



# **THE KING'S PRINTER FOR SCOTLAND**

**Report covering the period**

**1 April 2022 to 31 March 2023**

Laid before the Scottish Parliament by the Scottish Ministers

November 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)<sup>1</sup> was established under section 92 of the Scotland Act 1998<sup>2</sup> 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 2010.<sup>3</sup> The Scottish Statutory Instruments Regulations 2011 set out the detailed requirements for SSIs under this Act.<sup>4</sup>
- 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.

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<sup>1</sup> 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>)

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

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

<sup>4</sup> <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),<sup>5</sup> 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 2011,<sup>6</sup> the KPS 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 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.

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

<sup>6</sup> <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](https://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](https://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 previously used a range of Word templates to draft legislation. In 2022-23, ASPs were produced entirely using the new legislation drafting, authoring and amending tool – Lawmaker – which is managed by The National Archives.
- 2.4 Currently, SSIs are mostly drafted using a bespoke Secondary Legislation drafting Word template, created and maintained by the 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 publishing contract and is largely automated, with manual quality control and correction carried out by the supplier as required. Lawmaker

also allows the drafting of secondary legislation, and there is an aim that it will ultimately replace 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](https://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](https://www.legislation.gov.uk) website serves around 25 million page views each month, and an average of 1.6 million users per month in 2022-23, in both cases a slight increase compared to 2021-22. 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. You can see an example of this 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:

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

2.8 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 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 2018.<sup>7</sup>

## **Publishing lists and annual editions**

2.9 The Interpretation and Legislative Reform (Scotland) Act 2010<sup>8</sup> 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. 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 publishing 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

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

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



new legislation is monitored for new amendments, which are identified and recorded by the Legislation Services editorial team.

### **3 Activities and developments: 1 April 2022 – 31 March 2023**

- 3.1 9 ASPs received Royal Assent between 1 April 2022 and 31 March 2023 (see Annex A).
- 3.2 10 Explanatory Notes to ASPs were published in this period (see Annex B).
- 3.3 378 Scottish Statutory Instruments were registered and published (see Annex C), plus an additional 61 draft Scottish Instruments.
- 3.4 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, as well as amendments subsequent to that date, the Legislation Services editorial team have identified and published over 157,000 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](https://www.legislation.gov.uk). Of these amendments, the domestic impact on Scottish legislation includes 354 items of Primary and Secondary legislation affected by EU Exit legislation, comprising over 7,000 amendments.
- 3.5 The year saw further substantial progress in establishing the new browser-based legislation drafting and amending tool, named *Lawmaker*, as the primary tool for drafting all legislation in the UK and Scotland. Lawmaker is managed by The National Archives on behalf of 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 is replacing a range of tools that are used by the partners to prepare and amend draft legislation, reducing the cost of publication, and improving the presentation of bills and amendments online. It has improved 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](https://data.parliament.scot).

- 3.6 In the year 2022-23, the Lawmaker service continued to be managed by The National Archives on behalf of its partners, with there being an ongoing roll-out of the service to UK and Scottish primary and secondary legislation drafters. All Scottish Bills in 2022-23 were drafted on Lawmaker, and The National Archives supported the Scottish Government in using Lawmaker for drafting Scottish SI's, with one SSI being drafted through use of the tool.
- 3.7 In 2022-23, the legislation.gov.uk editorial team continued to capture new amendment information and publish updated versions of legislation, with the goal of bringing primary legislation up to date being completed. In 2020, the team expanded the scope of legislation to be updated, to include selected secondary legislation (SSI's made since 2018, retained secondary EU legislation and high priority older SSIs), 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). This measure recognises that the status of a piece of legislation will change over time, as new amendments are made, as well as maintaining a focus on the most commonly accessed Scottish legislation. At the end of 2022-23, 96% of revised legislation page-views were up to date, with there being an aim to maintain a level of over 95% moving forward. In addition, legislation.gov.uk carried up-to-date versions of amended Welsh language legislation, providing revised legislation bilingually for the first time.
- 3.8 A total of 3,703 amendments from Acts of the Scottish Parliament and Scottish SI's were published between 1 April 2022 and 31 March 2023. These were recorded and published on legislation.gov.uk by the editorial team, out of a total of over 46,778 amendments recorded for all jurisdictions (i.e., 8% were made by Scottish legislation). The overall annual number of new amendments from both Scottish legislation and UK legislation decreased in this period by 21% for Scottish legislation, while increasing by 1% for UK legislation. During this period, a further 920 updates were made to the texts of Scottish Primary legislation, as well as 8,440 updates to Scottish SI's. In total, 9,360 Scottish amendments were applied, accounting for 8.1% of the total 115,600 amendments applied to UK and retained EU legislation. There were 315

amendments made by Scottish legislation that affected retained EU legislation, and 354 pieces of Scottish legislation were affected by EU Exit legislation, totalling 7,260 amendments.

3.9 Lists of new Scottish legislation are made available every day online at:

<http://www.legislation.gov.uk/new>

3.10 There were five FOI requests for staff working for the KPS in 2022-23.

3.11 During this period, the KPS visited Historic Environment Scotland to discuss issues of Crown Copyright, the re-use of PSI licensing and copyright issues relating to the HES formation and the National Collection of Air Photography.

3.12 Staff working for the KPS provided copyright management advice in the following areas:

- The Adult Social Care Workforce and Fair Work Division at the Scottish Government and the University of Glasgow, on the intellectual property rights in a collaborative work, and assisted colleagues with an inquiry originating in Heriot-Watt University about licensing of research work commissioned by the Ministry of Defence;
- Marine Scotland, on publishing source code under the Open Government Licence, and about a journal article publishing agreement;
- On the use and re-use of Crown Copyright material used in the development of a new version of the Scottish Schools Information created for the SEEMiS Early Years Project;
- The Directorate for Population Health at Scottish Government, on making a dataset available under the Open Government Licence as part of a collaboration agreement.

### **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 2022-23. The management charge for this period is £100,753. 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:

<b>Period Covered</b>	<b>Staff Costs</b>	<b>Non – Staff Costs</b>	<b>Total Charge</b>
1 April 2022 – 31 March 2023	£62,698	£38,055	£100,753
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 Priorities for 2023-2024**

- 4.1 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](https://legislation.gov.uk) is up to date.
- 4.2 In addition to EU Exit amendments, the [legislation.gov.uk](https://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.
- 4.3 We will aid legal certainty in delivering the aims of the Retained EU Law (Revocation and Reform) Act 2023, assisting in the identification of assimilated EU law. We will carry out user research to understand the needs of legislation users in relation to assimilated EU law and develop features to help Scottish users understand whether this legislation continues to apply to them.
- 4.4 We will continue to invest in the design, function and maintenance of the [legislation.gov.uk](https://legislation.gov.uk) service, to aid legal certainty and improve the accessibility of legislation in Scotland. This will include further improvements to the [legislation.gov.uk](https://legislation.gov.uk) user interface, enhanced editorial features to support the increased demands of revising legislation – including working with Scottish legislation drafters to improve the presentation of restricted jurisdiction amendments relating to Scotland. We will publish more contextual data about legislation to aid user understanding, and will be making advanced tools for querying legislation datasets available to all users. We are also digitising over 300,000 historic Acts and older Statutory Instruments currently unavailable on [legislation.gov.uk](https://legislation.gov.uk), many of which were applicable to Scotland.
- 4.5 We are investing in an overhaul of the [legislation.gov.uk](https://legislation.gov.uk) publishing system, to improve the experience of Scottish legislation drafters, including the ongoing

integration of the Lawmaker drafting tool to allow more effective creation, management and publishing of Scottish Bills, Acts and SSIs.

## ANNEX A

Acts of Scottish Parliament which received Royal Assent between  
1 April 2022 and 31 March 2023:

Reference	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
<b>2022 asp 4</b>	Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022	19/07/2022	19/07/2022	19/07/2022	22/07/2022
<b>2022 asp 5</b>	Good Food Nation (Scotland) Act 2022	26/07/2022	26/07/2022	27/07/2022	29/07/2022
<b>2022 asp 6</b>	Miners' Strike (Pardons) (Scotland) Act 2022	26/07/2022	26/07/2022	26/07/2022	29/07/2022
<b>2022 asp 7</b>	Non-Domestic Rates (Coronavirus) (Scotland) Act 2022	28/07/2022	28/07/2022	28/07/2022	02/08/2022
<b>2022 asp 8</b>	Coronavirus (Recovery and Reform) (Scotland) Act 2022	10/08/2022	10/08/2022	11/08/2022	16/08/2022
<b>2022 asp 9</b>	Fireworks and Pyrotechnic Articles (Scotland) Act 2022	10/08/2022	10/08/2022	11/08/2022	16/08/2022
<b>2022 asp 10</b>	Cost of Living (Tenant Protection) (Scotland) Act 2022	27/10/2022	27/10/2022	01/11/2022	03/11/2022
<b>2023 asp 1</b>	Hunting with Dogs (Scotland) Act 2023	07/03/2023	07/03/2023	08/03/2023	13/03/2023
<b>2023 asp 2</b>	Budget (Scotland) Act 2023	27/03/2023	27/03/2023	27/03/2023	30/03/2023

## ANNEX B

Explanatory Notes to Acts of Scottish Parliament published between 1 April 2022 and 31 March 2023:

Reference	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2020 asp 4	Non-Domestic Rates (Scotland) Act 2020	11/03/2020	21/12/2022	21/12/2022	28/12/2022
2022 asp 2	Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act 2022	23/03/2022	05/04/2022	05/04/2022	08/04/2022
2022 asp 6	Miners' Strike (Pardons) (Scotland) Act 2022	26/07/2022	27/07/2022	27/07/2022	01/08/2022
2022 asp 7	Non-Domestic Rates (Coronavirus) (Scotland) Act 2022	28/07/2022	01/08/2022	01/08/2022	04/08/2022
2022 asp 4	Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022	19/07/2022	31/08/2022	31/08/2022	05/09/2022
2022 asp 5	Good Food Nation (Scotland) Act 2022	26/07/2022	26/09/2022	26/09/2022	29/09/2022
2022 asp 8	Coronavirus (Recovery and Reform) (Scotland) Act 2022	10/08/2022	23/09/2022	23/09/2022	28/09/2022
2022 asp 9	Fireworks and Pyrotechnic Articles (Scotland) Act 2022	10/08/2022	30/09/2022	30/09/2022	05/10/22
2022 asp 10	Cost of Living (Tenant Protection) (Scotland) Act 2022	27/10/2022	02/11/2022	02/11/2022	07/11/2022
2023 asp 1	Hunting with Dogs (Scotland) Act 2023	07/03/2023	22/03/2023	22/03/2023	27/03/23



## ANNEX C

Scottish Statutory Instruments registered between 1 January 2015 and 31 March 2023

	2015		2016		2017		2018		2019		2020		2021		2022		2023	
	M	C	M	C	M	C	M	C	M	C	M	C	M	C	M	C	M	C
<b>Jan</b>	38	38	61	61	28	28	28	28	24	24	18	18	52	52	34	34	24	24
<b>Feb</b>	53	91	68	129	30	58	61	89	54	78	46	64	58	110	44	78	34	58
<b>Mar</b>	63	154	34	163	47	105	26	115	49	127	41	105	67	177	49	126	59	117
<b>Apr</b>	32	186	8	171	36	141	21	136	31	158	30	135	22	199	25	151		
<b>May</b>	36	222	13	184	42	183	46	182	38	196	30	165	25	224	41	192		
<b>Jun</b>	54	276	23	207	54	237	41	223	38	234	32	197	29	253	39	231		
<b>Jul</b>	13	289	11	218	24	261	22	245	26	260	35	232	20	273	14	245		
<b>Aug</b>	17	306	22	240	13	274	19	264	12	272	33	265	22	295	16	261		
<b>Sep</b>	32	338	63	303	44	318	30	294	37	309	39	304	51	346	28	289		
<b>Oct</b>	24	362	34	337	52	370	39	333	55	364	39	343	36	382	18	307		
<b>Nov</b>	30	392	60	397	55	425	34	367	44	408	56	399	63	445	50	357		
<b>Dec</b>	42	434	35	432	41	466	26	393	30	438	73	472	50	495	30	387		

M = Monthly totals

C = Cumulative annual totals