EXPLANATORY MEMORANDUM TO

THE RENTERS' RIGHTS ACT 2025 (CONSEQUENTIAL AMENDMENTS) AND TENANCIES (MISCELLANEOUS AMENDMENTS) (ENGLAND) REGULATIONS 2026

2026 No. 325

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government (MHCLG) 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 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 Oliver Boheimer 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 These regulations make amendments to secondary legislation in consequence of the coming into force of Chapter 1 of Part 1 of the Renters' Rights Act 2025 (c. 26) ("the RRA") for the private rented sector, and section 62 of the Act, as provided. These regulations also make minor miscellaneous amendments to the Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1988 (S.I. 1988/2199), and the Transfer of Tenancies and Right to Acquire (Exclusion) Regulations 2012 (S.I. 2012/696).

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 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 Section 143 of the RRA provides the Secretary of State with the power to make provision that is consequential to the Act via regulations. These regulations make these changes. Additionally, the Secretary of State makes these regulations in exercise of the powers conferred by section 42A of the Housing Act 1988, section 180(2A) of the Housing and Regeneration Act 2008, section 158(10) of the Localism Act 2011.

5.3 The amendments made by regulations 2(2)(d) and (e) and 2(3), 3, 5, 7, 10 and 11 apply only in relation to private assured tenancies.

5.4 Regulations 2, 3, 5, 7, 9, 10 and 11 amend or revoke secondary legislation for the private rented sector only to account for changes made by Chapter 1 of Part 1 of the RRA. Chapter 1 of Part 1 of the RRA makes various changes to the Housing Act 1988 (c. 50), including by abolishing shorthold tenancies, so that all tenancies under that Act will now be assured tenancies, and by abolishing evictions under section 21 (also known as 'no fault' evictions).

5.5 Regulation 2 also updates the Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1988 to make minor changes to the drafting and to insert a reference to the First-tier Tribunal.

5.6 Regulations 4 and 6 make amendments to secondary legislation consequential on section 62 of the RRA. Section 62 makes changes to Schedule 14 to the Housing Act 2004 (c. 34) as regards student accommodation that is not a house in multiple occupation.

5.7 Regulation 8 makes both consequential and miscellaneous amendments to the Transfer of Tenancies and Right to Acquire (Exclusion) Regulations 2012 (S.I. 2012/696). The consequential amendments ensure that those assured shorthold tenancies currently exempt from mutual exchange and/or the right to acquire because the rent payable is intermediate rent, mortgage rescue rent or shared ownership rent continue to be exempt when they become assured tenancies. Regulation 8 also updates the definitions of "affordable rent", "intermediate rent" and "mortgage rescue rent" and makes some minor and technical changes to the drafting. The updated definitions are relevant to private and social housing assured tenancies.

5.8 Regulation 12 makes savings provisions to provide that the changes made by regulations 9 and 10 do not apply where certain transitional provisions in Schedule 6 to the RRA apply (relating to where certain possession proceedings had begun before commencement).

What was the previous policy, how is this different?

5.9 Before the RRA, relevant secondary legislation reflected the position in the existing tenancy law regime, largely governed by the Housing Act 1988. For example, by referencing section 21, assured shorthold tenancies ("ASTs"), or fixed term tenancies. These regulations ensure that the relevant secondary legislation reflects changes made by the RRA and make minor amendments to other regulations to reflect provisions made by other previously enacted legislation to provide legal clarity.

6. Legislative and Legal Context

How has the law changed?

6.1 Regulation 2 amends the Assured Tenancies and Agricultural Occupancies (Rent Information) Order 1988 to insert a reference to the First-tier Tribunal and remove references to section 22(1) of the Housing Act 1988 and ASTs which are repealed by the Act. It also make minor drafting changes so that the provision applies where a determination is made by the First-tier Tribunal under section 14, which subsequent to changes made by the RRA, will include determinations of rent payable under the tenancy or new rent proposed in a notice under section 13(2) and 13A(2) of the Housing Act 1988.

6.2 Regulation 3 amends the Long Residential Tenancies (Principal Forms) Regulations 1997. It updates various references within the notes to the forms in the Schedule including removing references to non-shorthold tenancy agreements, updating cross-references to possession grounds and inserting a summary of new ground 18 which is added by the RRA.

6.3 Regulation 4 amends the Representation of the People (England and Wales) Regulations 2001 to insert a reference to new paragraph 3A of Schedule 14 of the Housing Act 2004 which is inserted by the RRA, into regulation 32ZBF(2)(d) which makes provision about the conduct of the annual canvass in relation to certain categories of property. This provides further specification regarding which types of student accommodation will not be a house in multiple occupation (HMO) in England. The amendment ensures that the annual canvass provisions continue to operate as intended in both England and Wales by correctly reflecting the updated structure of the underlying legislation.

6.4 Regulation 5 amends the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 ("the 2003 Regulations"). Under section 11B of the Local Government Finance Act 1992 ("the 1992 Act") billing authorities may charge a discretionary premium in relation to dwellings empty for at least one year (commonly known as an 'empty homes premium'), subject to classes of exceptions prescribed by the Secretary of State. Under section 11C of the 1992 Act billing authorities may charge a discretionary premium on dwellings occupied periodically (commonly known as a 'second homes premium'), also subject to such classes of exceptions as may be prescribed by the Secretary of State under section 11D of the 1992 Act.

6.5 Regulation 5 amends regulation 12(2) of the 2003 Regulations. The 2003 Regulations prescribe the classes of dwelling in relation to which a billing authority may not make a determination to apply a higher amount of council tax. The amendment updates the Class H so that the exception also resets where there has been an assured tenancy, reflecting the changes introduced by the RRA, which removes fixed-term tenancies. This will ensure that landlords or homeowners are not charged a premium while they are actively re-letting the properties or when the property is empty between lets.

6.6 Regulation 6 amends the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 to insert a reference to new paragraph 3A of Schedule 14 of the Housing Act 2004 which is inserted by the RRA. In regulation 2(1)(d)(ii), "4(1)" is replaced with "3A", updating the legislative cross-reference relied on for the exemption. Paragraph 3A provides specification regarding which types of student accommodation will not be a HMO and updates which types of student accommodation will be exempt from Selective Licensing in England, to reflect the RRA.

6.7 Regulation 7 amends the Housing (Tenancy Deposits) (Prescribed Information) Order 2007, replacing the reference to an AST with an assured tenancy as shorthold tenancies will no longer be available.

6.8 Regulation 8 makes both consequential and miscellaneous amendments to the Transfer of Tenancies and Right to Acquire (Exclusion) Regulations 2012 (S.I. 2012/696). The consequential amendments ensure that those ASTs currently exempt from mutual exchange and/or the right to acquire because the rent payable is intermediate rent, mortgage rescue rent or shared ownership rent continue to be exempt when they become assured tenancies. Regulation 8 also updates the definitions of affordable rent, intermediate rent and mortgage rescue rent and makes some minor and technical changes to the drafting. The updated definitions are relevant to private and social housing assured tenancies.

6.9 Regulation 9 amends the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 by removing the reference to section 21 as this refers to a process that will no longer be available.

6.10 Regulation 10 revokes the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015. These regulations only related to ASTs and are therefore no longer needed. The changes made by these regulations do not apply in relation to ASTs that are social housing tenancies, in line with the commencement of Chapter 1 of Part 1 of the RRA.

6.11 Regulation 11 amends the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to remove the references to ASTs that might be new tenancies, as this will not be possible.

6.12 Regulation 12 makes savings provisions to provide that the changes made by regulations 9 and 10 do not apply where certain transitional provisions in Schedule 6 of the 2025 RRA apply. For regulation 9, this means that a request for consent to relevant energy efficiency improvements may not be made whilst possession proceedings are ongoing in accordance with the transitional provisions in the RRA. For regulation 10, this means that the form and requirements as prescribed in regulations 2 and 3 of the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015, will still be valid until possession proceedings have concluded under those transitional provisions.

6.13 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:

6.13.1 The Assured Tenancies (Private Rented Sector) (Prescribed Forms and Transitional Provisions) (England) Regulations 2026

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

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

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

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

6.14 Collectively, these instruments constitute the first phase of implementation of the Renters' Rights Act. The sequencing and rationale for this approach is detailed in the implementation roadmap for the RRA[1], which was published on 13 November 2025.

6.15 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?

6.16 This approach provides the simplest and most appropriate method of ensuring the changes made by Chapter 1 of Part 1 of the RRA are reflected across relevant legislation ensuring legal clarity.

7. Consultation

Summary of consultation outcome and methodology

7.1 We have not conducted public consultation relating to the changes made by this SI as they are minor, technical or corrective in nature. They will ensure that relevant legislation reflects, or is consistent with, the RRA in addition to correcting some defects identified during the policy process.

7.2 The Welsh Government were consulted for the appropriate regulations to ensure they would not have any unintended impacts.

8. Applicable Guidance

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

8.2 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. A full assessment was produced in relation to the Renters' Rights Act 2025[2].

Impact on businesses, charities and voluntary bodies

9.2 There is no additional impact on business, charities or voluntary bodies because this SI merely ensures existing legislation is consistent with changes to be introduced by the Renters Rights Act 2025.

9.3 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.

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

9.4 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, including preparing extensive guidance to support landlords and letting agents to support compliance.

9.5 There is no impact on the public sector because this instrument ensures consistency across legislation.

9.6 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 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, 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 Along with amendments made in consequence of the Renters' Rights Act 2025, this instrument also contains miscellaneous amendments required as a consequence of defects in S.I. 2012/696 and S.I. 2013/1036. The SI Registrar has been consulted, and the free issue procedure has been applied.

12. European Convention on Human Rights

12.1 As the instrument 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 ("relevant European Union Acts").