



THE KING'S PRINTER FOR SCOTLAND

Report covering the period

1 April 2021 to 31 March 2022

Laid before the Scottish Parliament by the Scottish Ministers

April 2023



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1 The role of the King's Printer for Scotland

- 1.1 The role of the King's Printer for Scotland (KPS)¹ was established under section 92 of the Scotland Act 1998² 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 King's Printer for Scotland shall be held by the King's Printer for 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 King's Printer for Acts of Parliament on 1 July 2017 by Letters Patent. The functions of the KPS are carried out from within The National Archives.
- 1.3 The KPS 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 KPS 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 2010³. The Scottish Statutory Instruments Regulations 2011 set out the detailed requirements for SSIs under this Act⁴.
- 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 and chaired by the KPS and are a forum for sharing information about the legislative programmes of the jurisdictions and updates about the developments made to the legislation.gov.uk publishing, editorial and online services.

¹ During the period covered by this report, the office of King's Printer for Scotland operated under the title Queen's Printer for Scotland. Upon the death of Queen Elizabeth II, the office of Queen's Printer for Scotland (and all associated references to the Sovereign) was retitled under section 10 of the Interpretation Act 1978 c. 30 (<https://www.legislation.gov.uk/ukpga/1978/30/section/10>)

² <http://www.legislation.gov.uk/ukpga/1998/46/contents>

³ <http://www.legislation.gov.uk/asp/2010/10/contents>

⁴ <http://www.legislation.gov.uk/ssi/2011/195/contents/made>

- 1.6 The status of the KPS, as a Public Authority for the purposes of the Freedom of Information (Scotland) Act 2002 (FOI(S)A)⁵, involves several compliance obligations. The KPS Publication Scheme is available on the Scottish Government website. KPS 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 2011⁶, the KPS has to have in place a records management plan that is subject to periodic scrutiny by National Records of Scotland.
- 1.8 Under section 92(3) of the Scotland Act 1998, the King's Printer manages the Crown's copyright in respect of ASPs, SSIs and material created by or assigned to the Scottish Government. The KPS has an agreement in place to provide copyright and licensing advice to the Scottish Parliament.

⁵ <https://www.legislation.gov.uk/asp/2002/13/contents>

⁶ <https://www.legislation.gov.uk/asp/2011/12/contents>

2 How we work

Publishing legislation

- 2.1 The statutory requirements to print, publish and distribute Scottish legislation and associated products are delivered by the Legislation Services team at The National Archives, and through a commercial contract with a supplier. This legislation contract is currently awarded to The Stationery Office, part of Williams Lea. The contract sets out the specifications and timescales that need to be adhered to for the publication of new ASPs and SSIs both digitally and in print.
- 2.2 Scottish legislation and associated documents are published via the online legislation.gov.uk publishing system, which is used by legislation drafters in the Scottish government to validate secondary legislation and submit documents for publication, and by the KPS 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 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 Word templates to draft legislation. In 2021-22, ASPs were drafted either using a Word based template, but also increasingly by using the new legislation drafting, authoring and amending tool – Lawmaker – which is managed by The National Archives. The aim is to draft 100% of Scottish Bills using Lawmaker by the end of 2022-23.
- 2.4 SSIs are currently mostly drafted using a bespoke Secondary Legislation drafting Word template, created and maintained by KPS. 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 KPS. This conversion process is carried out under the legislation contract and is largely automated, with manual quality control and correction by the supplier as required. Lawmaker also allows the drafting of secondary legislation, with the aim of ultimately replacing the Word template for SSI drafting.

2.5 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](https://www.legislation.gov.uk). You can find Scottish legislation 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.

2.6 The legislation.gov.uk website serves around 23 million page views each month, and an average of 1.5 million users per month in 2021-22, down from an average of 2 million the previous year, driven by high public interest in pandemic legislation, but still higher than pre-pandemic usage. 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 at:

<https://www.legislation.gov.uk/asp/2000/4/section/6?timeline=true>

2.7 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, the feed for the search result page:

<http://www.legislation.gov.uk/asp/2021>

would be instead be:

<http://www.legislation.gov.uk/asp/2021/data.feed>

2.8 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 legislation originating from the European Union, captured under the King’s Printer’s duty to publish EU legislation under Schedule 5 of the European Union (Withdrawal) Act 2018⁷.

⁷ <https://www.legislation.gov.uk/ukpga/2018/16/schedule/5>

Publishing lists and annual editions

- 2.9 The Interpretation and Legislative Reform (Scotland) Act 2010⁸ 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.
- 2.10 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’ feature (<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>.
- 2.11 The production of printed Bound Volumes of ASPs and SSIs is delivered through the legislation contract with The Stationery Office. 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, all new legislation is monitored for new amendments, which are identified and recorded by the Legislation Services editorial team.

3. Activities and Developments: 1 April 2021 – 31 March 2022

- 3.1 14 ASPs received Royal Assent between 1 April 2021 and 31 March 2022 (see Annex A).
- 3.2 14 Explanatory Notes to ASPs were published in this period (see Annex B).

⁸ <http://www.legislation.gov.uk/asp/2010/10/contents>

- 3.3 444 Scottish Statutory Instruments were registered and published (see Annex C), plus an additional 77 draft Scottish Instruments.
- 3.4 The coronavirus pandemic continued to have an impact on Scottish legislation in 2021-22 as the Scottish Government made health protection legislation to implement restrictions and other measures to protect the public, business, and the health service. Due to the rapidly changing situation, legislation was required to be registered and published to tight timeframes. The KPS made arrangements for an enhanced publishing support service to be available on demand, seven days a week. In total 94 Coronavirus SSIs were published in 2021-22, compared to 152 the previous year.
- 3.5 In order to ensure that retained EU, Scottish and UK legislation can be kept up to date with the changes to the law triggered by EU Exit on 31 December 2020, the Legislation Services editorial team identified and published over 145,000 amendments from EU Exit SIs and SSIs. These amendments are in the process of being incorporated into the texts of legislation on legislation.gov.uk over the next 2-3 years. Of these amendments, the domestic impact on Scottish legislation includes 335 items of Primary and Secondary legislation affected by EU Exit legislation, comprising over 7,000 amendments.
- 3.6 The year has seen further substantial progress in the project to deliver a new browser-based legislation drafting and amending tool, named *Lawmaker*. This project is a partnership between Scottish Parliament, Parliamentary Counsel's Office, The National Archives, The Office of 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, Lawmaker allows for well-structured and organised bill and amendment data to be made available via data.parliament.scot.

- 3.7 Initial development of the Lawmaker tool completed, with the service transitioning to a live service, managed by The National Archives on behalf of the partners, in January 2022. The majority of Scottish Bills in 2021-22 were drafted on Lawmaker, with a commitment to creating all new Bills in Lawmaker by 2022-23.
- 3.8 The legislation.gov.uk editorial team continues to capture new amendment information and publish updated versions of legislation, with the long-term goal of bringing primary legislation up to date largely complete. In 2020 the team expanded the scope of legislation to be updated, to include selected secondary legislation (SSI's since 2018 and Retained EU legislation), and introduced a new measure for tracking progress. Since 2020-21, legislation.gov.uk has tracked the proportion of page views of revised legislation showing as being up to date (i.e. with a green amendment status label). This measure recognises that the status of a piece of legislation will change over time, as new amendments are made, as well as encouraging the editorial team to prioritise work on legislation, which is being viewed – thereby maintaining a focus on users' needs. The high amount of EU Exit amendments meant that at the beginning of 2021-22, around 45% of viewed revised legislation was in-force. This had risen to 92% by the end of the year, with an ongoing aim to maintain a level of over 95%.
- 3.9 A total of 4,703 amendments from Acts of the Scottish Parliament and Scottish SI's published between 1 April 2021 and 31 March 2022 were recorded and published on legislation.gov.uk by the editorial team, out of a total of over 46,424 amendments recorded for all jurisdictions (i.e. 10% were made by Scottish legislation). This is a 60% decrease in Scottish amendments from the previous year, again, due to the one-off impact of EU Exit legislation – there was a 53% reduction across all jurisdictions, largely due to the impact of EU Exit legislation. During this period a further 1,388 updates were made to the texts of Scottish Primary legislation, as well as 5,414 updates to Scottish SI's. In total 6,802 Scottish amendments were applied, accounting for 6.7% of the total 101,900 amendments applied to UK and Retained EU legislation. The majority of these amendments related to EU Exit, and are applicable in Scotland, and 354 pieces of Scottish legislation have been affected by EU Exit legislation, totalling over 7,000 amendments.

- 3.10 Lists of new Scottish legislation are made available every day online: <http://www.legislation.gov.uk/new>
- 3.11 There were no FOI requests for staff working for the KPS in 2021-22.
- 3.12 Crown Copyright advice was given to the Remobilisation, Recovery and Reform Division in the Scottish Government on Crown copyright aspects of the proposal to transfer the website of the National Adult Protection Coordinator for Scotland from the Scottish Government to the University of Stirling; the Community Justice Division on the proposal to transfer a risk assessment tool from the websites of Scottish local authorities and the Scottish Prison Service to an external IT managed service provider; and the Black Watch Museum in Perth, on a proposal to digitise copies of military service records in its collection.

Financing the King’s Printer for Scotland

- 3.13 Under the Scotland Act 1998, the King’s Printer of Acts of Parliament is appointed KPS. The KPS 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 KPS. 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.
- 3.14 This section covers the management charges for 2021/2022. The management charge for this period was £97,393. 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.
- 3.15 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:

Period Covered	Staff Costs	Non – Staff Costs	Total Charge
1 April 2021 – 31 March 2022	£59,192	£38,201	£97,393
1 April 2020 – 31 March 2021	£59,833	£36,276	£96,108

1 April 2019 – 31 March 2020	£59,019	£37,468	£96,487
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 The Coronavirus response in Scotland has had a major, though reducing, legislative impact, as described in section 3.4 above. legislation.gov.uk has an ongoing commitment to aiding legal certainty in relation to coronavirus legislation. We will continue to offer extended service hours and expedited processes for the registration and publication of emergency SSIs as required, allowing for rapid publication outside of standard business hours. We will also continue to reduce our usual editorial timeframes in relation to coronavirus legislation, aiming to ensure amendments to health protection SSIs are published within 48 hours of coming into force.
- 4.2 We will continue our editorial effort to reduce the backlog of EU Exit amendments, prioritising according to user needs and maintaining revised legislation so that a minimum of 95% of viewed revised legislation on legislation.gov.uk is up to date.
- 4.3 In addition to EU Exit amendments, the legislation.gov.uk editorial team will continue to prioritise the creation and maintenance of up to date Scottish legislation in order to aid legal certainty in Scotland. We will ensure that the most

viewed pieces of Scottish legislation are prioritised for update, as well as responding to requests from the Scottish Government to prioritise legislation relating to developing policy, as required.

- 4.4 We will continue to invest in the design, function and maintenance of the legislation.gov.uk service, to aid legal certainty and improve accessibility. This will include further improvements to the legislation.gov.uk user interface, enhanced editorial features to support the increased demands of revising legislation and the creation of revised versions of Welsh language legislation, new tools to publish and query legislation datasets. We are also digitising over 20,000 Private, Personal and Local Acts, many of which are specific to Scotland.
- 4.5 2022-23 will also see the first pieces of secondary Scottish legislation drafted on Lawmaker to be published, and the continuation of the roll-out of Lawmaker in the Scottish Parliament and the Scottish Government.

ANNEX A

Acts of Scottish Parliament which received Royal Assent between
1 April 2021 and 31 March 2022:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2021 c. 10	Defamation and Malicious Publication (Scotland) Act 2021	21/04/2021	21/04/2021	21/04/2021	27/04/2021
2021 c. 11	Pre-release Access to Official Statistics (Scotland) Act 2021	21/04/2021	21/04/2021	21/04/2021	27/04/2021
2021 c. 12	Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Act 2021	21/04/2021	21/04/2021	21/04/2021	27/04/2021
2021 c. 13	University of St. Andrews (Degrees in Medicine and Dentistry) Act 2021	23/04/2021	23/04/2021	23/04/2021	29/04/2021
2021 c. 14	Hate Crime and Public Order (Scotland) Act 2021	23/04/2021	23/04/2021	23/04/2021	29/04/2021
2021 c. 15	Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021	23/04/2021	23/04/2021	23/04/2021	29/04/2021
2021 c. 16	Domestic Abuse (Protection) (Scotland) Act 2021	05/05/2021	05/05/2021	05/05/2021	11/05/2021
2021 c. 17	Tied Pubs (Scotland) Act 2021	05/05/2021	05/05/2021	05/05/2021	11/05/2021
2021 c. 18	Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021	05/05/2021	05/05/2021	05/05/2021	11/05/2021
2021 c. 19	Coronavirus (Extension and Expiry) (Scotland) Act 2021	04/08/2021	04/08/2021	04/08/2021	09/08/2021
2021 c. 20	Carer's Allowance Supplement (Scotland) Act 2021	15/11/2021	15/11/2021	15/11/2021	19/11/2021
2022 c. 1	Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Act 2022	03/03/2022	03/03/2022	03/03/2022	09/03/2022
2022 c. 2	Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act 2022	23/03/2022	23/03/2022	23/03/2022	28/03/2022

2022 c. 3	Budget (Scotland) Act 2022	23/03/2022	23/03/2022	23/03/2022	28/03/2022
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ANNEX B

Explanatory Notes to Acts of Scottish Parliament published between 1 April 2021 and 31 March 2022:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2021 asp 9	Heat Networks (Scotland) Act 2021	30/03/2021	21/04/2021	21/04/2021	27/04/2021
2021 asp 11	Pre-release Access to Official Statistics (Scotland) Act 2021	21/04/2021	26/04/2021	26/04/2021	29/04/2021
2021 asp 12	Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Act 2021	21/04/2021	26/04/2021	26/04/2021	29/04/2021
2021 asp 10	Defamation and Malicious Publication (Scotland) Act 2021	21/04/2021	11/05/2021	11/05/2021	14/05/2021
2020 asp 1	UEFA European Championship (Scotland) Act 2020	23/01/2020	13/05/2021	13/05/2021	18/05/2021
2021 asp 17	Tied Pubs (Scotland) Act 2021	05/05/2021	14/05/2021	14/05/2021	19/05/2021
2021 asp 18	Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021	05/05/2021	14/05/2021	14/05/2021	19/05/2021
2019 asp 6	Health and Care (Staffing) (Scotland) Act 2019	06/06/2019	08/06/2021	08/06/2021	11/06/2021
2021 asp 15	Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021	23/04/2021	23/06/2021	23/06/2021	28/06/2021
2021 asp 19	Coronavirus (Extension and Expiry) (Scotland) Act 2021	04/08/2021	10/09/2021	10/09/2021	15/09/2021
2021 asp 16	Domestic Abuse (Protection) (Scotland) Act 2021	05/05/2021	21/10/2021	21/10/2021	26/10/2021
2021 asp 20	Carer's Allowance Supplement (Scotland) Act 2021	15/11/2021	16/12/2021	16/12/2021	21/12/2021
2021 asp 14	Hate Crime and Public Disorder (Scotland) Act 2021	23/04/2021	10/03/2022	11/03/2022	16/03/2022

2021 asp 3	Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021	20/01/2021	18/03/2022	18/03/2022	23/03/2022
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ANNEX C

Scottish Statutory Instruments registered between 1 January 2015 and 31 March 2021:

	2015		2016		2017		2018		2019		2020		2021		2022	
	M	C	M	C	M	C	M	C	M	C	M	C	M	C	M	C
Jan	38	38	61	61	28	28	28	28	24	24	18	18	52	52	34	34
Feb	53	91	68	129	30	58	61	89	54	78	46	64	58	110	44	78
Mar	63	154	34	163	47	105	26	115	49	127	41	105	67	177	49	126
Apr	32	186	8	171	36	141	21	136	31	158	30	135	22	199		
May	36	222	13	184	42	183	46	182	38	196	30	165	25	224		
Jun	54	276	23	207	54	237	41	223	38	234	32	197	29	253		
Jul	13	289	11	218	24	261	22	245	26	260	35	232	20	273		
Aug	17	306	22	240	13	274	19	264	12	272	33	265	22	295		
Sep	32	338	63	303	44	318	30	294	37	309	39	304	51	346		
Oct	24	362	34	337	52	370	39	333	55	364	39	343	36	382		
Nov	30	392	60	397	55	425	34	367	44	408	56	399	63	445		
Dec	42	434	35	432	41	466	26	393	30	438	73	472	50	495		

M = Monthly totals

C = Cumulative annual totals