



THE QUEEN'S PRINTER FOR SCOTLAND

Report covering the period

1 April 2019 to 31 March 2020

Laid before the Scottish Parliament by the Scottish Ministers

February 2021



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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 Parliamentary Counsel, and the holders of the equivalent role for the UK, Wales and

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>

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 Freedom of Information (Scotland) Act 2012 ASP 22, involves several compliance obligations. The QPS Publication Scheme is available on the Scottish Government website. The QPS also has to respond to Freedom of Information (Scotland) Act 2012 ASP 22 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 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 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 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. 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 serves around 4 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, 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 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

Queen's Printer's duty to publish EU legislation under Schedule 5 of the European Union (Withdrawal) Act 2018⁴.

Publishing lists and annual editions

2.8 The Interpretation and Legislative Reform (Scotland) Act 2010⁵ 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 are 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

⁴ <https://www.legislation.gov.uk/ukpga/2018/16/schedule/5>

⁵ <http://www.legislation.gov.uk/asp/2010/10/contents>

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.

3 Activities and developments: 1 April 2019 – 31 March 2020

- 3.1 18 ASPs received Royal Assent between 1 April 2019 and 31 March 2020 (see Annex A).
- 3.2 11 Explanatory Notes to ASPs were published between 1 April 2019 and 31 March 2020 (see Annex B).
- 3.3 416 Scottish Statutory Instruments were registered and published between 1 April 2019 and 31 March 2020 (see Annex C), plus an additional 75 draft Scottish Instruments. Of this total, 25 SSIs and 1 draft SSI related to EU Exit.
- 3.4 A key priority in 2019-20 continued to be the preparation of legislation.gov.uk to meet the legislative publishing challenges of EU Exit. The European Union (Withdrawal) Act 2018 has repealed the European Communities Act 1972 and converted a large body of EU Law into domestic 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. The new legislation has been published and will be maintained in an official and freely available source since the EU Withdrawal Implementation Period ended at 11pm on 31 December 2020. In addition, a significant amount of secondary legislation has been published as part of the preparation for EU Exit, including 79 EU Exit SSI's, 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. Enhancements to the editorial system ensure that retained EU legislation can be kept up to date, with an estimated 120,000 amendments expected to be required in order to correct Scottish, other UK and retained EU legislation in force at the end of the implementation period. Of these amendments captured in 2019-20, over 3600 were made by SSI's, and the domestic impact on Scottish legislation includes 274 items of Primary and Secondary legislation affected by EU Exit legislation, comprising over 3700 amendments. In addition, a new EU Exit Web Archive⁶ has been created, containing a wide selection of EU materials from EUR-Lex, to ensure that the full body of EU law, including case law, is now available as it stood at the end of the implementation period. User research has been undertaken to ensure that the approach chosen for these services is clear, helpful, and meets user needs.
- 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 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, Lawmaker allows for well-structured and organised bill and amendment data to be made available via data.parliament.scot.

⁶ <https://webarchive.nationalarchives.gov.uk/eu-exit/>

- 3.7 Development work on Lawmaker has made significant progress. Development has been phased into a number of releases, with the first release delivering a drafting tool for Scottish Bills in July 2019. The first Scottish Bill to be drafted on Lawmaker, the UEFA European Championship (Scotland) Bill⁷, was published on 25 September 2019. Clerks in the Scottish Parliament and drafters from the Parliamentary Counsel's Office have been trained in the use of Lawmaker and it is increasingly being used for the drafting of new government and private members Bills. In addition, functionality for the drafting of Scottish SIs has also been delivered, and work is nearing completion on the drafting and management of Scottish Bill amendments. Both features are planned to be rolled out for live use in 2021-22.
- 3.8 During 2019-20, 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 our Contractor.
- 3.9 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 2020 99.5% of all revised primary legislation, including Scottish Acts, were fully updated, compared to 86% in January 2016⁸ with over 65,000 updates being made. Work has now commenced on bringing secondary legislation up to date, with all SSIs from 2018 onwards being revised by the editorial team.

⁷ <https://www.parliament.scot/parliamentarybusiness/Bills/112887.aspx>

⁸ 1% of primary legislation documents equates to approximately 55 documents

- 3.10 A total of 5672 amendments from Acts of the Scottish Parliament and Scottish SI's published between 1st April 2019 and 31st March 2020 were recorded and published on legislation.gov.uk by the editorial team, out of a total of over 63,000 amendments recorded for all jurisdictions. This is a 4% increase in Scottish amendments from the previous year. A further 1073 updates were made to Scottish Primary legislation, as well as 1751 updates to Scottish SI's. All Scottish Primary legislation is up to date until at least October 2020.
- 3.11 Lists of new Scottish legislation are made available every day online: <http://www.legislation.gov.uk/new>
- 3.12 Staff working for the QPS advised the Collaborative and Scottish Government Procurement Division about the potential commercial exploitation of a Scottish Government IT contract.
- 3.13 Staff working for the QPS processed one Freedom of Information request.

Financing the Queen's Printer for Scotland

- 3.14 Under the Scotland Act 1998, the Queen's Printer of Acts of Parliament is appointed the 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.
- 3.19 This section covers the management charges for 2019/2020. The management charge for this period was £96,487. 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.

3.20 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 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 National Archives has responded to the coronavirus pandemic with a full review of strategy and business priorities, in recognition of the disruption caused to the public, and its staff, partners and business models. The National Archives has switched from a one year business plan to a two year plan covering 2020-2022, focusing on five strategic intents:

- Capture the record and aid legal certainty
- Take the collection to new audiences
- Realise the value of archives through research, innovation and commercial exploitation
- Lead the archives sector to a secure and sustainable future
- Change the way we work

The first of these, “Capture the record and aid legal certainty” has a direct relationship with the duties of the QPS as delivered via legislation.gov.uk. The Legislation teams’ aim is to provide access for everyone to the legislation that governs us at a time of unprecedented and rapid change to the statute book. The Coronavirus response in Scotland has had a major legislative impact, with 108 SSIs registered and published during 2020.

4.2 legislation.gov.uk has an ongoing commitment to aiding legal certainty in relation to coronavirus legislation, which continues to evolve rapidly. From the first pieces of coronavirus legislation in early 2020, there has been enormous public interest in this material, with user activity on the website more than doubling when significant changes occurred. Our response to this was the creation of a new resource (<https://www.legislation.gov.uk/coronavirus>) providing easy access to key health protection regulations for Scotland alongside restrictions for other parts of the UK. We extended service hours and expedited processes for the registration and publication of emergency SSIs, allowing for rapid publication outside of standard business hours. There has also been an acceleration in usual editorial timeframes, aiming to ensure

amendments to health protection SSIs are published within 48 hours of coming into force.

- 4.2 The EU withdrawal implementation period ended at 11pm on 31 December 2020, at which point the Queen's Printer's statutory duty to publish EU legislation was fulfilled. Work has now begun on the revision of UK legislation and retained EU legislation on legislation.gov.uk.
- 4.3 In addition to the EU Exit amendments, the editorial team will continue to prioritise the creation and maintenance of up to date legislation in order to aid legal certainty in Scotland. We have introduced a new method for prioritising legislation update work, based on the proportion of revised legislation viewed by users of legislation.gov.uk, which is up to date. Our aim is to increase the proportion of revised legislation on legislation.gov.uk, whether primary, secondary, or retained EU, that is up to date to over 90% and that the time to incorporate new amendments is reduced.
- 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 new tools to publish and query legislation datasets.
- 4.5 Looking ahead, 2021-22 will see the final delivery of a live Lawmaker service, and the continuation of a gradual roll-out in the Scottish Parliament and the Scottish Government.

ANNEX A

Acts of Scottish Parliament, which received Royal Assent between

1 April 2019 and 31 March 2020:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2019 No. 4	Damages (Investment Returns and Periodical Payments) (Scotland) Act 2019	24/04/2019	24/04/2019	24/04/2019	30/04/2019
2019 No. 5	Hutchesons' Hospital Transfer and Dissolution (Scotland) Act 2019	31/05/2019	31/05/2019	31/05/2019	05/06/2019
2019 No. 6	Health and Care (Staffing) (Scotland) Act 2019	06/06/2019	06/06/2019	06/06/2019	12/06/2019
2019 No. 7	Age of Criminal Responsibility (Scotland) Act 2019	11/06/2019	12/06/2019	13/06/2019	18/06/2019
2019 No. 8	Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019	13/06/2019	13/06/2019	13/06/2019	19/06/2019
2019 No. 9	South of Scotland Enterprise Act 2019	12/07/2019	12/07/2019	12/07/2019	17/07/2019
2019 No. 10	Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019	18/07/2019	18/07/2019	18/07/2019	23/07/2019
2019 No. 11	Human Tissue (Authorisation) (Scotland) Act 2019	18/07/2019	18/07/2019	18/07/2019	23/07/2019
2019 No. 12	Census (Amendment) (Scotland) Act 2019	18/07/2019	19/07/2019	19/07/2019	25/07/2019
2019 No. 13	Planning (Scotland) Act 2019	25/07/2019	25/07/2019	25/07/2019	30/07/2019
2019 No. 14	Management of Offenders (Scotland) Act 2019	30/07/2019	31/07/2019	31/07/2019	05/08/2019

2019 No. 15	Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	31/10/2019	31/10/2019	31/10/2019	06/11/2019
2019 No. 16	Children (Equal Protection from Assault) (Scotland) Act 2019	07/11/2019	07/11/2019	07/11/2019	12/11/2019
2019 No. 17	Transport (Scotland) Act 2019	15/11/2019	18/11/2019	18/11/2019	21/11/2019
2020 No. 2	Referendums (Scotland) Act 2020	29/01/2020	29/01/2020	29/01/2020	04/02/2020
2020 No. 3	Scottish National Investment Bank Act 2020	25/02/2020	25/02/2020	25/02/2020	02/03/2020
2020 No. 4	Non-Domestic Rates (Scotland) Act 2020	11/03/2020	11/03/2020	11/03/2020	16/03/2020
2020 No. 5	Budget (Scotland) Act 2020	18/03/2020	18/03/2020	18/03/2020	24/03/2020

ANNEX B

Explanatory Notes to Acts of Scottish Parliament published between 1 April 2019 and 31 March 2020:

Chapter	Title	Royal Assent	Authority to contractor to print	Date PDF published on website	Date published in print
2018/12	Islands (Scotland) Act 2018	06/07/2018	28/01/2020	28/01/2020	30/01/2020
2019/5	Hutchesons' Hospital Transfer and Dissolution (Scotland) Act 2019	31/05/2019	04/06/2019	04/06/2019	06/06/2019
2019/7	Age of Criminal Responsibility (Scotland) Act 2019	11/06/2019	27/10/2019	27/10/2019	29/10/2019
2019/8	Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019	13/06/2019	10/07/2019	10/07/2019	16/07/2019
2019/9	South of Scotland Enterprise Act 2019	12/07/2019	27/08/2019	27/08/2019	02/09/2019
2019/10	Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019	18/07/2019	13/08/2019	13/08/2019	16/08/2019
2019/12	Census (Amendment) (Scotland) Act 2019	18/07/2019	24/07/2019	24/07/2019	29/07/2019
2019/13	Planning (Scotland) Act 2019	25/07/2019	10/10/2019	10/10/2019	15/10/2019
2019/14	Management of Offenders (Scotland) Act 2019	30/07/2019	19/09/2019	19/09/2019	24/09/2019
2019/15	Climate Change (Emissions Reduction Targets) (Scotland) Act 2019	31/10/2019	20/12/2019	20/12/2019	30/12/2019
2019/16	Children (Equal Protection from Assault) (Scotland) Act 2019	07/11/2019	20/11/2019	20/11/2019	22/11/2019

ANNEX C

Scottish Statutory Instruments registered between 1 January 2014 and 31 March 2020:

	2014		2015		2016		2017		2018		2019		2020	
	M	C	M	C	M	C	M	C	M	C	M	C	M	C
Jan	27	27	38	38	61	61	28	28	28	28	24	24	18	18
Feb	40	67	53	91	68	129	30	58	61	89	54	78	46	64
Mar	23	90	63	154	34	163	47	105	26	115	49	127	41	105
Apr	22	112	32	186	8	171	36	141	21	136	31	158		
May	40	152	36	222	13	184	42	183	46	182	38	196		
Jun	39	191	54	276	23	207	54	237	41	223	38	234		
Jul	18	209	13	289	11	218	24	261	22	245	26	260		
Aug	24	233	17	306	22	240	13	274	19	264	12	272		
Sep	20	253	32	338	63	303	44	318	30	294	37	309		
Oct	29	282	24	362	34	337	52	370	39	333	55	364		
Nov	54	336	30	392	60	397	55	425	34	367	44	408		
Dec	41	377	42	434	35	432	41	466	26	393	30	438		

M = Monthly totals

C = Cumulative annual totals