EXPLANATORY MEMORANDUM TO

THE HOUSING HEALTH AND SAFETY RATING SYSTEM (ENGLAND) (AMENDMENT) (NO. 2) REGULATIONS 2026

2026 No. 629

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 Explanatory Memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Baroness Taylor, Parliamentary Under-Secretary of State (Lords Minister for Housing and Local Government) 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 The instrument amends the Housing Health and Safety Rating System (England) (Amendment) Regulations 2026 ('the 2026 Regulations'). It corrects an error in regulation 10 of the 2026 Regulations (transitional provision: inspections), in order to properly align the transitional provision with the coming into force date of those Regulations.

Where does the legislation extend to, and apply?

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

4.3 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 2026 Regulations make several changes to the way an HHSRS assessment is carried out in order to make these assessments more intuitive for HHSRS assessors and other people engaging with the system.

5.2 The amendments made by the 2026 Regulations are subject to a transitional provision in regulation 10 which is intended to clarify how the 2026 Regulations apply in relation to inspections which begin either before, or on or after the date on which the 2026 Regulations come into force.

5.3 Regulation 10 should have referred to 23rd June 2026, which is the date on which the 2026 Regulations come into force, rather than 22nd June 2026. These Regulations correct regulation 10 of the 2026 Regulations by changing that date to 23rd June 2026.

What was the previous policy, how is this different?

5.4 The policy background can be found in the Explanatory Memorandum to the 2026 Regulations (https://www.legislation.gov.uk/uksi/2026/571/memorandum/contents).

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument corrects an error in regulation 10 of the 2026 Regulations. This change ensures that the transitional provision works as intended.

Why was this approach taken to change the law?

6.2 This was considered the only viable approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Engagement with stakeholders is set out in the Explanatory Memorandum to the 2026 Regulations.

8. Applicable Guidance

8.1 Applicable guidance is set out in the Explanatory Memorandum to the 2026 Regulations.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument. The reasons for this are set out in the Explanatory Memorandum to the 2026 Regulations.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is set out in the Explanatory Memorandum to the 2026 Regulations.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring and review is set out in the Explanatory Memorandum to the 2026 Regulations.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 There is a convention that a negative SI should be laid before Parliament at least 21 days before it comes into force. This instrument is laid in breach of that rule because it is necessary to amend the 2026 Regulations before it comes into force on 23rd June.

11.2 Because this instrument corrects a defective SI, the free issue procedure has been applied.

12. European Convention on Human Rights

12.1 As the guidance is subject to negative procedure and does not amend primary legislation, 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.