



THE QUEEN'S PRINTER FOR SCOTLAND

Report covering the period

1 April 2016 to 31 March 2017

Laid before the Scottish Parliament by the Scottish Ministers

November 2017



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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 for Acts of Parliament. These offices are held by the Keeper of Public Records; the Chief Executive of The National Archives. Until 1st July 2017, they were held by the Controller of Her Majesty's Stationery Office (HMSO). The functions of both the QPS and HMSO 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 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.
- 1.5 Broader issues affecting primary legislation are considered through meetings of the Primary Legislation Group, attended by the UK First Primary Counsel, the Scottish Chief Parliamentary Counsel, and the First Legislative Counsels

¹ legislation.gov.uk/ukpga/1998/46/contents

² legislation.gov.uk/asp/2010/10/contents

³ legislation.gov.uk/ssi/2011/195/contents/made

of Northern Ireland and Wales. These meetings are convened on behalf of the QPS, and are a forum for sharing information about the legislative programmes of the jurisdictions and updates about the developments made to the publishing, editorial and online services provided by The National Archives.

- 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 and was updated in August 2016⁴ to bring it into line with the Scottish Information Commissioner's 2016 Model Publication Scheme. 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 for Scotland manages the Crown's copyright in respect of ASPs, SSIs and material created by or assigned to the Scottish Government. The QPS has a separate agreement in place to provide copyright and licensing advice to the Scottish Parliament.
- 1.9 During the reporting period, the QPS has worked with both Historic Environment Scotland and Transport Scotland over the licensing arrangements for its Crown material.

⁴ <http://www.gov.scot/Topics/Government/queensprinterforScotland/contactingtheqps/Publication-Scheme>

2 HOW WE WORK

Publishing legislation

- 2.1 The statutory requirements to print, publish and distribute Scottish legislation and associated products are delivered under a commercial contract, which is managed by The National Archives. The contract is currently awarded to The Stationery Office⁵. The contract also sets out the timescales that need to be adhered to for the publication of new ASPs and SSIs.
- 2.2 Scottish legislation is published via a web-based legislation publishing system, which is used by legislation drafters in the Scottish government to validate 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 by The National Archives' SI Registration team to register SSIs – a process that involves automatic and manual checks to ensure that documents meet the criteria for publication and ensures the documents are correctly numbered and can be accurately cited.
- 2.3 Scottish drafters use a range of Word templates to draft legislation. 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. You can find

⁵ <https://data.gov.uk/data/contracts-finder-archive/contract/272362/>

Scottish legislation at 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 has around 2 million visitors and serves around 20 million page views 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 time⁶.
- 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, the feed for the search result page legislation.gov.uk/asp/2017 would be legislation.gov.uk/asp/2017/data.feed
- 2.7 The code used to display and transform data between formats on the website is available for public re-use in the GitHub repository <https://github.com/legislation/legislation>, and all the content on the website is available for re-use under the Open Government Licence v3.0, except where otherwise stated.

⁶ For example: legislation.gov.uk/asp/2003/8/introduction?timeline=true

Publishing lists and annual editions

- 2.8 The Interpretation and Legislative Reform (Scotland) Act 2010⁷ provides for the publication of lists and annual editions of Scottish legislation. This provision is also managed under the same legislation publishing contract, and through the services of The National Archives' legislation editorial team.
- 2.9 When new ASPs and SSIs are published, The National Archives' legislation editors analyse their impact on existing legislation, including identifying commencement dates. 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 geographic extent information is captured in the editorial system. Outstanding changes are published in the 'changes to legislation' page (legislation.gov.uk/changes) and in the drop down list of outstanding changes that are displayed alongside the text of any affected primary legislation. For example, you can see a list of changes to ASPs at legislation.gov.uk/changes/affected/asp and a list of changes to SSIs at 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 to 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 National Archives legislation editorial team.

⁷ legislation.gov.uk/asp/2010/10/contents

3 ACTIVITIES AND DEVELOPMENTS: 2016/2017

- 3.1 10 ASPs received Royal Assent between 1 April 2016 and 31 March 2017 (see Annex A).
- 3.2 14 Explanatory Notes to ASPs were published between 1 April 2016 and 31 March 2017 (see Annex B).
- 3.3 374 Scottish Statutory Instruments were registered and published using the legislation.gov.uk publishing service between 1 April 2016 and 31 March 2017 (see Annex C), plus an additional 64 draft Scottish Instruments.
- 3.4 The most frequently viewed Scottish Acts on legislation.gov.uk during this period were:

ASP	Title
1998 c. 46	Scotland Act 1998
1995 c. 46	Criminal Procedure (Scotland) Act 1995
1995 c. 36	Children (Scotland) Act 1995
2003 asp 13	Mental Health (Care and Treatment) (Scotland) Act 2003
2000 asp 4	Adults with Incapacity (Scotland) Act 2000
2007 asp 10	Adult Support and Protection (Scotland) Act 2007
2010 asp 13	Criminal Justice and Licensing (Scotland) Act 2010
2005 asp 16	Licensing (Scotland) Act 2005
2009 asp 9	Sexual Offences (Scotland) Act 2009
2002 asp 13	Freedom of Information (Scotland) Act 2002

- 3.5 The most significant development in the financial year has been the planning and process of moving all legislation services – the website, editorial and publishing systems - from bespoke servers to the Cloud. Cloud hosting of services ensures that services are delivered in line with government digital guidelines and to reflect the Scottish Government's digital strategy⁸. Cloud hosted services can be delivered more efficiently and cost-effectively, scaling up to meet peak periods of demand, and scaling down when usage is lower (overnight for example). Cloud hosting also ensures that services are easily portable – particularly important as services will be re-tendered in 2017/2018.
- 3.6 The year has also seen considerable progress in the delivery of a new browser-based legislation drafting and amending tool. This browser-based tool will eventually replace the range of tools that are used to prepare and draft legislation and amend it during its passage through parliament. A single shared tool should reduce the cost of data capture and transformation and remove the need for re-keying. It will improve the presentation of bills and amendments online, and will improve the ability of the Scottish Parliament, and the two Houses of the UK 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.uk and data.parliament.scot, and supports the better integration and re-use of Bills, amendments, legislation and associated data. Bills, amendments and SSIs are often complex and technical documents. Indexing and linking legislation data will greatly improve general understanding and provide greater transparency in the legislative process. A beta tool has been completed and tested with users. It demonstrates core drafting and amending functionality. The project received approval to go out to procurement for the live service, and this procurement should complete in 2017/2018.

⁸ <http://www.gov.scot/Publications/2017/03/7843/7>

- 3.7 During the financial year, the legislation publishing service has also been operated and maintained to ensure it continues to support the fast and effective publication of a wider range of legislation types. The SSI drafting template was updated, and guidance revised. SSI template training and support was delivered to secondary legislation drafters by our Contractor.
- 3.8 Improvements to the editorial system have had a significant impact on the speed in which we capture and publish amendments online, and on the amount of revised primary legislation on legislation.gov.uk that is fully up-to-date. At the end of March 2017 86.5% of all revised primary legislation, including Scottish Acts, was fully updated, compared to 76% in January 2016⁹. 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.
- 3.9 A total of 3321 amendments from ASPs Scottish SI's were recorded by The National Archives legislation editorial team, out of a total of 33,770 amendments for all jurisdictions. A further 7556 updates were made to Scottish legislation as part of the ongoing project to bring Primary legislation on legislation.gov.uk up to date.
- 3.10 Lists of new Scottish legislation are available online: legislation.gov.uk/new

Financing the Queen's Printer for Scotland

- 3.11 Under the Scotland Act 1998, the Queen's Printer of Acts of Parliament is appointed QPS. During the financial year 2016/2017, the QPS was also the Controller of Her Majesty's Stationery Office (HMSO) and by agreement with

⁹ 1% of primary legislation documents equates to approximately 55 documents

the Scottish Government, HMSO, which sits within The National Archives, provides the necessary resources to support the work of the QPS. In consideration of this, the Scottish Government has agreed to pay HMSO an annual management charge covering the period 1 April to 31 March (inclusive) each year.

3.12 This section covers the management charges for 2016/2017. The management charge for 2016/2017 is £95,698. These figures are based on the actual level of work undertaken in the year.

3.13 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 – Pay Costs	Total Charge
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 National Archives legislation editorial team will continue to prioritise the creation and maintenance of up to date legislation. We aim to bring the amount of primary legislation which is up to date on legislation.gov.uk to above 90% and then to ensure that it stays there. We are also working to reduce the amount of time taken to incorporate new amendments, and will be looking to target the updating of selected secondary legislation.
- 4.2 2017/2018 should see the completion of the procurement for developing a browser-based legislation drafting and amending tool, working in partnership with the two Houses of the UK Parliament, the Scottish Parliament; the Office of the Parliamentary Counsel; and the Scottish Government's Parliamentary Counsel Office. Work will then begin on developing the beta tool to deliver an operational service.
- 4.3 2017/2018 will also see the re-procurement of the legislation services contract – including legislation.gov.uk, the legislation publishing and editorial services, and print services. This will involve analysing new and evolving requirements to ensure the best value service for governments, parliaments and the general public. The new contracts should start in the autumn of 2018.
- 4.4 The European Union (Withdrawal) Bill will repeal the European Communities Act 1972 and convert a large body of existing EU Law into UK legislation. Schedule 5 of this Bill sets out the powers and duties of the Queen's Printer as regards the publication of retained EU material. The new legislation will need to be published and maintained in an official and freely available source post-exit in order to ensure transparency and legal certainty once the UK is no longer an EU Member State. Work during the year will focus on exploring how this could be achieved, including how EU legislation could be converted into

Crown Legislation Mark-up Language suitable for UK publication. User research will be undertaken to ensure that the approach chosen for the publication of new legislation types online is clear, helpful, and meets user needs.

ANNEX A

Acts of Scottish Parliament which received Royal Assent between
1 April 2016 and 31 March 2017:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2016 No. 14	Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016	06/04/16	08/04/16	08/04/16	12/04/16
2016 No. 15	Higher Education Governance (Scotland) Act 2016	13/04/16	14/04/16	14/04/16	18/04/16
2016 No. 16	Lobbying (Scotland) Act 2016	14/04/16	15/04/16	15/04/16	19/04/16
2016 No. 17	Scottish Fiscal Commission Act 2016	14/04/16	15/04/16	15/04/16	19/04/16
2016 No. 18	Land Reform (Scotland) Act 2016	22/04/16	26/04/16	26/04/16	29/04/16
2016 No. 19	Private Housing (Tenancies) (Scotland) Act 2016	22/04/16	27/04/16	27/04/16	29/04/16
2016 No. 20	Burial and Cremation (Scotland) Act 2016	28/04/16	29/04/16	29/04/16	04/05/16
2016 No. 21	Bankruptcy (Scotland) Act 2016	28/04/16	29/04/16	29/04/16	04/05/16
2016 No. 22	Abusive Behaviour and Sexual Harm (Scotland) Act 2016	28/04/16	29/04/16	29/04/16	04/05/16
2017 No. 1	Budget (Scotland) Act 2017	31/03/17	04/04/17	04/04/17	07/04/17

ANNEX B

Explanatory Notes to Acts of Scottish Parliament published between
1 April 2016 and 31 March 2017:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2016 No. 11	Land and Buildings Transaction Tax (Amendment) (Scotland) Act 2016	24/03/16	08/04/16	08/04/16	12/04/16
2016 No. 14	Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016	06/04/16	15/04/16	15/04/16	18/04/16
2016 No. 15	Higher Education Governance (Scotland) Act 2016	13/04/16	19/04/16	19/04/16	22/04/16
2016 No. 16	Lobbying (Scotland) Act 2016	14/04/16	20/04/16	20/04/16	19/04/16
2016 No. 8	Education (Scotland) Act 2016	08/03/16	21/04/16	22/04/16	26/04/16
2016 No. 20	Burial and Cremation (Scotland) Act 2016	28/04/16	13/05/16	13/05/16	17/05/16
2016 No. 13	Scottish Elections (Dates) Act 2016	30/03/16	23/05/16	23/05/16	26/05/16
2015 No. 7	Scottish Elections (Reduction of Voting Age) Act 2015	24/07/15	24/05/16	24/05/16	26/05/16
2016 No. 19	Private Housing (Tenancies) (Scotland) Act 2016	22/04/16	25/05/16	25/05/16	31/05/16
2016 No. 17	Scottish Fiscal Commission Act 2016	14/04/16	26/05/16	26/05/16	31/05/16
2016 No. 1	Criminal Justice (Scotland) Act 2016	13/01/16	27/05/16	27/05/16	01/07/16

2016 No. 22	Abusive Behaviour & Sexual Harm (Scotland) Act 2016	28/04/16	21/07/16	21/07/16	25/07/16
2016 No. 10	Community Justice (Scotland) Act 2016	21/03/16	04/11/16	04/11/16	8/11/16
2016 No. 18	Land Reform (Scotland) Act 2016	22/04/16	29/11/16	29/11/16	01/12/16

ANNEX C

Scottish Statutory Instruments registered between 1 April 2016 and 31 March 2017:

	2011		2012		2013		2014		2015		2016		2017	
	M	C	M	C	M	C	M	C	M	C	M	C	M	C
Jan	53	53	24	24	29	29	27	27	38	38	61	61	28	28
Feb	111	164	47	71	56	85	40	67	53	91	68	129	30	58
Mar	77	241	40	111	26	111	23	90	63	154	34	163	47	105
Apr	9	250	21	132	25	136	22	112	32	186	8	171		
May	10	260	51	183	54	190	40	152	36	222	13	184		
Jun	29	289	32	215	31	221	39	191	54	276	23	207		
Jul	13	302	13	228	15	236	18	209	13	289	11	218		
Aug	15	317	15	243	13	249	24	233	17	306	22	240		
Sep	33	350	22	265	31	280	20	253	32	338	63	303		
Oct	34	384	23	288	25	305	29	282	24	362	34	337		
Nov	40	424	43	331	34	339	54	336	30	392	60	397		
Dec	34	458	29	360	25	364	41	377	42	434	35	432		

M = Monthly totals
C = Cumulative totals