EXPLANATORY MEMORANDUM TO

THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR AND SOCIAL RENTED SECTOR (ENGLAND) (AMENDMENT) REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Matthew Pennycook MP, Minister of State (Minister for Housing and Planning) at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Ruhena Ahmed, Deputy Director for Social Housing Quality and Residents, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Luke Spanton at the Ministry of Housing, Communities and Local Government. Telephone 030 3444 0000 or email correspondence@communities.gov.uk with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 ("the 2020 Regulations`") to ensure that the Regulations remain aligned with the current electrical safety standard set out in the 18th Edition of the Wiring Regulations, published as British Standard 7671 (BS 7671) and it clarifies when inspections and testing of electrical installations, and checks of electrical appliances in social homes, are required before a tenancy commences.

Where does the legislation extend to, and apply?

4.2 The territorial extent of this instrument is England and Wales.

4.3 The territorial application of this instrument is England.

5. Policy Context

What is being done and why?

5.1 Electrical safety requirements in the rented sector are framed by reference to national standards for electrical installations set out in BS 7671. The 2020 Regulations require

landlords to ensure that electrical safety standards are met and that electrical installations are inspected and tested periodically by a qualified person and before a specified tenancy commences. The Regulations also prescribe the steps landlords must take following an inspection and the documentation to be provided to tenants and local authorities. The 2020 Regulations also require social landlords to ensure that electrical appliances provided under a specified tenancy are checked periodically by a qualified person and before a specified tenancy commences.

5.2 The Institution of Engineering and Technology (IET), which publishes BS 7671, has updated the standard to clarify the correct use of classification codes in electrical installation condition reports. In particular, the updated standard clarifies that the further investigation classification code is commonly used inappropriately and is not in itself an unsatisfactory outcome.

5.3 The updated BS 7671 also distinguishes clearly between observations that render an installation unsatisfactory and observations that are advisory only. C1 and C2 observations continue to require urgent or remedial action respectively, because they indicate danger or potential danger. By contrast, C3 and FI do not, of themselves, produce an unsatisfactory outcome. The policy intention is that the 2020 Regulations should mirror that distinction so that landlords are only under the statutory post-inspection duties that correspond to unsatisfactory outcomes.

5.4 The instrument therefore removes requirements relating to "further investigation" from regulation 3 with the effect that, where a FI classification is used in the post-inspection report, no further action is required under the Regulations. This aligns the Regulations with the latest technical standard.

5.5 The instrument also clarifies when an inspection under regulation 3 of the 2020 Regulations or check under regulation 3B is required before a specified tenancy commences. The long-standing policy intention of the Regulations is that electrical installations must be inspected and tested at least every five years, or more frequently if the last report specifies a shorter interval, with similar requirements applying under regulation 3B in relation to the timing of checks of electrical appliances provided under a tenancy of social housing. An inspection under regulation 3 or check under regulation 3B is only required before a specified tenancy commences if there has been no appropriate inspection or check previously, if the inspection or check took place more than 5 years ago, or if the report or record obtained following the inspection or check is no longer current because the date by which it indicates that a further inspection or check must take place has passed.

5.6 These changes are intended to ensure that the legislation is technically accurate, aligned with industry practice, and easier to operate consistently across the private rented sector and the social rented sector.

5.7 The SI also corrects an incorrect reference to the date by which the next inspection and test must take place in the definition of an 'up to date' check of electrical equipment, as well as some minor drafting errors in the references to paragraphs of regulations.

What was the previous policy, how is this different?

5.8 Before this instrument, the 2020 Regulations imposed requirements relating to the completion of "further investigation" as well as remedial work. That drafting reflected the earlier presentation of classification codes in BS 7671. Following the update to the standard, those requirements no longer accurately reflect the distinction between a

requirement to carry out remedial action and an advisory observation related to further investigation recorded by the qualified person.

5.9 Before this instrument, an inspection under regulation 3(c) or check under regulation 3B was required every 5 years and also before a specified tenancy commenced. This instrument clarifies that an inspection under regulation 3 or check under regulation 3B is only required before a specified tenancy commences if there has been no appropriate inspection or check previously, if the inspection or check took place more than 5 years ago, or if the report or record obtained following the inspection or check is no longer current because the date by which it indicates that a further inspection or check must take place has passed.

5.10 The policy objective is therefore not to introduce a new safety regime, but to clarify and refine the existing one so that it continues to operate as intended after the update to BS 7671.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument amends the 2020 Regulations, which were originally made under sections 122 and 123 of the Housing and Planning Act 2016. In 2025, those Regulations were amended to extend electrical safety duties to the social rented sector. This instrument makes further amendments of a technical and clarificatory nature.

6.2 The amendments remove references to "further investigation" and "further investigative work" in the context of post-inspection requirements for the reasons described above.

6.3 The instrument also amends regulation 3 and regulation 3B to clarify when inspections and testing of electrical installations under regulation 3 and checks of electrical appliances in social homes under regulation 3B are required before a tenancy commences.

6.4 No change is made to the underlying duty on landlords to ensure that electrical safety standards are met during periods of occupation, nor to the broader enforcement architecture in the 2020 Regulations.

Why was this approach taken to change the law?

6.5 Amending secondary legislation is the only way to ensure that the statutory framework remains aligned with the technical standard to which it refers and to mitigate lack of clarity about what the requirement for an inspection before a tenancy commences means. Guidance alone would not be sufficient to resolve inconsistencies or ambiguities in the operative text of the Regulations. The relevant non-statutory guidance will be updated as per paragraph 8.1 below.

7. Consultation

Summary of consultation outcome and methodology

7.1 These amendments are technical and clarificatory in nature. They do not introduce a new regulatory regime but update the 2020 Regulations so that they remain aligned with the current edition of BS 7671 and accurately reflect the original policy intention in relation to the necessity for inspections / checks prior to the commencement of a tenancy. It is therefore not necessary to have a consultation for this instrument.

8. Applicable Guidance

8.1 The Ministry of Housing, Communities and Local Government will update relevant non-statutory guidance for landlords, tenants and local housing authorities, which can be found at https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-and-social-rented-sectors-guidance, to reflect the amendments made by this instrument, including the removal of references to further investigation and the clarification relating to pre-tenancy inspections / checks. The updated guidance will be published before these changes come into force.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as the impact of this instrument is expected to be limited given that the amendments are technical and clarificatory. They align the Regulations with the updated presentation of inspection outcomes in BS 7671 and make explicit the intended requirement relating to pre-tenancy inspections / checks under the existing regime. The amendments do not impose substantive new duties beyond those already intended under the 2020 Regulations.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is low. The removal of references to further investigation aligns statutory follow-up duties to the new presentation of classification codes in BS 7671. The clarification of when a pre-tenancy inspection / check is required should reduce uncertainty and help avoid unnecessary repeat inspections before each new tenancy where a valid report is already in place.

9.3 There is no anticipated significant additional impact on charities or voluntary bodies. The instrument should modestly reduce administrative ambiguity for those responsible for commissioning inspections, interpreting reports and enforcing compliance.

9.4 The instrument is not expected to create a material new burden on local housing authorities. By clarifying the relationship between inspection findings and remedial duties, the amendments may assist consistency in enforcement and communication with landlords.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 As local housing authorities are responsible for enforcing the provisions of this instrument and recording this enforcement, the approach to monitoring this legislation is to contact local housing authority stakeholders at regular intervals to monitor enforcement.

10.2 This instrument amends the 2020 Regulations which include a statutory review clause. This requires the Secretary of State to carry out a review of the regulatory provisions contained in the instrument (including those provisions made by this instrument) and to publish a report setting out the conclusions of that review at least every five years.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument corrects errors in the 2020 Regulations and the Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025 ('the 2025 Regulations'), which amended the 2020 Regulations.

11.2 Those errors are: an erroneous reference to the ISIT record giving the date on which the next 'inspection and test' must take place in the definition of "up to date" in regulation 3(8) inserted by the 2025 Regulations (the correct terminology in relation to an ISIT record is 'check'); and various incorrect references to sub-paragraphs of regulations (rather than paragraphs) in the 2020 Regulations.

11.3 Accordingly the free issue procedure has been applied.

12. European Convention on Human Rights

12.1 Matthew Pennycook MP, Minister of State (Minister for Housing and Planning) at the Ministry of Housing, Communities and Local Government, has made the following statement regarding Human Rights:

12.2 "In my view the provisions of the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) (Amendment) Regulations 2026 are compatible with the Convention rights."

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.