SELECTION OF PAPERS FROM THE BIALL CONFERENCE 2013

Legislation.gov.uk – Essential for the Law Business

Abstract: Legislation on the Web gives rise to a unique set of challenges. The content has strict rules governing its structure and typographic layout. One piece of legislation can change others, often in complex ways. The text may or may not be in force and may or may not extend to a particular jurisdiction. This unique linked data service and its value proposition is discussed by Carol Tullo. This is a data source that underpins and drives the UK legislation publishing processes and the validation of secondary legislation, providing a streamlined end to end set of online legal tools for all to use.

Keywords: legislation; linked data

INTRODUCTION

At the BIALL Annual Conference in June, my aim then was to track the history of official legislation setting out the approach, strategy, and technology that delivers the 21st century statute book that we use today. The content has strict rules governing its structure and typographic layout, and is a basic building block of legal advice, research and policy. I remember, from my earlier career in law publishing, arguing for open access to the rich content of the data and it is striking to see today's assumptions and shift in approach ensuring that all have access to the law without restriction. That the citizen or professional user should pay for access to legislation would be out of kilter in our open data world. Tracking legislation.gov.uk from its origins and history as the official UK authority, through to the business partnerships and collaborative working today, I will explore how legislation is not an arid set of words on a screen or page but rich content that can be manipulated and tailored to support and shape legal research.

We still talk about the statute book though legislation is now one of the most used and largest online databases in the UK. How we navigate through this essential content, the decisions we have made in developing the current approach and how the user is at the centre of the service provides the theme of this article.

The exercise of Her Majesty's rights as a copyright owner is not a statutory function but one conferred by long standing practice and Letters Patent on the Controller of her Majesty's Stationery Office (HMSO)[1] who is also the Queen's Printer. Various statutory references have created that duty and it is through that authority that the responsibility for Crown copyright and official publishing including legislation is derived. It is curious that there is no provision for the printing of enactments by HMSO but only through the latter's superintendence or authority. In 1996 the trading operations of the then HMSO were sold, HMSO moved to be part of the Cabinet Office, and the policy remit remained as it does today within government, operating within The National Archives since 2006. The leadership of legislation services and the strategic direction for legislation provision is integrated with the public record ensuring that the statutory and constitutional obligations across the UK are delivered.

HMSO was established in 1786, and in 1882 became official publisher to both Houses of Parliament, formalised in 1889 when Queen Victoria granted to the Controller, Royal Letters Patent as "printer to Her Majesty of all Acts of Parliament". This grant continues to the present day.

To those who work outside the legal environment, law is a set of rules that lawyers use to confuse. In fact legislation is an extraordinary medium. It sets out to define and control anything and everything that a legislature decides. The added element from my responsibilities is that the immediacy, trust, reach and accuracy set a high benchmark for the official source of record.

WHERE DID WE START?

The volume of legislation, piecemeal structure and frequent and often hasty, amendment mean that citizens find law complex, impenetrable to understand and difficult to know how they should comply. It is not surprising with just one example of the connections from one statute shown in the chart [Figure 1, overleaf].
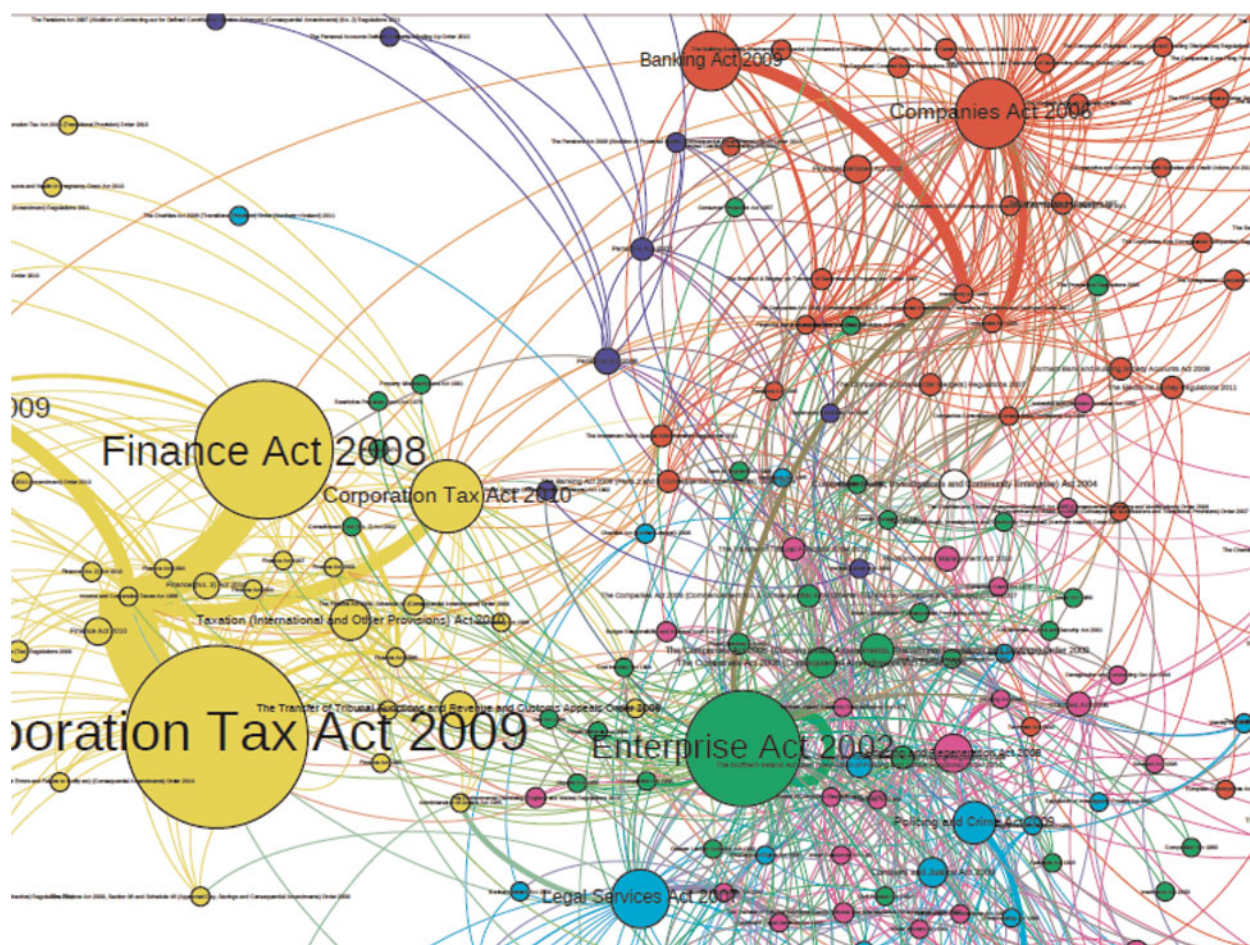
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Figure 1: Connections from one statute.

Constraints and burdens on economic activity mean this is all bad for the business of law. The National Audit Office estimated that the cost of a mistake in the Social Security Act 1986 was £5.5 billion; overlapping employment legislation at one stage was estimated to generate £40m of unnecessary cost every year on business. This can also obstruct good government and undermine the rule of law. If law is intimidating and hard to understand then what is the role of the official legislation service?

We now have world beating capability and we work with other jurisdictions to deliver streamlined and coherent access to the underlying data so legislation can be reused – it is the ultimate Big Data resource.

CURRENT POSITION

We have a single home for legislation, both as it was enacted at Royal Assent and as revised. The service launched in July 2010 after significant technical and technological investment. The oldest legislation still in force and available on the site is from the Old English Parliament and dates from 1267 [The Statute of Marlborough]. Parts of the Magna Carta from 1297 are still in force.[2]

The site[3] brings together the Queen's Printer version of legislation as enacted with revised legislation that shows the current status. Working across the four jurisdictions of the

UK, the interdependencies and complexities of the legislative process require much expertise to deliver the official record. It is a single point of access from 1267 to the present day – Old English Parliament (1267 to 1706), the Parliament of Great Britain (1707 to 1800), the Old Scottish Parliament (1424 to 1707), the Old Irish Parliament (1495 to 1800), the Northern Ireland Parliament (1921 to 1972), the Northern Ireland assembly (2000 to present), the Welsh Assembly (2008 to present), Local Acts (1857 to present) and Church Measures (1920 to present), Statutory Instruments, Rules and Orders, Impact assessments and much more. It is a roll call of the constitutional history of lawmaking.

Visits to the site are between 2–3m a month – with 450 million page views in 2012 and a predicted 500m this year.[4]

WHO USES legislation.gov.uk?

Users are at the heart of the service and in our original survey to help shape the new service, we handled over 7000 respondents. As part of the development of legislation.gov.uk a number of personas were created, based on user research. These are archetype characters that represent typical behaviours, goals and tasks of users of the legislation website. The personas have been used to inform all website design and development decisions. They were developed as a key element of the user-centred design approach

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for legislation.gov.uk. The research established users of legislation.gov.uk have the following set of characteristics:

• The majority are non-legal professionals accessing legislation for work purposes.

• Most do not have access to the commercial legal services.

• Most are familiar with how legislation documents are structured and also have good internet experience.

• Popular tasks are: searching, viewing, bookmarking, citing, keeping up to date with new legislation and changes to legislation.

The current working personas are:

Mark Green – Environmental Health Officer, represents the expert professional group who use the service at work and for work purposes – not a lawyer.

Heather Cole – citizen defending her rights [in our fictional example she has a child who she wants to be statemented for educational purposes]

Jane Booker – law librarian who uses commercial services – a placeholder for legal professional.

Sidney Turner – politician – new in 2013 and more interested in scrutinising Bills rather than Acts, he relies heavily on information provided by researchers.

The primary persona for the legislation.gov.uk is the Expert Professional, Mark Green. He is using the service because he is giving evidence as an expert witness in court. He wants to cite and quote specific sections and regulations, as part of presenting himself as a credible witness to the court. He uses legislation.gov.uk because it is easy to find the legislation he needs there from a Google search. Mark is not a lawyer, but is familiar with the law in his professional area. Mark is also studying for a Masters Degree in Environmental Science, so has an academic reason for engaging with a particular area of law. The secondary personas capture, on the one hand, the needs of legal professionals, through the Jane Booker persona, a law librarian, and on the other, of the novice, first time user, Heather Cole, a member of the public. Whilst a large number of users of the service are practising lawyers, they are far from constituting the largest cohort. The majority of lawyers using legislation.gov.uk do so alongside the subscription based services. Legislation.gov.uk is viewed as essential by the wider group, represented by Mark Green and Heather Cole, who do not have access to the commercial services.

We investigated the user behaviour of people finding and accessing legislation on the web. The aim of our research was to understand users' motivations and how these lead to the tasks they carry out. One of the main findings of our research was that legislation.gov.uk is used mostly by people at work and for work purposes. This is born out from survey results and from the usage patterns of the service. The level of usage during working days is an order of magnitude greater (20 times) than at weekends or public holidays. The majority of users are not lawyers and therefore lack access to one of the commercial

subscription services. Users are drawn from a much wider group of people who need to know, cite, or use legislation as part of their job. Typically, users are people who need to know what a statute says and go looking for it using Google which drives around 55% of all traffic to the site.

We run regular user surveys and the latest results (March 2013) measured 79% satisfied or very satisfied. The missing piece of the satisfaction jigsaw is that there is an expectation that legislation is always up to date so this is an important target for us to achieve.

DEVELOPMENTS

The use of open standards based technologies for managing legislation documents is important strategically and operationally for The National Archives. Strategically, the use of open standards helps ensure portability of data and is a key element of the Government's priorities for open data and transparency. This portability is important in an environment where the day-to-day management of legislation documents is undertaken by a contractor, and where the contracting authority wishes to mitigate lock-in to any one supplier's approach. We use open standards to represent legislation data, to exchange legislation data with others in the wider legislative process, to express business rules associated with that data, to convert or transform data from one format to another, and to make that data available on the web and to downstream publishers.

In order to manage and process legislation electronically, the information legislative documents contain must first be represented in some machine readable format.[5]

Having developed an underlying Application Programming Interface [API] with the re-launch in 2010 of this linked data source we delivered open access under open licensing to the UK legislation database.[6]

EXPERT PARTICIPATION

The next step was to open up the system to expert participants to meet a mutual need to work on bringing parts of the database up to date. That way we harness others' expertise and accelerate the move to currency. This is not crowd sourcing as we are offering a high quality official service while encouraging the use and re-use of the content regardless of commercial or private use. The expert involvement means that all work is reviewed by our own staff, and training and standards are closely controlled. Early indications are that this has brought immediate benefits in the first year. Every step is reviewed as this is essential for ensuring the quality and authority of the revised legislation we produce. In the first year we focused on bringing all the legislation through the research phase which means identifying all the effects and changes, when they came into force and for which part of the UK. In 2012–2013 we reviewed 100,000 of those effects – 5 years' work for the in-house team. Harnessing the collective enterprise of experts proved that we could change pace. Most of the editorial expertise in updating legislation is working out what
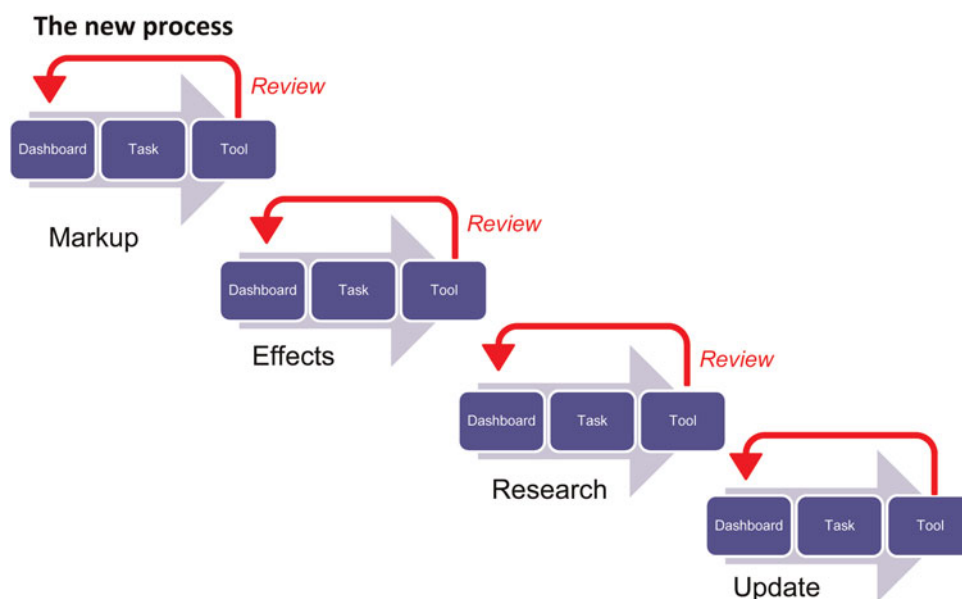
Figure 2: Work processes.

amendments to apply to which point in time version. Putting the new text in (or taking it out) is much easier and less complicated. It is like a ratchet – for every new change, we mark up, record and research – so we do not go backwards.

We also do not want to create new backlogs. We developed a natural language processing tool that automates this supporting productivity. Each participating organisation has its own priorities which it manages through using our editorial tool. Work is not being duplicated. This incentivises collaboration. Since this work is a network, there are genuine benefits for all participants benefitting from each others' efforts.

WORKFLOW PROCESSES

Behind the public site sit the editorial and publishing sites. Editorial tools update, and internal processes are validated. The editorial screens walk the editor through each stage of the updating process.
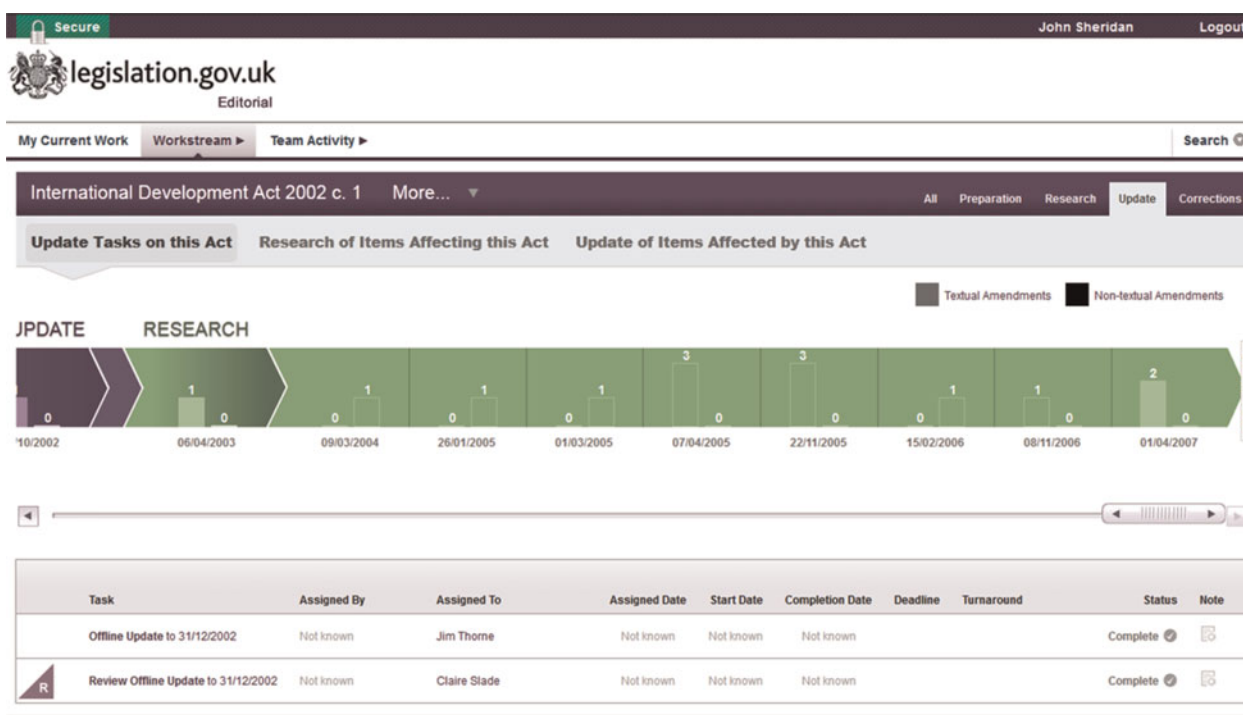

Figure 3: Editorial screens.

We developed dashboards and allocation systems for individuals and teams. Task screens help participants manage priorities and measure productivity. Putting such tools in the hands of collaborators has made significant inroads into our ambition for a completely current statute book. We have found that 1 in 3 amendments is non-textual and these can be applied automatically once research is complete. Technology has made inroads into the task and aspiration behind the goal of an up to date official database.

Green status messages alert the user that a piece of legislation is up to date. Early work included the Companies Act 2006 and the Interpretation Act 1978.

submitting, they upload the documents (perhaps an SI, Impact Assessment or statutory code of practice); they verify various details and enter publishing details. It was important for us to make this step look official and with a Crest watermark. This reinforces the status and importance of this step. The last stage is to certify the legislation as a true and correct copy as signed by the responsible Minister. We use this information as part of our audit trail so all can have confidence in the direct relationship between the legislation we receive and the information you, the user, are reading or copying or downloading on legislation.gov.uk. Departments can also
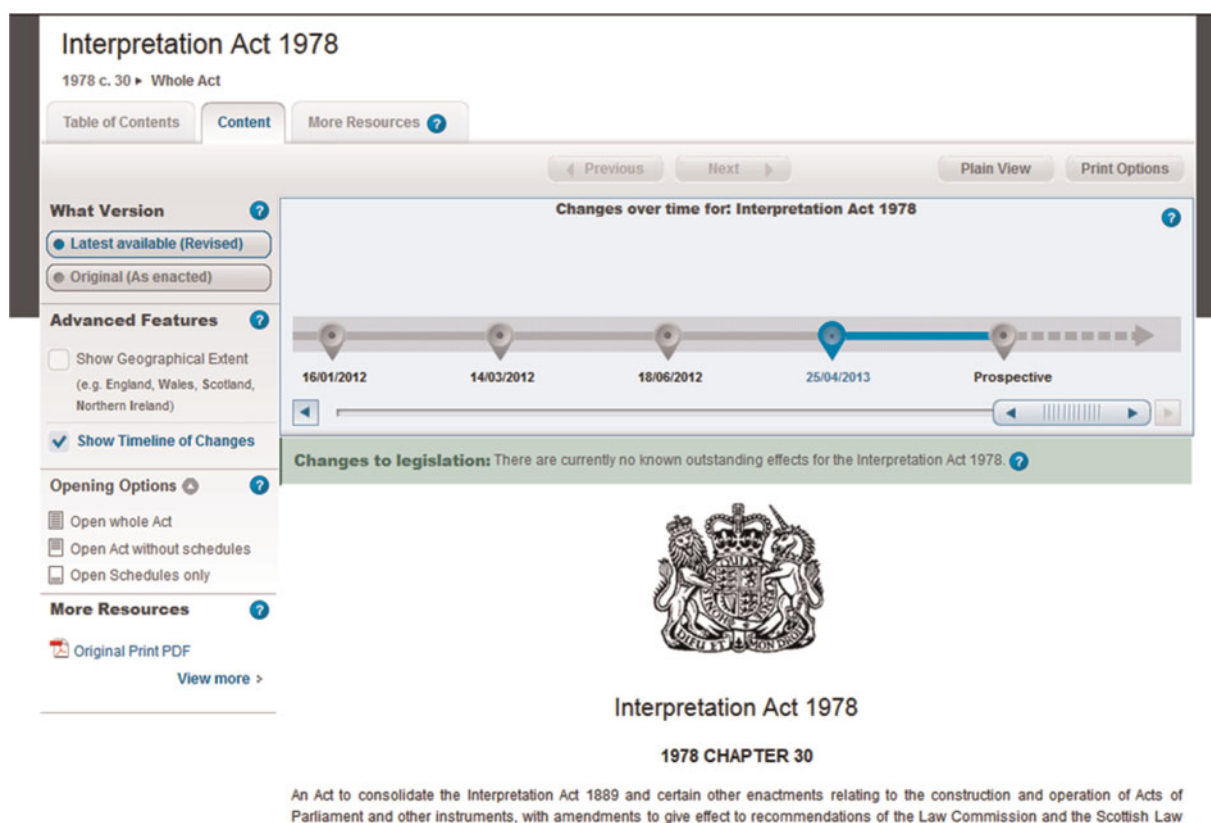

Figure 4: Changes to legislation over time.

We have also added support for revised versions of secondary legislation so these will start appearing on the site, as will Welsh language versions of Welsh legislation.

After a successful pilot with Scottish Statutory Instruments (SSIs) from January 2013, the secure publishing platform went live for UK Statutory Instruments (SIs) on 12th June 2013. To 12th August 2013, 277 SSIs and 523 SIs have been processed automatically. In the past this process was managed by passing paper documents around with letters to HMSO and to the publishing contractor. Email replaced this process but with the same documents as attachments. It was too easy for mistakes and delays to happen. It is now an online process: a department chooses the type of legislation they are

trace their legislation through the publishing process for themselves and it has all the authenticity expected of the official status.

THE FUTURE

Legislation is a complex system. As a set of interlocking words and connected words and meanings, it defines essential concepts in society. The nature of what it means to be a school or a company is set out in statute. Statutory interpretation is more complex. How many who use legislation know that the Interpretation Act says "person" includes groups of people incorporated or unincorporated unless the legislation says otherwise? Or that "land"

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Testing drafting approaches with users

1 **Power of tribunal to impose financial penalty**

Where an employment tribunal determining a claim involving an employer and a worker —
   (a) concludes that the employer has breached any of the worker's rights to which the claim relates, and
   (b) is of the opinion that the breach has one or more aggravating features,
the tribunal may order the employer to pay a penalty to the Secretary of State (whether or not it also makes a financial award against the employer on the claim).

> "The condition labels are meaningless, so it unnecessarily complicates things to have to think about Condition A, Condition B, and Condition C, and conflict with the paragraph numbering (2) (3) or (4) - whereas bracketed sub-paragraph labels (a) (b) or (c) can easily be ignored or cited as is most convenient."
>
> **Member of the public**

OR

> "A clearer breakdown of the necessary conditions."
>
> **Tax adviser**

2 **Power of tribunal to impose financial penalty**

   (1) An employment tribunal may order an employer to pay a penalty to the Secretary of State where Conditions A to C are met.
   (2) Condition A is that the tribunal has determined a claim involving the employer and a worker.
   (3) Condition B is that the tribunal concludes that the employer has breached any of the worker's rights to which the claim relates.
   (4) Condition C is that the tribunal is of the opinion that the breach has one or more aggravating features.
   (5) It makes no difference whether or not the tribunal also makes a financial award against the employer on the claim.

Figure 5: Testing drafting approaches.

includes land covered by water? That there is not one Interpretation Act but four including Acts for Northern Ireland from the 1950s and for Scotland from 2010? The statute book is deeply connected in part through amendments but also linked effects and commencements, many of which require a judgement call and expertise to apply. This is where Good Law starts. An umbrella term for a raft of legislative drafting initiatives, and launched in March at The Institute of Government, the drafters are looking at every opportunity to challenge how legislation is presented.[7]

We tested users on their understanding of legislation and asked them to evaluate examples of different drafting styles to assess if and how a particular style hindered or helped understanding of the text.

New formats can be seen in the Universal Credit regulations – look at regulation 71. Working smarter using technology, we can create a flexible and faster platform. Putting the user at the centre means we have critical challenge and can experiment. We all have a shared goal of up to date content that is completely re-usable and accessible in every sense of the word. In September 2012 the Council of Ministers adopted conclusions recommending

to EU Member States the introduction of the European Legislation Identifier (ELI). ELI provides, amongst other things, a solution to identify uniquely, and access, national and European legislation online. It enables easier access, exchange and reuse of legislation for citizens, public authorities, professional users and academics. By deploying a new unique identifier and structured metadata to reference legislation published in the official journals and legal gazettes of different legal systems, existing barriers gradually will be overcome. The National Archives has been at the forefront of the ELI project, contributing in a decisive manner to its conception and adoption. "The European Legislation Identifier paves the way for a semantic web of legislation. The National Archives has today a pioneering role in the application of Linked Open Data technologies in the area of legislation. The European Union will benefit from this not only in terms of greater transparency, but also cost-effectiveness in public administration, and will obtain social and economic benefits generated by the reuse of public sector information."[8] This is the new connected future that will deliver greater and more ambitious linked services for you, the user.

Footnotes

[1] New legislation in the UK is published by a contractor, The Stationery Office, under three interlocking contracts superintended by Her Majesty's Stationery Office (HMSO) and the Office of the Queen's Printer for Scotland (OQPS). The Controller of HMSO is appointed by Her Majesty The Queen to the offices of Queen's Printer of Acts of Parliament and Queen's Printer for Scotland by Letters Patent. There is a similar office of Government Printer for Northern Ireland. The functions of HMSO, OQPS and the various offices responsible for publishing legislation are carried out from within The National Archives. The Queen's Printer for Scotland has a separate reporting line to Scottish Ministers.

[2] http://www.legislation.gov.uk/aep/Edw1cc1929/25/9/introduction

[3] http://www.legislation.gov.uk

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[4] Webmaster Tools reports over 33 million external links or back links from other websites to legislation.gov.uk.

[5] For more technical context see Tullo, Online Access to UK Legislation: Strategy and Structure, Biasiotti and Faro, From Information to Knowledge, IOS Press (2011).

[6] http://www.nationalarchives.gov.uk/doc/open-government-licence/

[7] https://www.gov.uk/government/organisations/cabinet-office/series/good-law

[8] Martine Reicherts, Director-General of the Publications Office of the European Union, July 2013.

Biography

Director of Information Policy and Services at The National Archives, Carol Tullo is Controller of Her Majesty's Stationery Office which under Letters Patent is the Queen's Printer of Acts of Parliament across the UK. This carries responsibilities for inter alia, the accuracy and integrity of legislation.

From Academia to the Office: New Professionals in the Workplace

Abstract: This paper written by Samuel Wiggins and Marie Cannon is drawn from their presentation at the 2013 BIALL Annual Conference. The article presents the findings of a survey conducted to explore the perceptions of New Professionals in the library and information sector, and the various challenges and issues they face on entering their first professional roles within law librarianship. The relevance of the professional library and information qualification within the legal sector is considered, as are potential barriers to working with legal information. The required skill sets and training needs for New Professionals and experienced professionals are also compared.

Keywords: information professionals; law librarianship; survey

INTRODUCTION

The term "New Professional" has been heavily referred to over the last few years, yet anecdotal evidence shows there are relatively few new entrants to law librarianship. The expectations of what library and information professionals across the sector believe a 'New Professional' to be, and what skills they should possess, appear to be highly subjective and widely varied. This insubstantial evidence has created a need to investigate how New Professionals are perceived within the legal sector, how these perceptions compare to new entrants to law librarianship, and how the challenges that New Professionals are now facing might discourage the next generation of library and information professionals from working with legal information.

THE SURVEY

To investigate perceptions of New Professionals, and the potential barriers they face, a survey was undertaken. A total of 275 responses were received – equating to approximately 27% of the sample size. The survey made use of both qualitative and quantitative questions, spread across four streams. The streams separated responses from those who had never worked with legal information, those who no longer worked in the legal sector, and divided those who still classed themselves as working with legal information into New Professionals, and established professionals.

The responses to the questionnaire were wide ranging, and reflected the truly global reach of law librarianship. 56%

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