EXPLANATORY MEMORANDUM TO

THE ASSURED TENANCIES (PRIVATE RENTED SECTOR) (PRESCRIBED FORMS AND TRANSITIONAL PROVISIONS) (ENGLAND) REGULATIONS 2026

2026 No. 354

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government (MHCLG).

2. Declaration

2.1 Matthew Pennycook MP, Minister of State for Housing and Planning at MHCLG, confirms that this Explanatory Memorandum meets the required standard.

2.2 Ross McInnes, Deputy Director for the Private Rented Sector at MHCLG confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Rebecca Manson at MHCLG can be contacted by email at the following address with any queries regarding the instrument: prsguidance@communities.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument prescribes six forms to be used in key tenancy processes under the Housing Act 1988 ("the 1988 Act") in relation to assured tenancies and assured agricultural occupancies within England's private rented sector.

4.2 The forms are updated versions of most of those previously prescribed in the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 ("the 2015 Regulations"), aligning them with the new tenancy framework introduced by the Renters' Rights Act 2025 ("the RRA").

4.3 The instrument revokes the 2015 Regulations in relation to private assured tenancies and makes transitional provision to ensure continuity of the 2015 forms for ongoing cases where required.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 The RRA reforms renting in England by abolishing section 21 'no fault' evictions and replacing assured shorthold tenancies with assured periodic tenancies (rolling

tenancies with no fixed end date). This change ends fixed-term assured tenancies and strengthens tenant security, enabling renters to challenge poor practice and unfair rent increases without the risk of retaliatory eviction.

5.2 In England, landlords and tenants are required to use prescribed forms for key tenancy processes, such as to propose a rent increase and provide notice seeking possession of the property. Standardised forms support compliance by ensuring statutory requirements are met and relevant information is clearly provided.

5.3 Prior to this instrument, these forms were prescribed by the 2015 Regulations. Many of these forms need to be amended to align with the new tenancy system introduced by the RRA. For example, Form 6A, which was used to provide notice for a section 21 (of the 1988 Act) 'no-fault' possession of an assured shorthold tenancy, is no longer needed in the private rented sector, as both section 21 evictions and assured shorthold tenancies have been abolished by the RRA.

5.4 This instrument is therefore critical to the continued operation of the rental market and to delivering the government's commitment to a fairer and more secure private rented sector. The updated forms have been redesigned to improve clarity and usability, informed by engagement with representative stakeholder groups.

5.5 For clarity, updated forms are labelled with an 'A' suffix (for example, 1A). This distinguishes them from the versions that will continue to be used in relation to tenancies in the social rented sector, where the statutory framework has not changed.

5.6 The equivalent of Forms 6, 7 and 8 are not needed in the new tenancy framework.

5.7 To tie in with a number of the transitional provisions in Schedule 6 to the RRA, we have provided transitional provisions under which the forms prescribed in the 2015 Regulations will continue to apply in those Schedule 6 cases. We have also made transitional provision for the saving of those forms for cases related to the repeal of section 6 of the 1988 Act and where the tenant has entered a 'breathing space' under the Debt Respite Scheme or is receiving treatment for a mental health crisis (as provided for by the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020). Previous versions of the forms will remain available on GOV.UK[1] for use in these circumstances, as well as for tenancies in the social rented sector where there is no change to the statutory regime and prescribed forms.

5.8 MHCLG intends to make commencement regulations which will save section 13 of the 1988 Act for transitional cases. This will ensure that, where a landlord has served a section 13(2) rent-increase notice before 1 May 2026, the tenant may still apply to the First-tier Tribunal ("the Tribunal") to have the rent determined under unamended section 13(4) on or after that date.

What was the previous policy, how is this different?

5.9 The 2015 Regulations prescribed standardised forms for use in the assured tenancy system as it existed before the RRA came into force.

5.10 The RRA simplifies tenancy arrangements and improves security of tenure through the introduction of a single assured periodic tenancy and the abolition of section 21 evictions. From 1 May 2026, assured shorthold tenancies will be abolished, and all existing shorthold tenancies will convert into assured periodic tenancies.

[1] https://www.gov.uk/guidance/assured-tenancy-forms

5.11 Forms that applied only to assured shorthold tenancies, including Forms 6A (no fault possession notice on an assured shorthold tenancy), 7 (application to the Tribunal for a determination of a rent under an assured shorthold tenancy) and 8 (tenant's notice proposing that an assured tenancy be replaced by an assured shorthold tenancy), will no longer apply in the private rented sector. Form 9 is replaced by Form 9A, which updates the tenancy type that a landlord can propose to a tenant from an assured shorthold tenancy to an assured tenancy where the tenancy meets the conditions for an assured agricultural occupancy.

5.12 To begin possession proceedings, landlords must now use Form 3A (notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy in the private rented sector). This form will be published by the Secretary of State to enable timely updates in response to stakeholder feedback and to accommodate any procedural developments, while ensuring that updates are made only where necessary and that the sector is provided with suitable advance notice of any changes.

5.13 Form 6, previously used to refer rent increases to the Tribunal under section 13(2) of the 1988 Act, is no longer needed following amendments to section 13(2). HM Courts and Tribunals Service ("HMCTS") will provide a form for tenants to use, which will meet the relevant procedural requirements.

5.14 Forms 1, 2, 4 and 5, which are currently used to propose new terms for statutory periodic tenancies, refer these proposed terms to the Tribunal, and propose a new rent for assured tenancies and assured agricultural occupancies respectively, have been updated and are now prescribed as Forms 1A, 2A, 4A and 5A.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument prescribes new forms for private assured tenancies for the purposes of Part 1 of the 1988 Act to reflect the policy and legal changes introduced by the RRA and provides for related transitional and savings provisions.

6.2 Section 4A of the 1988 Act (inserted by section 1 of the RRA) provides that all assured tenancies will be periodic and can no longer have fixed terms. Section 2 of the RRA removes the provisions of the 1988 Act which establish assured shorthold tenancies, so that such tenancies can no longer be created. Section 3 of the RRA amends the grounds for possession in Schedule 2 to the 1988 Act, including in relation to notice periods and the courts making orders for possession. As a direct result of these and other related changes made by the RRA, new forms are required for use in key tenancy processes.

6.3 Regulation 3 prescribes six new forms, five of which are set out in the Schedule to the instrument, which are to apply to any assured tenancy (except an assured tenancy in relation to social housing). In relation to the notice for possession proceedings under section 8 of the 1988 Act, regulation 3 provides for the form to be published by the Secretary of State (and replaced from time to time) and sets out the requirements in relation to its publication. Regulation 4 revokes the 2015 Regulations in relation to any private assured tenancy. Regulation 5 makes transitional provisions in relation to cases where the existing forms in the 2015 Regulations will continue to apply.

6.4 To note, this instrument forms part of the following package of statutory instruments, which were also laid or published alongside this instrument with a commencement date of 1 May 2026:

6.4.1 The Assured Tenancies (Private Rented Sector) (Written Statement of Terms etc and Information Sheet) (England) Regulations 2026

6.4.2 The Financial Penalties (Housing Offences and Breach of Banning Orders) Regulations 2026

6.4.3 The Housing Act 1988 (Assured Tenancies) (Definition of Legal Representative) (England) Regulations 2026

6.4.4 The Renters' Rights Act 2025 (Consequential Amendments) and Tenancies (Miscellaneous Amendments) (England) Regulations 2026

6.4.5 The Student Accommodation (Miscellaneous Provisions) (England) Regulations 2026

6.5 Collectively, these instruments constitute the first phase of implementation of the RRA. The sequencing and rationale for this approach is detailed in the implementation roadmap for the RRA[2], which was published on 13 November 2025.

6.6 The government will make commencement regulations shortly before 1 May 2026 to ensure the first phase is implemented fully on that date.

Why was this approach taken to change the law?

6.7 Landlords and tenants are required to use prescribed forms for key tenancy processes, such as to propose a rent increase and provide notice seeking possession of the property. These forms were previously prescribed by the 2015 Regulations but are incompatible with the tenancy reforms introduced by the RRA. Prescribing new forms is therefore legally necessary to implement and support the new tenancy framework.

6.8 The instrument also makes related transitional provisions which save the prescribed forms in the 2015 Regulations for particular cases, such as where a valid notice seeking possession was served before commencement, or where the tenant has entered a 'breathing space' as provided for by the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020. In such cases, the pre-RRA form will continue to apply.

6.9 Commencement regulations will be made preserving section 13 of the 1988 Act to enable applications to the Tribunal to be made under section 13(4) (increases of rent under assured periodic tenancies) on or after 1 May 2026 in relation to notices given in the prescribed form under section 13(2) before that date.

7. Consultation

Summary of consultation outcome and methodology

7.1 The design and content of the new forms were informed by engagement with a range of stakeholders, including landlord and tenant representative bodies, letting agents, and the Law Society's Housing Law Committee. Additionally, the design of Form 3A was influenced by behavioural research into tenant engagement with a previous version of the form.

7.2 Feedback was sought during the development stage for each of the six new forms. Stakeholders were asked to comment on clarity and accessibility, accuracy, and any useability issues.

7.3 Feedback was constructive, with many respondents highlighting improvements in clarity and usability. Comments on wording, structure, and layout were considered in

[2] https://www.gov.uk/government/publications/renters-rights-act-2025-implementation-roadmap

detail, and changes were made where appropriate. This included simplifying language, restructuring sections for clarity, improving accessibility through formatting adjustments, and removing ambiguous phrasing.

7.4 To ensure usability for tenants and landlords and practicality for court and tribunal staff, representatives from HMCTS were consulted on the design of Forms 3A and 4A. These forms will be used in the County Court and First-tier Tribunal (Property Chamber) respectively.

8. Applicable Guidance

8.1 Updated guidance for landlords and tenants on the use of 'Form 3A: Notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy in the private rented sector' will be published alongside Form 3A from 1 May 2026 on the assured tenancy forms webpage.[3]

8.2 Following Royal Assent of the RRA, the government published non-statutory guidance for landlords and letting agents to help them prepare for commencement of the RRA, and the other relevant statutory instruments that come into force on 1 May 2026.

8.3 Further guidance and information for landlords, letting agents and tenants will be published in advance of the instrument coming into force on 1 May 2026.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the expected impact on businesses is low, and a full assessment of the reforms introduced by the RRA was produced in the Impact Assessment.[4]

9.2 This instrument introduces prescribed forms that replace existing ones. There are around 2.3 million landlords in the UK who will be impacted by this instrument, however, the estimated cost per business is minimal, consisting mainly of a one-off familiarisation cost. The forms will be freely available online, and no additional fees or ongoing costs are anticipated. Overall, the net effect of the instrument is negligible, with no significant benefits or burdens beyond streamlining existing processes.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies. The main upfront cost will be time spent familiarising with the new forms, which will be freely available online. No additional fees or ongoing costs are anticipated.

9.4 As the vast majority of landlords have fewer than 50 employees and a turnover of less than £10 million, they would be considered as a small and/or micro business (SMB). Government has not exempted SMBs as this would undermine the policy intent of this instrument and the wider aims of the RRA.

9.5 To minimise the impact of the requirements on small or micro businesses (employing up to 50 people), the government has undertaken an extensive communications

[3] https://www.gov.uk/guidance/assured-tenancy-forms
[4] https://www.gov.uk/government/publications/renters-rights-bill-impact-assessment

programme in advance of the measures coming into force, including preparing extensive guidance to support landlords and letting agents to support compliance.

9.6 To further minimise impacts, the government has engaged with stakeholder groups to inform design of the forms, has included updated in-form guidance, and is publishing the forms online ahead of the 1 May 2026 implementation date to allow for familiarisation.

9.7 There is no, or no significant, impact on the public sector because the prescribed forms replace existing forms, versions have been sent to HMCTS and will be published online in advance to allow for training and familiarisation.

9.8 We expect no significant impact on charities and the voluntary sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 We will monitor this legislation as part of our evaluation of the impact of our private rented sector reform programme and the RRA. This will assess how effectively we have met the government's aim to deliver a fairer, more secure and higher quality private rented sector.

10.2 This evaluation will make use of data collected through interviews, surveys, and focus groups with tenants, landlords, letting agents, third sector organisations, delivery partners, and government officials. We will also use data from surveys such as the English Housing Survey and the English Private Landlord Survey.

10.3 Reports will be prepared two and five years after the implementation date of 1 May 2026.

10.4 The department intends to undertake user research with relevant stakeholders on the use of prescribed tenancy forms. This research would test real-life use of the forms, focusing on clarity, accessibility, and the guidance provided. Insights could be used to inform future improvements to forms across both the private and social rented sectors to ensure they are user-friendly.

10.5 The department will also continue to work closely with HMCTS to monitor any emerging issues which are identified with the use of the forms in the courts and tribunals. Where necessary, forms will be updated to reflect legal or procedural developments. Any updates will be made only where clearly required, and the sector will be given appropriate notice before any changes take effect.

10.6 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Matthew Pennycook has made the following statement:

"It would be inappropriate to include a statutory review clause as the government has already committed to an ongoing review of the impacts of the Renters' Rights Act, with plans to publish evaluation findings two and five years after the implementation date of 1 May 2026."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is not subject to parliamentary procedure, no statement is required.

13. The Relevant European Union Acts

13.1 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”).