the public. The site has been carefully designed to help non-legally trained users to understand the status of the legislation they are looking at – whether the legislation is in force, up to date and applies to where they live. Users can also find ‘point in time’ versions of legislation showing how the law stood at a particular point in time (see for example, <http://www.legislation.gov.uk/asp/2003/8/introduction?timeline=true>).
- 2.6 In addition to online and print publishing, legislation data is available for re-use in a variety of formats. To make data extraction easier, all legislation search result pages are available as ATOM feeds by adding “/data.feed” to the link. For example, for the search result page www.legislation.gov.uk/asp/2017 the feed would be www.legislation.gov.uk/asp/2017/data.feed
- 2.7 All of the content on the website is available for re-use under the Open Government Licence v3.0, except where otherwise stated. This site additionally now contains European legislation content derived from EUR-Lex, under the terms of the [Commission Decision 2011/833/EU](http://eur-lex.europa.eu/CommissionDecision2011833EU) on the reuse of documents from the EU institutions.

Publishing lists and annual editions

- 2.8 The Interpretation and Legislative Reform (Scotland) Act 2010⁴ provides for the publication of lists and annual editions of Scottish legislation. This provision is managed by a specialist editorial team and through the services provided under the contract.
- 2.9 When new ASPs and SSIs are published, legislation editors analyse their impact on existing legislation, as well as identifying key contextual information such as the jurisdictional extent and commencement date(s). These changes can impact the text of existing legislation; or alter the scope or application of existing legislation without changing the text at all. All changes, commencement information and extent information is captured in a bespoke editorial system. Outstanding changes are published and searchable via the ‘changes to legislation’ page (<http://www.legislation.gov.uk/changes>) or by selecting the drop down lists of amendments in the Outstanding Changes alert boxes that are displayed above the text of any affected primary legislation. For example, you can see a list of changes to ASPs at <http://www.legislation.gov.uk/changes/affected/asp> and a list of changes to SSIs at <http://www.legislation.gov.uk/changes/affected/ssi>.
- 2.10 The requirement for printed Bound Volumes of ASPs and printed Bound Volumes of SSIs is delivered through the legislation contract. The volumes also include Tables of Effects which show the changes made by any UK or Scottish legislation on previously enacted ASPs and SSIs. In order to generate these lists, as well as to update legislation on [legislation.gov.uk](http://www.legislation.gov.uk), all new legislation is monitored for new amendments, which are identified and recorded by the editorial team.

⁴ <http://www.legislation.gov.uk/asp/2010/10/contents>

3 Activities and developments: 1 April 2018 – 31 March 2019

- 3.1 12 ASPs received Royal Assent between 1 April 2018 and 31 March 2019 (see Annex A).
- 3.2 11 Explanatory Notes to ASPs were published between 1 April 2018 and 31 March 2019 (see Annex B).
- 3.3 405 Scottish Statutory Instruments were registered and published between 1 April 2018 and 31 March 2019 (see Annex C), plus an additional 70 draft Scottish Instruments. Of this total, 31 SSIs and 15 draft SSIs related to EU Exit.
- 3.4 A key priority in 2018-19 has been the preparation of legislation.gov.uk to meet the legislative publishing challenges of EU Exit. The European Union (Withdrawal) Act 2018 will repeal the European Communities Act 1972 and convert a large body of existing EU Law into UK legislation. Schedule 5 of the 2018 Act sets out the powers and duties of the Queen's Printer as regards the publication of retained EU material. This new legislation has been published and is being maintained in an official and freely available source in preparation for exit, in order to ensure transparency and legal certainty once the UK is no longer an EU Member State. In addition, a significant amount of secondary legislation has been published in preparation for EU Exit, including 46 EU Exit SSIs, containing amendments to correct the text of relevant domestic and retained legislation in order that they continue to be functional after exit.
- 3.5 The QPS has successfully developed processes for the capture and conversion of EU Legislation for publication on legislation.gov.uk, with over 150,000 EU regulations, decisions, directives and treaties now available. The

legislation.gov.uk publishing processes and SSI Templates have also been adapted to support the preparation and publication of EU Exit SSIs. Enhancements to the editorial system will ensure that retained EU legislation can be kept up to date, with over 80,000 amendments required in order to correct both UK and retained EU legislation post-exit. Of these amendments, over 3500 were made by SSIs, and the domestic impact on Scottish legislation includes 149 amendments to 20 Acts of the Scottish Parliament, and 2897 amendments to SSIs. In addition, a new EU Exit Web Archive⁵ has been created, containing a wide selection of EU materials from EUR-Lex, to ensure that the full body of EU law is made available as it stood at the point of exit. User research has been undertaken to ensure that the approach chosen for these new EU Exit services is clear, helpful, and meets user needs.

- 3.6 The year has seen substantial progress in the project to deliver a new browser-based legislation drafting and amending tool. This project is a partnership between Scottish Parliament, Parliamentary Counsel's Office, The National Archives, the Office of the Parliamentary Counsel, and the UK Houses of Parliament. This browser-based tool will eventually replace the range of tools that are used by the partners to prepare and amend draft legislation. A single, shared tool should reduce the cost of publication, and improve the presentation of bills and amendments online. It will improve the ability of the Scottish Parliament to manage and integrate bill and amendment information (for example permitting the auto-updating of bills, and enabling a user to see how a particular amendment would alter the text of a bill if agreed to). By taking an open standards-based approach, the tool allows for well-structured and organised bill and amendment data to be made available via data.parliament.scot.

⁵ <https://webarchive.nationalarchives.gov.uk/eu-exit/>

- 3.7 A contract to develop, maintain and operate the legislation drafting tool was awarded to Leidos, an international technology company with presence in UK, US and Australia, among other countries. Leidos also recently won a contract to support the Scottish Government's Purchase-to-Pay shared service. The legislation drafting tool contract was signed with The National Archives on 15 October 2018, to run for three years with the option of two further twelve month extensions.
- 3.8 Development work on the legislation drafting tool has made significant progress. Development is phased into a number of releases, with a first release focussing on the delivery of a drafting tool for Scottish Bills. This was delivered in July 2019, with the first Scottish Bill to be drafted on the new tool, the UEFA European Championship (Scotland) Bill⁶, published on 25 September 2019.
- 3.9 During 2018-19, the legislation publishing service has been operated and maintained to ensure it continues to support the fast and effective publication of a wide range of legislation types, including ongoing development to the SSI drafting template. SSI template training and support continues to be delivered to secondary legislation drafters by the contractor.
- 3.10 The editorial team continue to maintain a high level of output, ensuring that the QPS can capture and publish amendments online, and that revised primary legislation on legislation.gov.uk is fully up-to-date. At the end of March 2019 98% of all revised primary legislation, including Scottish Acts, was fully updated, compared to 86% in January 2016⁷. Work has focused on the Acts on legislation.gov.uk that are the most visited, to ensure that editorial effort is directed to where there is the greatest user need, and over 60,000 updates have been made.

⁶ <https://www.parliament.scot/parliamentarybusiness/Bills/112887.aspx>

⁷ 1% of primary legislation documents equates to approximately 55 documents

- 3.11 A total of 5443 amendments from Acts of the Scottish Parliament and Scottish SI's published between 1 April 2018 and 31 March 2019 were recorded and published on legislation.gov.uk by the editorial team, out of a total of over 75,000 amendments recorded for all jurisdictions. This is an increase of over 50% from the previous year. A further 2226 updates were made to Scottish Primary legislation, as well as, for the first time, 456 updates to Scottish SI's. All Scottish Acts on legislation.gov.uk were fully up to date as at August 2019.
- 3.12 Lists of new Scottish legislation are made available every day online at <http://www.legislation.gov.uk/new>
- 3.13 Staff working for the QPS liaised with Scottish Government contacts on the initiation and negotiation stages of the recast Directive on Open Data and Re-use of Public Sector Information, subsequently adopted as Directive (EU) 2019/1024.
- 3.14 Staff working for the QPS gave advice on aspects of the Re-use of Public Sector Information Regulations 2015 to Historic Environment Scotland, National Museums Scotland and National Records of Scotland.
- 3.15 Advice was given to NHS Scotland on the licensing of journal articles submitted to academic publishers.
- 3.16 Staff working for the QPS advised National Records of Scotland on an issue relating to the copyright status of material taken from pre-nationalisation Railway records.

- 3.17 Staff working for the QPS advised National Records of Scotland on correct Crown copyright notices and on a contractual publishing matter.
- 3.18 Staff working for the QPS processed two Freedom of Information requests under the Freedom of Information (Scotland) Act 2002⁸.

Financing the Queen's Printer for Scotland

- 3.19 Under the Scotland Act 1998, the Queen's Printer of Acts of Parliament is appointed QPS. The QPS is also the Keeper and CEO of The National Archives, and by agreement with the Scottish Government, the Keeper provides the necessary resources to support the work of the QPS. In consideration of this, the Scottish Government has agreed to pay The National Archives an annual management charge covering the period 1 April to 31 March (inclusive) each year.
- 3.20 This section covers the management charges for 2018/2019. The management charge for this period is £97,734. These figures are based on the actual level of work undertaken in relation to the operation and maintenance of the legislation.gov.uk platform, and the compiling of legislative amendment data in relation to Scottish legislation in that year.
- 3.21 An analysis of the management charges (exc. VAT) between staff costs and non-pay costs is shown below with the previous years' costs included for comparison:

⁸ <http://www.legislation.gov.uk/asp/2002/13/contents>

Period Covered	Staff Costs	Non – Staff Costs	Total Charge
1 April 2018 – 31 March 2019	£73,824	£23,910	£97,734
1 April 2017 – 31 March 2018	£56,922	£35,880	£92,802
1 April 2016 – 31 March 2017	£46,992	£48,706	£95,698
1 April 2015 – 31 March 2016	£43,299	£49,162	£92,461
1 April 2014 – 31 March 2015	£33,314	£54,262	£88,941
1 April 2013 – 31 March 2014	£37,446	£46,076	£83,522
1 April 2012 – 31 March 2013	£35,384	£46,330	£81,714
1 April 2011 – 31 March 2012	£33,664	£51,598	£85,262
1 April 2010 – 31 March 2011	£36,035	£69,749	£105,784

4 Future priorities

- 4.1 Work will continue on the publication of EU legislation on legislation.gov.uk, with all new and amended EU legislation published by EUR-Lex being added to legislation.gov.uk and the EU Exit Web Archive, as required by Schedule 5 of the European Union (Withdrawal) Act 2018. Amendments from EU Exit SI's and SSIs will continue to be captured and published, and additional editorial resource has been recruited and trained to enable the approximately 80,000 amendments to be applied to both UK and retained EU legislation, once commenced.
- 4.2 Development will begin on the design and delivery of a new legislation.gov.uk front-end. This project will replace a nearly 10 year-old user interface, incorporating up-to-date technology, responsive design for accessing the website via mobile devices, applying The National Archive's new branding, as well as delivering new advanced features to meet changing user needs.

- 4.3 2019/20 will see further development of the legislation drafting and amending tool. An initial delivery of a live online tool for drafting Scottish Bills in July 2019 will be followed by a second release focussed on the drafting of SI's and SSIs in early 2020.
- 4.4 The editorial team will continue to prioritise the creation and maintenance of up to date legislation. The aim is to ensure that the amount of primary legislation on legislation.gov.uk that is up to date achieves, and then remains above, 99% and that the time to incorporate new amendments is reduced. The team will also update selected secondary legislation, ensuring that all secondary legislation published from 2018 onwards is kept up to date.

ANNEX A

Acts of Scottish Parliament which received Royal Assent between
1 April 2018 and 31 March 2019:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2018 No. 7	Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Act 2018	19/04/2018	19/04/2018	19/04/2018	24/04/2018
2018 No. 8	Forestry and Land Management (Scotland) Act 2018	01/05/2018	01/05/2018	01/05/2018	04/05/2018
2018 No. 9	Social Security (Scotland) Act 2018	01/06/2018	01/06/2018	04/06/2018	07/06/2018
2018 No. 10	Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018	05/06/2018	05/06/2018	05/06/2018	11/06/2018
2018 No. 11	Land and Buildings Transaction Tax (Relief from Additional Amount) (Scotland) Act 2018	22/06/2018	22/06/2018	22/06/2018	27/06/2018
2018 No. 12	Islands (Scotland) Act 2018	06/07/2018	06/07/2018	06/07/2018	11/07/2018
2018 No. 13	Housing (Amendment) (Scotland) Act 2018	06/07/2018	06/07/2018	06/07/2018	11/07/2018
2018 No. 14	Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018	11/07/2018	11/07/2018	11/07/2018	17/07/2018
2018 No. 15	Prescription (Scotland) Act 2018	18/12/2018	18/12/2018	18/12/2018	21/12/2018
2019 No. 1	Scottish Crown Estate Act 2019	15/01/2019	15/01/2019	15/01/2019	18/01/2019
2019 No. 2	Pow of Inchaffray Drainage Commission (Scotland) Act 2019	17/01/2019	17/01/2019	17/01/2019	23/01/2019
2019 No. 3	Budget (Scotland) Act 2019	29/03/2019	29/03/2019	29/03/2019	04/04/2019

ANNEX B

Explanatory Notes to Acts of Scottish Parliament published between 1 April 2018 and 31 March 2019:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2018 No. 5	Domestic Abuse (Scotland) Act 2018	09/03/2018	24/04/2018	25/04/2018	30/04/2018
2018 No. 7	Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Act 2018	19/04/2018	24/04/2018	24/04/2018	26/04/2018
2018 No. 8	Forestry and Land Management (Scotland) Act 2018	01/05/2018	17/10/2018	17/10/2018	23/10/2018
2018 No. 9	Social Security (Scotland) Act 2018	01/06/2018	13/11/2018	13/11/2018	14/11/2018
2018 No. 10	Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018	05/06/2018	18/10/2018	18/10/2018	24/10/2018
2018 No. 11	Land and Buildings Transaction Tax (Relief from Additional Amount) (Scotland) Act 2018	22/06/2018	29/06/2018	29/06/2018	02/07/2018
2018 No. 13	Housing (Amendment) (Scotland) Act 2018	06/07/2018	10/09/2018	11/09/2018	14/09/2018
2018 No. 14	Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018	11/07/2018	10/09/2018	11/09/2018	14/09/2018
2018 No. 15	Prescription (Scotland) Act 2018	18/12/2018	09/01/2019	09/01/2019	11/01/2019
2019 No. 1	Scottish Crown Estate Act 2019	15/01/2019	18/03/2019	18/03/2019	21/03/2019
2019 No. 2	Pow of Inchoffray Drainage Commission (Scotland) Act 2019	17/01/2019	24/01/2019	24/01/2019	29/01/2019

ANNEX C

Scottish Statutory Instruments registered between 1 April 2013 and 31 March 2019:

	2013		2014		2015		2016		2017		2018		2019	
	M	C	M	C	M	C	M	C	M	C	M	C	M	C
Jan	29	29	27	27	38	38	61	61	28	28	28	28	24	24
Feb	56	85	40	67	53	91	68	129	30	58	61	89	54	78
Mar	26	111	23	90	63	154	34	163	47	105	26	115	49	127
Apr	25	136	22	112	32	186	8	171	36	141	21	136		
May	54	190	40	152	36	222	13	184	42	183	46	182		
Jun	31	221	39	191	54	276	23	207	54	237	41	223		
Jul	15	236	18	209	13	289	11	218	24	261	22	245		
Aug	13	249	24	233	17	306	22	240	13	274	19	264		
Sep	31	280	20	253	32	338	63	303	44	318	30	294		
Oct	25	305	29	282	24	362	34	337	52	370	39	333		
Nov	34	339	54	336	30	392	60	397	55	425	34	367		
Dec	25	364	41	377	42	434	35	432	41	466	26	393		

M = Monthly totals

C = Cumulative annual totals