



EU (Withdrawal) Bill

Department
for Exiting the
European Union

Factsheet 11: The role of the
Queen's Printer

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Introduction: who is responsible for publishing legislation in the UK?

Primary legislation for the UK and devolved administrations is officially published by the Queen's Printer of Acts of Parliament and the Queen's Printer for Scotland, posts currently held by Jeff James, Chief Executive and Keeper of The National Archives.

The National Archives operates and maintains the legislation.gov.uk website, the official source of all new and revised UK legislation.

European law is officially published on a European legislation website called EUR-Lex.

Making the law accessible

Schedule 5 of the EU (Withdrawal) Act sets out what EU legislation must be published once the UK has left the EU, and states who must make arrangements for publishing this legislation – the Queen's Printer. In practice, this means The National Archives.

This duty means the Queen's Printer must make arrangements for the publication of 'relevant instruments' that have been published before exit day by an EU entity, and the 'relevant international agreements', as follows:

- A 'relevant instrument' means an EU Regulation, and EU decision and EU tertiary legislation.
- 'Relevant international agreements' means the Treaty on European Union, the Treaty on the Functioning of the European Union, the Euratom Treaty and the EEA agreement.

In addition, the Queen's Printer may make arrangements to publish other documents that might be considered useful – for instance the power in Schedule 5, subsection 3, which refers to decisions of, or expressions of opinion by, the European Court, or the power in schedule 5, subsection 4, which refers to any other document published by an EU entity.

Schedule 5 provides that things repealed before exit day, or any modifications made on or after exit day, do not require publication. It also says that Ministers can create an exemption from the Queen's Printer's duty to publish by issuing a Ministerial Direction.

Fulfilling the Queen's Printer's new duties and powers

The National Archives intends to fulfil the Queen's Printer's new duties and powers through two services:

1. A new online collection of texts and documents, delivered as a web archive, capturing the full body of EU law, as published on EUR-Lex as it stood on exit day. This will include the electronic version of the Official Journal of the European Union, as well as supporting materials, and judgments of the European Court of Justice. **This will ensure that the public and government have access to the complete body of EU law from EUR-Lex as it stood on exit day, and will be available from the date of exit.**
2. Publication on legislation.gov.uk of selected European legislation documents ahead of exit day, to move towards a single source of UK legislation post-exit - aiding legal certainty. **This will be the expected first point of access for most UK citizens to the relevant legislation, post-exit.**

Helping users of the legislation.gov.uk website

The National Archives will also enhance the legislation.gov.uk website to help users to better understand the status of the instruments that are required to be published under Schedule 5 of the EU (Withdrawal) Act:

- Using data available from the EUR-Lex website, The National Archives will create full timelines of changes made before the UK left the EU (i.e. amendments made by other EU legislation) – so users can see how the legislation stood at any point in time, pre-exit.
- The National Archives will begin capturing information about amendments made by Statutory Instruments published under the EU Withdrawal Act as soon as they are published, and will make this information available via the Changes to Legislation feature on legislation.gov.uk.
- The National Archives will produce 'as amended' versions to show the changes the UK government makes to the retained EU legislation once the amendments come into force, and will include annotations so users can verify the text.

- The improved legislation.gov.uk service will also include as much background information as The National Archives has about the legislation it has published under the EU (Withdrawal) Bill. This will be derived from the data that is available from the EUR-Lex website. This extra information, along with clear messaging and signposting should aid legal certainty for users.
- The National Archives will also publish Ministerial Directions created under Schedule 5 on legislation.gov.uk, creating a clear link to legislation which is not required for publication.

Key facts

- Jeff James is the Chief Executive and Keeper of The National Archives and the Queen's Printer of Acts of Parliament. Jeff James is also the Queen's Printer for Scotland and holds the office of Government Printer for Northern Ireland.
- The National Archives is responsible for publishing secondary legislation (statutory instruments).
- This involves providing tools to UK government departments and the devolved administrations for the drafting, registration and publishing of new legislation.
- It also involves identifying legislative amendments and creating revised versions of the texts, so people can read an up-to-date version of the law with all the amendments included.
- The majority of the revised primary legislation on legislation.gov.uk is fully up to date, and is kept up to date.
- The National Archives runs the UK Government Web Archive, a publicly-available web archive which comprises over 20 years of government websites and social media: <http://webarchive.nationalarchives.gov.uk/>.
- A new web archive collection will capture EU law as published on EUR-Lex as it stands on exit day, to be available from that date. This will provide a useful reference point, support a clear audit trail and proof of provenance for the material published on legislation.gov.uk.

Why are we asking the Queen's Printer to publish EU law, if we are leaving the European Union?

- It is important that EU law retained by the Act (and relevant related material) is sufficiently accessible within the UK. As the House of Lords Constitution Committee has noted, "it would obviously be inappropriate for UK law to only be accessible through an EU database—particularly given that EU law will continue to evolve, making finding the exact texts that make up the 'snapshot' of EU law preserved by the Bill more difficult as time goes by."¹
- It is therefore important to give the Queen's Printer the necessary duties and powers to ensure that the law remains accessible after we leave the EU.

¹ 9th Report of Session 2016-17 - published 7 March 2017 - HL Paper 123