

Rt Hon Lisa Nandy MP
Secretary of State
Department for Culture, Media and Sport
[via Email]

23 October 2025

Dear Lisa

Statutory Instrument Practice

This letter relates to the publication of a document called *Statutory Instrument Practice* by The National Archives. I have addressed this letter to you because of your general responsibility for the operation of The National Archives under the Public Records Act 1958, but I have also copied this letter to the Statutory Instrument Registrar (who compiles *SI Practice*) and the SI Hub (which is a central unit within the Cabinet Office that has oversight of the production of SIs across Government).

The Joint Committee on Statutory Instruments has drawn the attention of both Houses to the Fire Safety (Residential Evacuation Plans) (England) Regulations 2025 (S.I. 2025/797).¹ This is on the basis that the Committee considers that proper legislative practice requires that article 36(4) of the General Data Protection Regulation should have been cited in the preamble to the instrument.

In doing so, the Committee noted in its report that it disagrees with paragraph 3.11.28 of *Statutory Instrument Practice*. This provides that the preamble should only set out the fulfilment of any condition which *the enabling Act* requires before an instrument can be made. However, since the publication of the current edition of *Statutory Instrument Practice* in November 2017 the number of pre-conditions has proliferated across the statute book.² In the Committee's view, it is good legislative practice to cite in the preamble all *relevant* statutory pre-conditions, whether or not these are found in the enabling Act.

The Committee's deliberations on this issue caused it to wonder when the next edition of *Statutory Instrument Practice* will be made available by the SI Registrar. The Committee understands that it is a useful guide for the drafters of statutory instruments, but if it is to continue to fulfil its purpose in setting out good practice the Committee hopes that a revised version will be forthcoming soon. I would be grateful

¹ See the Committee's Thirty-fifth Report of Session 2024–25 (published on 17 October 2025).

² A point the Committee made in its Sixth Report of Session 2024–25 in relation to the Ionising Radiation (Medical Exposure) (Amendment) Regulations 2024.

if you or the SI Registrar could provide the Committee with an update, indicating when a revised edition might be published.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bernard Jenkin'.

**Sir Bernard Jenkin
Chair
Joint Committee on Statutory Instruments**

Cc—

John Marks, Statutory Instruments Registrar, The National Archives; and

Catherine Davidson, Statutory Instruments Hub, Cabinet Office