

Preparing Secondary Legislation which will go to Cabinet (or a group of ministers)

This document provides the key steps agencies need to take to meet obligations under the Regulatory Standards Act when creating, amending, or re-issuing secondary legislation. Also see [Making Secondary Legislation | Parliamentary Counsel Office](#) for more information and requirements for secondary legislation.

Where decisions are delegated to a group of two or more ministers, substitute references to Cabinet below for references to the group of ministers.

Policy development: RAS Process

- Undertake [early engagement](#) with MfR if the proposal is significant.
- Log the proposal in [RIA Online](#) and receive a tracking number.
 - Notify MfR (through RIA Online) if your agency has determined the proposal is exempted from preparing a Regulatory Analysis Summary (RAS).
 - Submit process confirmation (through RIA Online) for templates and QA.
- Familiarise yourself with the [Cabinet Circular](#) and [RAS guidance](#). Develop the draft RAS using the [RAS template](#).
- Ensure the draft RAS is provided alongside the Cabinet paper during Ministerial consultation.

Cabinet Policy Committee: RAS Process

- The Minister should submit the [Regulatory Summary Analysis \(RAS\)](#) alongside the Cabinet paper.
 - If exempt from RAS, include standard wording provided through RIA Online in the Cabinet paper.

Secondary legislation drafting: CAS Process

- Check if the Secondary Legislation is [excluded from the Regulatory Standards Act](#).
 - If the Secondary Legislation is excluded, you do not need a Consistency Accountability Statement (CAS).
 - Note that even if the policy has a RAS exemption, you may still need to produce a CAS, and vice versa.
- Prepare a [CAS](#) and Summary of Underpinning Analysis.
 - Use the [s26 Guidance](#), the [Cabinet Circular](#), and the [templates](#).
- If an inconsistency is identified in the CAS, the Minister/maker must prepare a Statement of Reasons. See an [optional template](#) which can be used for preparing a Statement of Reasons.
- Work with the Minister's office to circulate drafts of CAS, Summary of Underpinning Analysis, and Statement of Reasons (if applicable) during Ministerial consultation on the LEG paper.

Cabinet Legislation (LEG) Committee: RAS & CAS Process

- In the rare situation where additional policy decisions are sought at LEG, the RAS may need to be updated and re-presented, additional impact analysis might be required, or the proposal could be exempted.
 - Follow the same process as for policy development, including creating a new proposal in RIA Online.
- The Minister should submit the CAS, Summary of Underpinning Analysis and Statement of Reasons (if applicable) alongside the LEG paper.

When made: Publication

- Include or link to the RAS, CAS, Summary of Underpinning Analysis, and Statement of Reasons (as applicable) from the [explanatory note](#). For PCO-drafted legislation, arrange this with your drafter.
 - Ensure that any links in the explanatory note are working before the secondary legislation is published.
- Publish the RAS, CAS, Summary of Underpinning Analysis, and Statement of Reasons (if applicable) according to the [publication requirements](#).
- Ensure that the secondary legislation is included in [your regulatory stewardship commitments](#), including review plans (see Part 3 of [the Guidance](#)).