EXPLANATORY MEMORANDUM TO

THE PRIVATE RENTED SECTOR DATABASE 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.

2. Declaration

2.1 The Rt. Hon. Matthew Pennycook MP, 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 Matt Abbott, Deputy Director for the Private Rented Sector at the Ministry of Housing, Communities and Local Government, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Ciara Calvin at the Ministry of Housing, Communities and Local Government 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 The Renters Rights' Act (RRA) 2025 establishes a Private Rented Sector (PRS) Database to help prospective and current landlords understand their legal obligations, give tenants more information before entering into a tenancy agreement and support local authority enforcement.

4.2 These regulations, using powers under sections 63(4), (5) and (8), 77(1) to (3), 78, 79, 80, 81(2) and (6) and 95 of the RRA, specify the requirements for making and renewing entries in the PRS Database. This includes which persons can make an entry, how entries can be made and updated, how active entries become inactive or vice versa and that a fee must be paid for registration or renewal.

Where does the legislation extend to, and apply?

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

4.4 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 enables the establishment of a PRS Database which will require all relevant private landlords in England to register with the service. The PRS Database is being

introduced to increase the effectiveness of local authority enforcement, provide tenants with more information about private landlords and rental properties, and encourage landlord compliance with existing health and safety standards in the sector.

5.2 The PRS Database is being introduced as part of a broader package of reforms to the PRS under the RRA, a landmark piece of legislation that transforms the experience of private renting in England. Whilst most landlords provide good quality housing, for too long a significant minority of tenants have been forced to live in substandard properties with the lowest standards of all housing tenures. The PRS Database is being designed to address this issue; it will support local authorities in raising the quality of private rented housing and improving the efficiency of their enforcement action.

5.3 The primary legislation sets out the foundations and framework for the PRS Database; secondary legislation will specify the detail about how the service will operate. These regulations will set out the process for making entries. A separate statutory instrument, The Renters' Rights Act 2025 (Commencement No. 4) Regulations 2026, will bring the PRS Database provisions in the RRA into force. A third statutory instrument will be introduced at a later date and will legislate for data-sharing with other agencies, specify which information recorded on the Database will be made publicly available, and list the further offences the Database will record.

5.4 These regulations specify a range of different requirements private landlords must fulfil to make a landlord and dwelling entry and be compliant with the provisions in the RRA.

5.5 All landlords operating an assured or regulated tenancy in England must have an active landlord and dwelling entry on the Database. However, any tenancy that is supported exempt accommodation within the meaning of section 12 of the Supported Housing (Regulatory Oversight) Act 2023(e) is exempted from this requirement. Supported housing provides a service, such as care provision for those with various health needs, that is distinct from the wider PRS. To provide clarity and ensure the relevant scrutiny to this sector, these providers have been exempted from the requirement to make an entry on the Database through these regulations.

5.6 Landlords must make an entry on the Database through the online website or the form to be established for the service. In certain circumstances, persons other than a landlord can make an entry on the Database on a landlord's behalf, such as a person in receipt of a power of attorney, a guardian, or where a landlord is deceased. A mortgage company or their agent may also create, renew or update entries on behalf of landlords where the property is in scope of re-possession. Landlords also have the option to delegate responsibility to a property or managing agent for supplying certain information about the rental property. Landlords may choose to do this to reduce their administrative burden.

5.7 A landlord must make a landlord entry and a dwelling entry on the PRS Database. All landlords that are individuals, must create landlord entries, which must include their name and contact information. Landlords that are not individuals, such as companies or trusts, must supply information about that organisation and the relevant persons acting on behalf of that organisation. The information supplied for a landlord entry will ensure landlords can be contacted by local authorities, identified by tenants and providers of private rented housing can be held accountable for property standards. Joint landlords must each make a separate landlord entry on the database but will share a dwelling entry.

5.8 The information that must be recorded to create a dwelling entry is separated into Parts 1 and 2 of Schedule 3 of the Regulations. Part 1 requires information about the rental property, such as the address, the number of bedrooms, the dwelling and ownership type, and whether the property is under let. This data will provide local authorities with valuable information about the location of the property and its property type. Information about any superior landlord, freeholder or property manager must also be supplied. These persons may have responsibility for maintaining certain standards in the property and/or may be in regular contact with the tenant(s).

5.9 Part 2 of Schedule 3 requires that certain tenancy and health and safety information are provided as part of the dwelling entry once occupied by a tenant. For existing lets, this information must be supplied within 28 days of the entry being created. The entry must record the number of occupants and households residing in the property, which will provide information about whether a property must be registered as a house in multiple occupation. The PRS Database will also record information as to whether the property requires a HMO, selective or additional licence. To monitor health and safety standards in the sector, information about compliance with gas safety, electrical safety and energy performance is required. Landlords will also be obliged to record data about rent charges and whether the property is furnished. Key data about the property will be published – to be outlined in a future statutory instrument – which will provide a more informed rental experience for tenants.

5.10 To cover the cost of the administration of the PRS Database and the enforcement of its legislative requirements, a fee must be paid to make and renew a dwelling entry. These regulations do not set the fee, which will allow it to be changed to account for changes such as inflation. The fee is determined by the Database operator with reference to the relevant costs as defined in section 81(4) of the RRA.

5.11 Only one active dwelling entry per property can exist at any one time. However, the regulations have made an exception to this requirement if it is to facilitate the sale of the property which will continue to be privately let by a new landlord.

5.12 Landlord and dwelling entries are either active or inactive. Entries that have met the requirements set out in the RRA and these regulations, such as paying the specified fee and providing the necessary information, will be active from the day they are made. Relevant rental properties cannot be advertised or marketed for let, or let under a residential tenancy if the landlord and/or dwelling entry is inactive.

5.13 To ensure that councils and tenants have access to accurate information, it is imperative that the data recorded on the Database remains up-to-date. Information and documents contained in entries must be updated within 28 days of becoming out of date.

5.14 Entries must be renewed on the PRS Database. This will encourage landlords to review and update any information they have recorded. Active entries will last for a year before they must be renewed; if not renewed, the entry will become inactive. A fee must be paid to renew a dwelling entry.

5.15 We will synchronise renewal points for landlords with two or more properties. Where a landlord has already made a dwelling entry, any subsequent dwelling entries for new properties will have a renewal point that is the same as the first dwelling entry the landlord created. We have created this stipulation to reduce landlords' administrative burden and ensure landlords with multiple properties do not need to renew their dwelling entries at different points.

5.16 This instrument also provides details about the circumstances in which landlord entries become inactive. If no dwelling entry is created within three months of a landlord entry being created, then the landlord entry will become inactive. A landlord entry will also become inactive when the last or only dwelling entry linked to that residential landlord becomes inactive. Local councils or the Database operator can also make a landlord entry inactive in cases where that landlord is subject to a banning order if the property or properties to which the landlord entry is linked are not under let.

5.17 Dwelling entries will be made inactive in the following circumstances. A dwelling entry for a property under let will become inactive if the information listed in Part 2 of Schedule 3 is not recorded within 28 days of the entry being made. Landlords or those listed in Paragraph 17 of Schedule 2 can choose to deactivate the dwelling entry, which makes that entry inactive. The Database operator can also make dwelling entries inactive where the property is no longer under let and where the landlord for the property has changed, or where the landlord, or in cases of joint landlords all the landlords for a property, are subject to banning orders and the property is not under let.

5.18 Landlord and dwelling entries can only be reactivated by the person specified in the entry as the current or prospective landlord, providing they are not subject to a banning order, or by persons listed under Paragraph 17 of Schedule 2.

5.19 The Database operator may also make corrections to entries where errors are found or raised, and entries may be removed if the operator makes the assessment the entry does not meet the requirements for inclusion in the Database.

5.20 The Database operator or a local authority may also choose to verify entries recorded on the Database to ensure the data recorded is accurate and up to date.

5.21 We have set out the circumstances for how entries can become inactive or active, and provided the power to correct or remove entries to maintain data quality and the functionality of the Database. These provisions ensure that erroneous or non-applicable entries, or landlords who are prohibited from operating private lets, are not visible on the Database.

What was the previous policy, how is this different?

5.22 The PRS Database is a new policy, which creates a national service original to England. The devolved administrations each have a version of a landlord register that has been created to meet each region's requirements. Councils in England also have the discretion to introduce selective licencing, a regulatory and enforcement framework that is designed to address specific local issues in the PRS. The Database is different to the devolved administrations' landlord registers and to the selective licencing regime; it has been designed to provide national coverage and meet the needs of the sector in England.

6. Legislative and Legal Context

How has the law changed?

6.1 Chapter 3 of Part 2 of the RRA provides for establishment of a mandatory Private Rented Sector Database to record information about landlords, rental properties and relevant offences for local authority and public use.

6.2 Chapter 1 of Part 2 of the RRA defines "residential landlords" and "relevant tenancies" for the purposes of the Database provisions. Regulation 3 of this

instrument is made using powers in section 63 of the RRA and specifies that a relevant tenancy does not include any tenancy that is for supported exempt accommodation within the meaning of section 12 of the Supported Housing (Regulatory Oversight) Act 2023(c). This exemption only applies to Chapter 3 of Part 2 of the RRA.

6.3 Section 82 of the RRA provides that a rental dwelling cannot be marketed without an active landlord and dwelling entry on the Database and requires a landlord of a dwelling that is let under a residential tenancy to ensure that there is both an active landlord and dwelling entry on the Database. Given those duties, the regulations made under section 77 set out who may make an entry and what that entry must contain. Regulations 4, 5 and 6 work together to set out the requirements.

6.4 Section 77 of the RRA provides the power for the Secretary of State to stipulate who must make landlord or dwelling entries. Regulation 4(1) specifies how an entry must be made (using the website or on a form), and regulation 4 (2) specifies who can make an entry; that is residential landlords or those listed within sub-paragraphs (a) to (j) of paragraph 17 of Schedule. The other persons who can make landlord and dwelling entries on the Database include those acting under power of attorney, acting on the behalf of a deceased landlord's estate (paragraph 17 of Schedule 2) or the mortgagee in the circumstances set out in regulation 4(4)). Regulation 4(5) allows landlords to delegate supplying information for Part 2 of Schedule 3 to a letting agent or property manager. Regulation 4(3) states that landlords subject to banning orders are prohibited from registering with the service.

6.5 Regulation 5 sets out that the information contained in Schedule 2 must be provided to create a landlord entry. Individual landlords must supply their name and contact information. Landlords that are not individuals, such as companies or trusts, must supply information about that organisation and relevant persons acting on behalf of that organisation.

6.6 Regulation 6 sets out the process for creating dwelling entries. Regulation 6(1) stipulates that the information in Parts 1 and 2 of Schedule 3 must be supplied for an active dwelling entry for a dwelling which is under let. For prospective lets, regulation 6(3) requires that only the information in Part 1 of Schedule 2 must be provided for the dwelling entry to be active. Part 1 of Schedule 3 requires information about the rental property and ownership type. Part 1 of Schedule 3 also requires that information about the landlord or person intending to be the landlord, superior landlord, freeholder or property manager must also be supplied for the dwelling entry. Part 2 of Schedule 3 requires that tenancy and health and safety information are provided as part of the dwelling entry. This includes information about gas and electrical safety, and the rent charged for the rental property. For properties currently under let, Part 1 and 2 of Schedule 3 must be supplied for the dwelling entry to be active.

6.7 Regulation 6(2) and (4) specify other requirements and exceptions to create a dwelling entry. Landlords may make a dwelling entry for a property under let without providing the information in Part 2 of Schedule 3, but this information must be provided within 28 of the dwelling entry being created otherwise the entry becomes inactive by virtue of regulation 11(2)(a). There are exceptions to the information to be provided where the person making the entry falls within paragraph 17 of Schedule 2.

6.8 Regulation 6(5) requires that a fee is paid to create a dwelling entry by the person making the entry.

6.9 Regulation 6(6) and (7) state that only one active dwelling entry per residential property can made unless in circumstances which will facilitate the sale of the property which will continue to be privately let.

6.10 Regulations 7, 8 and 9 legislate for the process for updating the information contained within entries using the powers contained in section 78.

6.11 Regulation 7 sets out that only the residential landlord or those persons who fall within paragraph 17 of Schedule 2 can update active landlord and dwelling entries, however, the landlord may appoint a letting agent or property manager to update the information contained in paragraph 6 of Part 1, or Part 2, of Schedule 3 on their behalf.

6.12 Regulations 8 and 9 stipulate the requirements and deadlines for updating landlord and dwelling entries on the Database.

6.13 Regulation 8 states that active landlord entries for persons who are residential landlords must be updated within 28 days of any information contained within the entry becoming out of date.

6.14 Regulation 9(1) specifies that dwelling entries made for properties before they were under let must supply all information in Part 2 of Schedule 3 once the property is under let, within 28 days of the tenancy for that property beginning. Regulation 9(2) stipulate that any information not provided when the dwelling entry was created by a third party, because regulation 6(4)(a) applied, must be updated within 28 days of the tenancy beginning. Regulation 9(3) requires that any information not provided where an entry for a dwelling that was under let was made by a third party because regulation 6(4)(b) applied must be updated within 28 days of the entry being made. Regulation 9(4) sets out that an active dwelling entry for a dwelling which is under let must be updated within 28 days of the information contained within it becoming out of date.

6.15 Regulation 10 provides the process and circumstances for landlords to renew entries on the PRS Database. Active entries become inactive unless they are renewed (regulation 10(1)), a fee must be paid for renewing entries (regulation10(2)), and entries must normally be renewed every 12 months after they were first created (regulation 10(3)(a) and (b)). Regulations 10(4) and (5) synchronises renewal points for dwelling entries for landlords and joints landlords who register two or more properties. Where a landlord or joint landlord already has an active dwelling entry, any subsequent active dwelling entries that are made or reactivated will have a renewal point that is the same as any existing active dwelling entries.

6.16 Regulation 11 provides other circumstances in which landlord and dwelling entries become inactive. Regulation 11(1) sets out that a landlord entry becomes inactive if no dwelling entry is created 3 months after the landlord entry is created, where the dwelling entry or the last of the dwelling entries for that landlord becomes inactive, or where the landlord is subject to a banning order. Regulation 11(2) sets out the circumstances where a dwelling entry will become inactive. A dwelling entry will become inactive if the information contained in Part 2 of Schedule 3 is not supplied within 28 days. A landlord or any one of the joint landlords for the dwelling can also choose to make the dwelling entry inactive. The Database operator will be able to make the dwelling entry inactive if the dwelling is no longer let under a residential tenancy and the person who intends to become the landlord of the property changes, or where the landlord, or all the landlords in the case of joint landlords, is subject to a banning order.

6.17 Regulation 12 sets out who may reactivate landlord and dwelling entries. Landlords subject to banning orders cannot reactivate landlord entries. A fee must be paid to reactivate a dwelling entry if that occurs after the previous renewal date or before the previous renewal date where the new renewal date for the dwelling entry is after the previous renewal date (in circumstances where a dwelling entry renewal date is synchronised to existing active dwelling entries in accordance with regulation 10(4)).

6.18 Regulation 13 legislates for the verification, correction and removal of entries. The Database operator or local authority may choose to verify entries. The Database operator can amend entries in the case of errors or remove entries that appear to the database operator not to meet the requirements for inclusion in the database.

6.19 Regulation 14 specifies that any fee charged in this instrument will be determined by the Database operator by reference to the relevant costs (which are defined in section 81(4) of the RRA).

Why was this approach taken to change the law?

6.20 Standards in the PRS are the lowest of all housing tenures. The government wishes to improve the quality of housing available to private tenants and drive out criminal landlords from the sector.

6.21 The provisions in the RRA and in this instrument are designed to achieve these aims. Providing more information about the person responsible for a rental property and that property's compliance with health and safety legislation will make local authority enforcement action more efficient. Landlords who provide good quality homes will benefit from a sector where criminal landlords are not undercutting the majority of good landlords and where competition in the market is driven by the standards of rental properties. The service will also support landlords in understanding their obligations. Furthermore, increasing housing quality and the effectiveness of enforcement will improve the experience of private renters. Charging a fee for using the service will ensure that taxpayers are not subsiding the service.

6.22 The successful interventions of the respective landlord registration schemes in the devolved administrations evidence the positive impact this policy and legislative intervention can have on the private rented sector. The PRS Database has been designed to learn from those registers and provide a service that can meet the challenges the sector faces in England and improve privately rented accommodation.

7. Consultation

Summary of consultation outcome and methodology

7.1 The government has not undertaken a formal consultation on the contents of the instrument. During policy development and the creation of the primary legislation for the RRA, the department undertook a discovery phase, digital development and targeted stakeholder engagement to test and refine the regulations.

7.2 The discovery phase and initial policy development that took place in 2021-23 focused on evaluating whether there was a need for a national landlord database and how the service should be designed to meet potential users' needs if one was introduced. The discovery phase highlighted the substantial benefits to the introduction of national database of landlords and properties and the positive influence such a system could bring about by driving improvements in the private rented sector in England. Much of the evidence that informed our legislative and design approach was gathered during this phase of research.

7.3 During the development of this instrument and design of the service, the department has conducted extensive stakeholder engagement with primary user groups, including local council working groups, letting agents, and landlord networks such as the National Residential Landlords Association. This included in-person forums, monthly working groups, and regular user research sessions. The digital development has focused on testing how the Database collects information and refining the user experience on the digital platform.

7.4 Since the beginning of the discovery phase, we have directly engaged with 137 landlords, 214 local authority representatives, 67 property agents, and over 6000 tenants (mainly via a survey). Local authority priorities centred on having access to reliable and comprehensive data that would allow them to identify non-compliance within the PRS. Landlords reported openness to the new service but have shared concerns around burden, duplication, and how any data recorded on the service would be used. Property agents have shown willingness to engage with the new service but require a system that is user friendly and accessible for them to provide information on landlords' behalf. Tenants would like to see reliable data about landlords and rental properties.

8. Applicable Guidance

8.1 Guidance for users will be published before commencement of the service. The Database has also been designed to provide users with specific guidance when they interact with the service. Landlords will be able to contact a support centre if they have any additional enquiries.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for this instrument. An Impact Assessment was produced for the Renters' Rights Act[1]. This SI does not materially alter the impacts as presented in that assessment.

9.2 The cost impact on business, charities and voluntary bodies from this instrument is under the threshold for mandatory assessment; the majority of impacts for the PRS Database have been generated as a result of provision within the RRA and not this instrument.

Impact on businesses, charities and voluntary bodies

9.3 Landlords will face direct financial and administrative impacts from the requirement to register properties on the Private Rented Sector Database, pay the relevant fee, provide compliance information and renew their entries annually. These requirements may affect profitability, particularly where landlords are unable or unwilling to recover costs through rents, and may create additional burdens for those with less established administrative processes. The Database will, however, make obligations clearer, create a single centralised record for evidencing compliance, reduce the risk of inadvertent non-compliance and support a more transparent and better-regulated sector in which responsible landlords can compete on a fairer basis.

9.4 Tenants may experience an indirect impact if some landlords seek to recover the costs of registration, renewal and compliance through higher rents, although the extent of

[1] https://www.gov.uk/government/publications/renters-rights-bill-impact-assessment

any rent pass-through is expected to be limited. Conversely, they will have improved access to information about their landlord and property, helping them make more informed decisions about where to live and who to rent from which, depending on market conditions, may support higher compliance with existing standards, leading to better housing quality, fewer disputes, fewer avoidable moves and wider benefits for tenant security, health and wellbeing.

9.5 The Database will create commercial opportunities for letting agents by generating demand for support with registration, record maintenance and wider compliance activity. They will, however, face reasonable familiarisation costs and may need to adapt processes if they decide to offer such novel services.

9.6 Local authorities will also need to familiarise themselves with the Database to use the information it provides to support enforcement activity, creating implementation and operational impacts that are expected to be met through new burdens funding. They may, however, need to adjust enforcement processes to make effective use of the new information available. Improved access to comprehensive and consistent information on landlords and properties in their area will enable councils to identify non-compliance, prioritise higher-risk cases and target enforcement more effectively. Improved landlord awareness and compliance may also reduce the need for some formal enforcement action over time, helping local authorities make better use of limited resources.

9.7 The legislation does impact small and micro businesses.

9.8 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.

9.9 To minimise the impact of the requirements on small or micro businesses (employing up to 50 people), the government has undertaken an extensive communications programme in advance of the measures coming into force. Furthermore, users have been invited to test and provide feedback about the service through voluntary pilots.

9.10 Although costs should broadly scale with portfolio size, smaller landlords may experience the process as more burdensome in practice because they are less likely to have dedicated administrative capacity, established systems or readily available records. The Database should, however, provide subsequent operational benefits to smaller landlords by clarifying their obligations, providing a structured way to demonstrate compliance and supporting a more level playing field across the 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 Renters' Rights Act. 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 data.

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

10.4 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 MP has made the following statement:

10.5 "The cost associated with making entries on the PRS Database was created by the Renters' Rights Act, not this statutory instrument. Therefore, it would be inappropriate to include a statutory review clause for these regulations."

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 The Minister of State for Housing and Planning has made the following statement regarding Human Rights:

12.2 "In my view the provisions of the Private Rented Sector Database 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 ("relevant European Union Acts").