



THE QUEEN'S PRINTER FOR SCOTLAND

Report covering the period

1 April 2017 to 31 March 2018

Laid before the Scottish Parliament by the Scottish Ministers

December 2018



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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, 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.
- 1.5 Broader issues affecting primary legislation are considered through bi-annual meetings of the Primary Legislation Group, attended by the Scottish Chief

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>

Parliamentary Counsel, and the holders of the equivalent role for the UK, Wales and Northern Ireland. These meetings are convened and chaired 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. 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 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 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 ensures the documents are correctly numbered and can be accurately cited.

- 2.3 Scottish drafters use a range of Word templates to draft legislation. SSIs are drafted using a bespoke Secondary Legislation drafting template, created and maintained by QPS. A new version of this template has been created to be compatible with Word 2016. 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 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. 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 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, the feed for the search result page <http://www.legislation.gov.uk/asp/2017> would be <http://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.

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, 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 (<http://www.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 <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, 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 2017 – 31 March 2018

- 3.1 12 ASPs received Royal Assent between 1 April 2017 and 31 March 2018 (see Annex A).
- 3.2 10 Explanatory Notes to ASPs were published between 1 April 2017 and 31 March 2018 (see Annex B).
- 3.3 476 Scottish Statutory Instruments were registered and published between 1 April 2017 and 31 March 2018 (see Annex C), plus an additional 64 draft Scottish Instruments.
- 3.4 A new Legislation Publishing contract to operate, maintain and develop the online and print services was successfully awarded to The Stationery Office (part of Williams Lea Tag). The contract began on August 1st 2018 and runs for 3 years, with the option to extend by up to two further years. The new contract represents the most economically advantageous tender, guaranteeing ongoing investment in the service and delivering significant cost savings in relation to the maintenance and development of the service.
- 3.5 The legislation.gov.uk platform was successfully migrated to the Cloud in June 2017. Cloud hosting of services ensures that services are delivered in line with government digital guidelines and reflect the Scottish Government's digital strategy⁵. 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, and this development is already delivering savings in operational costs.
- 3.6 The year has seen further 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 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,

⁵ <http://www.gov.scot/Publications/2017/03/7843/7>

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. The focus in 2017-18 has been on procuring a supplier to develop and maintain a live service via an OJEU “Competitive with Negotiation” procurement process.

- 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, including a significant improvement to the process for publishing Scottish Primary Legislation, allowing new ASPs to be available on line as soon as they are received from the Scottish Parliament. SSI template training and support continues to be delivered to secondary legislation drafters by our Contractor.
- 3.8 Investment in developing the editorial system and growing the editorial teams capacity have had a significant impact on the speed in which QPS can capture and publish amendments online, and on the amount of revised primary legislation on legislation.gov.uk is fully up-to-date. At the end of March 2017 95% of all revised primary legislation, including Scottish Acts, was fully updated, compared to 86% in January 2016⁶, a significant milestone in the work to provide public access to an up to date statute book. 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 70,000 updates were made to legislation, almost twice as many as in any previous year.
- 3.9 A total of 3536 amendments from Acts of the Scottish Parliament and Scottish SI's were recorded and published on legislation.gov.uk by the editorial team, out of a total of 35,394 amendments recorded for all jurisdictions. A further 3854

⁶ 1% of primary legislation documents equates to approximately 55 documents

updates were made to Scottish legislation as part of the ongoing project to bring Primary legislation on [legislation.gov.uk](http://www.legislation.gov.uk) up to date.

- 3.10 Lists of new Scottish legislation are available online: <http://www.legislation.gov.uk/new>
- 3.11 Staff working for the QPS advised Historic Environment Scotland on Crown copyright and Re-use of Public Sector Information Issues during the financial year.
- 3.12 Staff working for the QPS gave advice on copyright and licencing of software developed by the Scottish Government to Science and Advice for Scottish Agriculture (SASA)
- 3.13 Scottish Government bodies holding delegations of authority from the QPS for licensing Crown Copyright material on non-OGI terms were formally advised of the change of officeholder in July 2017.
- 3.14 A monitoring report by the Scottish Information Commissioner on the implementation of the Re-use of Public Sector Information Regulations 2015 was supported by QPS staff having input to SIC's follow up to local authorities.

Financing the Queen's Printer for Scotland

- 3.15 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.
- 3.16 This section covers the management charges for 2017/2018. The management charge for this period is £92,802. 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.

- 3.17 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 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

FUTURE PRIORITIES

- 4.1 The European Union (Withdrawal) Act will repeal the European Communities Act 1972 and convert a large body of existing EU Law into UK legislation. Schedule 5 of the Act sets out the powers and duties of the Queen's Printer as regards the publication of retained EU material. The UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill will also create new duties and powers for QPS in relation to the publication of retained devolved EU legislation. This 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 the capture and conversion of EU Legislation into Crown Legislation Mark-up Language for publication on legislation.gov.uk, the adaptation of publishing processes to support Scottish legislation drafters, and enhancements to the editorial system to ensure that retained EU legislation can be kept up to date post-exit. 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.

- 4.2 2018/19 will see the completion of the procurement for developing a browser-based legislation drafting and amending tool. Work will then begin on developing an operational service, prioritising the initial delivery of a tool for the drafting and amendment of Scottish Bills.
- 4.3 The editorial team will continue to prioritise the creation and maintenance of up to date legislation. We aim to ensure that the amount of primary legislation on legislation.gov.uk that is up to date remains above 95% and that the time to incorporate new amendments is reduced. We will also begin to update selected secondary legislation, including 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 2017 and 31 March 2018:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2017 No. 2	Air Departure Tax (Scotland) Act 2017	25/07/2017	27/07/2017	27/07/2017	31/07/2017
2017 No. 3	Limitation (Childhood Abuse) (Scotland) Act 2017	28/07/2017	01/08/2017	01/08/2017	03/08/2017
2017 No. 4	Railway Policing (Scotland) Act 2017	01/08/2017	03/08/2017	03/08/2017	07/08/2017
2017 No. 5	Contract (Third Party Rights) (Scotland) Act 2017	30/10/2017	03/11/2017	03/11/2017	08/11/2017
2017 No. 6	Child Poverty (Scotland) Act 2017	18/12/2017	19/12/2017	19/12/2017	22/12/2017
2017 No. 7	Seat Belts on School Transport (Scotland) Act 2017	18/12/2017	19/12/2017	19/12/2017	22/12/2017
2018 No. 1	Edinburgh Bakers' Widows' Fund Act 2018	12/01/2018	15/01/2018	15/01/2018	18/01/2018
2018 No. 2	Writers to the Signet Dependents' Annuity Fund Amendment (Scotland) Act 2018	18/01/2018	18/01/2018	19/01/2018	24/01/2018
2018 No. 3	Wild Animals in Travelling Circuses (Scotland) Act 2018	24/01/2018	24/01/2018	25/01/2018	29/01/2018
2018 No. 4	Gender Representation on Public Boards (Scotland) Act 2018	09/03/2018	12/03/2018	13/03/2018	15/03/2018
2018 No. 5	Domestic Abuse (Scotland) Act 2018	09/03/2018	12/03/2018	13/03/2018	15/03/2018
2018 No. 6	Budget (Scotland) Act 2018	28/03/2018	28/03/2018	29/03/2018	05/04/2018

ANNEX B

Explanatory Notes to Acts of Scottish Parliament published between
1 April 2017 and 31 March 2018:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2017 No. 2	Air Departure Tax (Scotland) Act 2017	25/07/2017	09/08/2017	09/08/2017	11/08/2017
2017 No. 3	Limitation (Childhood Abuse) (Scotland) Act 2017	28/07/2017	10/08/2017	10/08/2017	14/08/2017
2017 No. 4	Railway Policing (Scotland) Act 2017	01/08/2017	23/08/2017	23/08/2017	25/08/2017
2017 No. 6	Child Poverty (Scotland) Act 2017	18/12/2017	21/12/2017	22/12/2017	09/01/2018
2017 No. 7	Seat Belts on School Transport (Scotland) Act 2017	18/12/2017	09/01/2018	09/01/2018	12/01/2018
2018 No. 1	Edinburgh Bakers' Widows' Fund Act 2018	12/01/2018	29/01/2018	29/01/2018	01/02/2018
2018 No. 2	Writers to the Signet Dependents' Annuity Fund Amendment (Scotland) Act 2018	18/01/2018	29/01/2018	29/01/2018	01/01/2018
2018 No. 3	Wild Animals in Travelling Circuses (Scotland) Act 2018	24/01/2018	07/02/2018	07/02/2018	09/02/2018
2018 No. 4	Gender Representation on Public Boards (Scotland) Act 2018	09/03/2018	20/03/2018	20/03/2018	22/03/2018
2018 No. 5	Domestic Abuse (Scotland) Act 2018	09/03/2018	24/04/2018	25/04/2018	26/04/2018
2014 No. 18	Courts Reform (Scotland) Act 2014	10/11/2014	18/04/2017	19/04/2017	

ANNEX C

Scottish Statutory Instruments registered between 1 April 2017 and 31 March 2018:

	2012		2013		2014		2015		2016		2017		2018	
	M	C	M	C	M	C	M	C	M	C	M	C	M	C
Jan	24	24	29	29	27	27	38	38	61	61	28	28	28	28
Feb	47	71	56	85	40	67	53	91	68	129	30	58	61	89
Mar	40	111	26	111	23	90	63	154	34	163	47	105	26	115
Apr	21	132	25	136	22	112	32	186	8	171	36	141		
May	51	183	54	190	40	152	36	222	13	184	42	183		
Jun	32	215	31	221	39	191	54	276	23	207	54	237		
Jul	13	228	15	236	18	209	13	289	11	218	24	261		
Aug	15	243	13	249	24	233	17	306	22	240	13	274		
Sep	22	265	31	280	20	253	32	338	63	303	44	318		
Oct	23	288	25	305	29	282	24	362	34	337	52	370		
Nov	43	331	34	339	54	336	30	392	60	397	55	425		
Dec	29	360	25	364	41	377	42	434	35	432	41	466		

M = Monthly totals
C = Cumulative totals