EXPLANATORY MEMORANDUM TO

[THE] [TITLE OF INSTRUMENT] [YEAR]

[Year] No. [XXXX]

1. Introduction
   1. This Explanatory Memorandum has been prepared by [Name of Department] and is laid before [Parliament OR the House of Commons] [by Command of His Majesty OR in accordance with [insert Act]].
   2. [This memorandum contains information for the [Joint Committee on Statutory Instruments OR the Select Committee on Statutory Instruments AND/OR the Secondary Legislation Scrutiny Committee OR the Sifting Committees] *[Delete as appropriate or delete 1.2 entirely if not required]*
2. Declaration
   1. [Name of Minister], [ministerial title] at the [name of department] confirms that this Explanatory Memorandum meets the required standard.
   2. [Name], [SCS Grade Name] for [the policy area], at the [name of department] confirms that this Explanatory Memorandum meets the required standard.
3. Contact
   1. [Name of contact] at the [Name of department] can be contacted by email at the following address with any queries regarding the instrument: [generic email address]. Alternatively, the department can be contacted by telephone: [departmental correspondence team’s phone number].

Part One: Explanation, and context, of the Instrument

1. Overview of the Instrument

What does the legislation do?

* 1. [Free text.] *[Explain what the instrument will do once in force. This should be a short, non-technical explanation and focus on the practical impact of the legislation. If referring to other parts of the Explanatory Memorandum, refer to specific sub-sections.]*

**Where does the legislation extend to, and apply?**

* 1. The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is [Free text].
  2. The territorial application of this instrument (that is, where the instrument produces a practical effect) is [Free text].

1. Policy Context

What is being done and why?

* 1. [Free text.] *[You should set the instrument in its real world context, explain what the policy and instrument do in that context and who is affected. You should justify the choices that were made to reach the Government’s policy and the need for legislation.]*

What was the previous policy, how is this different?

* 1. [Free text.] *[You should compare what the policy was before the instrument to the new policy once the instrument is laid and justify the need for legislation.]   
       
     [You should refer to existing policy (whether domestic or assimilated law) (at time of writing) in the past tense and the Government’s future policy to be implemented by the instrument in the present tense.]*

1. Legislative and Legal Context

How has the law changed?

* 1. [Free text.] *[You should explain the legislative context of the law changing and how it has changed. You should also highlight any legal issues.]*

Why was this approach taken to change the law?

* 1. [Free text.] OR [This is the only possible approach to make the necessary changes.] *[Where there were multiple ways in which the law could have been changed to achieve the policy outcome, you should justify the aforementioned approach. If there are no alternatives, you should state this.]*

1. Consultation

Summary of consultation outcome and methodology

* 1. [Free text.] *[Any explanation should include; who was consulted, how that consultation was done, a summary of responses and, if relevant, a link to any consultation summary or an indication of when this will be published.]  
       
     [If the devolved governments were consulted, or their agreement was sought, on account of a political commitment or statutory requirement then an explicit reference to this and its outcome should be made.]  
       
     [If a consultation wasn’t undertaken, you should justify why one was not undertaken.]*

1. Applicable Guidance
   1. [Free text.] *[If guidance is being provided this should be made publicly available* ***at the time of laying*** *(with a link to it in this section). If at the time of writing this is not possible, then the date by which it will be available and where should be made clear.]*

Part Two: Impact and the Better Regulation Framework

1. Impact Assessment
   1. A full Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website. OR A full Impact Assessment has not been prepared for this instrument because [free text]. [*e.g. low level of impact per business; not many businesses affected; SI relates to maintenance of existing regulatory standards. Explanations should include key impacts and net effects of the policy and estimated figures for costs and benefits.]*

Impact on businesses, charities and voluntary bodies

* 1. The impact on business, charities or voluntary bodies is [free text]. OR There is no, or no significant, impact on business, charities or voluntary bodies because [free text].
  2. The legislation [does OR does not] impact small or micro businesses.
  3. [To minimise the impact of the requirements on small or micro businesses (employing up to 50 people), the approach taken is to exempt small and micro businesses from the requirements of regulation OR explanation justifying why this approach could not be taken OR *delete where no impact on small or micro businesses*].
  4. The impact on the public sector is [free text] OR There is no, or no significant, impact on the public sector because [free text].

1. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

* 1. The approach to monitoring this legislation is [free text].
  2. [A statutory review clause is included in the instrument] OR [The instrument does not include a statutory review clause [and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 [Name of Minister] has made the following statement] [Free text]. *[delete 10.3]*
  3. As this instrument is only made under the relevant European Union Acts (as defined at 13.1), no review clause is required. *[delete 10.2]*

Part Three: Statements and Matters of Particular Interest to Parliament

1. Matters of special interest to Parliament
   1. [Free text OR *[having deleted section 1.2]* None.]   
      *[Examples of what to include here – whether in relation to sifting, the Joint Committee on Statutory Instruments, or the Secondary Legislation Scrutiny Committee – are contained in accompanying guidance.]*
2. European Convention on Human Rights
   1. The [Title of Minister] has made the following statement regarding Human Rights:  
      “In [my/our] view the provisions of the [Title of instrument] are compatible with the Convention rights.” OR [Free text].

OR

* 1. As the instrument [is subject to negative procedure and does not amend primary legislation OR is not subject to parliamentary procedure], no statement is required. [Delete 12.1]

1. The Relevant European Union Acts
   1. [Option 1] This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”). [It does however relate to the withdrawal of the United Kingdom from the European Union because [free text for explanation].] OR
   2. [Option 2] This instrument is made under section X of the European Union (Withdrawal) Act 2018 and therefore relates to the withdrawal of the United Kingdom from the European Union. [Free text for explanation.] The [Name of Minister] has made, below, the relevant statements under the 2018 Act. OR
   3. [Option 3] This instrument is made under section X of the European Union (Future Relationship) Act 2020 and therefore relates to the UK’s future relationship with the European Union. [Free text for explanation.] OR
   4. [Option 4] This instrument is made, [in part], under section X of the Retained EU Law (Revocation and Reform) Act 2023 and therefore relates to the reform of assimilated law. [Free text for explanation.] The Minister has made any relevant statements, below, under the 2023 Act.

*[Insert the relevant statements required under the relevant European Union Acts from the annex OR delete.].*

Annex - Statements required under the Relevant European Union Acts

The relevant statements should be included from 12.2 onwards in the body of the EM. Once completed, this annex should be deleted. The Annex to the EM Guidance contains details about the legislative provisions under which such statements may be required.

1. Sifting statement(s)
   1. The [Title of Minister, name, OR Name of Authority] has made the following statement regarding use of legislative powers in the [European Union (Withdrawal) Act 2018 AND/OR the Retained EU Law (Revocation and Reform) Act 2023]:
   2. [“In [my/our] view the [Title of instrument] should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)”.
   3. This is the case because: [Free text.] *[If referring to previous explanations in the Legislation or Policy sections in this template, please give specific sub-section references.]*

***If the Minister is disagreeing with a sifting committee recommendation:***

* 1. “[I am/we are] of the opinion that, although the [SLSC and/or European Statutory Instruments Committee] has/have recommended that this instrument should not be made unless a draft of the instrument has been laid before, and approved by a resolution of each House of Parliament (i.e. the draft affirmative procedure), that the [Title of instrument] should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)”.
  2. This is the case because: [Free text.] [If referring to previous explanations in the Legislation or Policy sections in this template, please give specific sub-section references.]

1. Appropriateness statement
   1. The [Title of Minister, name] has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:
   2. [“In [my/our] view the [Title of instrument] does no more than is appropriate”.
   3. This is the case because: [Free text.] *[If referring to previous explanations in the Legislation or Policy sections in this template, please give specific sub-section references.]*
2. Good reasons
   1. The [Title of Minister, name] has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:
   2. [“In [my/our] view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action”.
   3. These are: [Free text.] *[If referring to previous explanations in the Legislation or Policy sections in this template, please give specific sub-section references.]*
3. Equalities
   1. The [Title of Minister, name] has made the following statement(s):

“The [draft] instrument [does *or* does not] [*delete as appropriate*] amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.

[The effect of ... is…]*[delete if unnecessary*”.

* 1. [Free text.] *[If the text in 4.1 states that the instrument does amend, repeal or revoke, the Minister must make a second statement of the effect of each such change and the reason for it, and both statements are published in the EM.]*
  2. The [Title of Minister, name] has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:
  3. [“In relation to the [draft] instrument, [I, Name of Minister OR we, Name of Authority] have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”].
  4. [Free text.] *[See separate ‘guidance on equalities and delegated powers statements’, Annex B, for what further statements/sections/Annexes should be included after this first sentence, in line with good practice – particularly if there is evidence of limited or significant impact on equalities.]*

1. Criminal offences
   1. The [Name of Minister] has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In [my/our] view there are good reasons for the creation of a criminal offence and for the penalty in respect of it in [Title of instrument].”

* 1. These are: [Free text.] *[If referring to previous explanations in the Legislation or Policy sections in this memorandum, please give specific sub-section references]*

1. Urgency
   1. The [Title of Minister, name] has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:
   2. [“In [my/our] view by reason of urgency, it is necessary to make [Title of instrument], without a draft of the instrument containing the regulations being laid before, and approved by a resolution of, each House of Parliament.”
   3. This is because: [Free text] *[If referring to previous explanations in the Legislation or Policy sections, please give specific sub-section references.]*