

LEGISLATIVE DRAFTING, AMENDING AND PUBLISHING TOOLS

MEMORANDUM OF UNDERSTANDING

Purpose and status of this memorandum

1. The purpose of this memorandum is to record the formal intention of the Partners to continue to work towards creating new drafting, amending and publishing tools for legislation that will operate in a web browser (“the tools”).
2. This MoU demonstrates the willingness of the Partners to seek ways of working together in their mutual interest. It is not intended to be legally binding, and does not commit any of the Partners to future spending.

The Partners

3. For the purposes of this memorandum, “the Partners” are—
 - the corporate officers of the two Houses of the UK Parliament (“the UK Parliament”)
 - the Scottish Parliament
 - the Office of the Parliamentary Counsel (OPC)
 - the Office of the Scottish Parliamentary Counsel (OSPC)
 - The National Archives (TNA) and the Queens Printer for Scotland (QPS)
4. The Partners’ main individual areas of responsibility are set out in the Appendix.
5. The Partners are open to proposals to include Wales and/or Northern Ireland in this work, should the relevant authorities wish to participate.

The tools

6. The tools will be applicable to both Bills and Statutory Instruments (SIs), capable of use across all stages of the legislative lifecycle including the preparation of legislation, the Parliamentary processes, and the publishing and archiving of legislation. The tools will cover the following functions—
 - drafting Bills for introduction in the UK Parliament and the Scottish Parliament;
 - drafting, managing and applying amendments to Bills through the UK and Scottish parliamentary lifecycles;
 - improved capability in the reuse and publication of Bills and amendments online;
 - drafting statutory instruments and Scottish statutory instruments.

7. The tools will be based on open data standards and will generate output based on the Crown Legislation Markup Language. Development of the tools will build on the investment The National Archives have made in legislation.gov.uk.

Governance

8. The Partners have appointed representatives to serve on a Board which oversees activity covered by this memorandum¹.
9. The Partners will work together to agree a governance model in advance of activity proceeding to procurement and full development. This will cover—
 - the governance of future activity, and
 - the ownership of, and ongoing support for, the tools.

Finance

10. Costs to date have been met by OPC, TNA and HC/HL, with other Partners contributing resources such as staff time.
11. The Partners will work together to agree a cost sharing model for further procurement and development phases.
12. Agreement on governance and financing is a requirement for securing financial approval for future work from 2014-15.

Programme of work

13. The programme of work is proposed to be divided into three phases:
 - Phase 1 - feasibility study and preparation for procurement (to end of FY 2013/14)
 - Phase 2 - procurement (from Spring 2014)
 - Phase 3 - development (2014 to 2016 - this phase may be divided into two or more phases.)
14. The Partners have been working together on Phase 1 since 2010 to investigate the options for the tools (the Scottish Parliament and OSPC became involved in the latter part of 2012). In 2012 and 2013, they have worked together to create wireframes and prototypes of possible drafting and amending solutions using open data standards. They will continue to collaborate on investigating options for procuring the tools, establishing the necessary infrastructure and obtaining support.

1. The members of the Board are: Simon Burton (House of Lords), Matthew Hamlyn (House of Commons), Matt Lynch (OSPC), Luke Norbury (OPC), John Sheridan (TNA) and Tracey White (Scottish Parliament).

15. At the end of Phase 1, the board will make recommendations to the Partners concerning:
- the feasibility and governance of the programme;
 - the procurement strategy and process;
 - the governance and ownership of the tools in the longer term;
 - specification of the partners' requirements;
 - costs, including the costs of future phases of work, support, licences, hosting and infrastructure and, where relevant options for the sharing of costs between the partners (where appropriate, these will feature in individual business cases considered by the Partners); and
 - the technological options that should be pursued (recognising that different options and solutions may be appropriate to different partners).
16. If the Partners are satisfied that, following Phase 1, there is a solid case for proceeding (taking account of their own individual business cases), they will proceed to a procurement phase for a supplier to develop these concepts into functioning systems.
17. There will be similar break points at the end of any future phases. If at any break point one or more Partners decides not to proceed with the programme, the other Partners may continue with the programme or restructure it. A Partner who decides not to proceed at a break point will not be liable to make any financial contribution beyond that already committed to before the break point.

Implementation

18. Where appropriate, the Partners also intend to collaborate on the implementation of the tools. The Partners aim to be able to implement any system or systems during 2015-16.
19. The tools (and any associated intellectual property) will be made available to the Partners and to the government departments with which they work. Each Partner will own its own data and will be free to use, modify or further develop the tools for its own purposes.

Signed by

This memorandum is signed by the partners:

Signature: 

Date: 13 January 2014

David Beamish, Clerk of the Parliaments, House of Lords

Signature: 

Date: 13th January 2014

Sir Robert Rogers, KCB Clerk of the House of Commons

Signature:

Date:  15 Jan 2014

Richard Heaton CB, Permanent Secretary and First Parliamentary Counsel, Cabinet Office

Signature: 

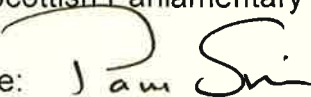
Date: 15th January 2014.

Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament, Queen's Printer for Scotland, and Director of Information Policy and Services at The National Archives

Signature: 

Date: 17th January 2014

Andy Beattie, First Scottish Parliamentary Counsel, Office of the Scottish Parliamentary Counsel

Signature: 

Date: 23rd January 2014

Paul Grice, Clerk/Chief Executive, The Scottish Parliament

APPENDIX: MAIN AREAS OF RESPONSIBILITY OF THE PARTNERS

The two Houses of the UK Parliament (“the UK Parliament”)

- Processing and publishing (including publishing on line) of Bills as introduced into Parliament, together with amendments and associated material
- Drafting, managing and applying amendments to Bills through the UK parliamentary lifecycle
- Through the Parliamentary Archives, managing legislative records (in all formats) in accordance with Parliament's Records Management Policy and archiving the legislative process (in all formats) including every stage of a bill, together with amendments and associated records, and including the authoritative collection of Original Acts inscribed with the formula of Royal Assent and signed by the Clerk of the Parliaments

The Scottish Parliament

- Processing and publishing (including publishing on line) of Bills as introduced into the Scottish Parliament, together with amendments and associated material
- Drafting, managing and applying amendments to Bills through the Scottish parliamentary lifecycle
- Managing legislative records (in all formats) in accordance with the Scottish Parliamentary Corporate Body's records management policy, and archiving records of the legislative process, including Letters Patent and original Acts signed by the Clerk of the Parliament, with the Keeper of the Records of Scotland in accordance with the Memorandum of Understanding between the Scottish Parliamentary Corporate Body and the National Records of Scotland

The Office of the Parliamentary Counsel (OPC)

- Drafting Bills for publication for consultation
- Drafting Bills for introduction in the UK Parliament
- Drafting amendments for tabling in the UK Parliament
- Drafting certain statutory instruments

The Office of the Scottish Parliamentary Counsel (OSPC)

- Drafting Bills for publication for consultation
- Drafting Bills for introduction in the Scottish Parliament
- Drafting amendments for lodging with the Scottish Parliament
- As Scottish Parliamentary Counsel for the UK (SPC(UK)), drafting provisions for inclusion in UK Bills (and, occasionally, drafting whole Bills for introduction in the UK Parliament) and amendments for tabling in the UK Parliament

The National Archives (TNA) and the Queens Printer for Scotland (QPS)

- Publishing Acts of the UK Parliament and Acts of the Scottish Parliament in print and online via legislation.gov.uk, as originally enacted and in a revised form that shows how the legislation has changed over time
- Providing a drafting tool for Statutory Instruments (SIs) and Scottish Statutory Instruments (SSIs), the registration and publishing of SIs and SSIs, in print and online via legislation.gov.uk