EXPLANATORY MEMORANDUM TO

THE STUDENT ACCOMMODATION (MISCELLANEOUS PROVISIONS) (ENGLAND) REGULATIONS 2026

2026 No. 327

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 This instrument approves a new Code of practice relating to the management of student accommodation, the ANUK/Unipol Code of Standards for Larger Developments for student accommodation not managed and controlled by educational establishments dated 27 February 2026 ("the new Code of practice"), and revokes approval of the predecessor to that Code.

4.2 This instrument also achieves the effect that a building in England will not be a house in multiple occupation under the Housing Act 2004 (except for the purposes of Part 1, which deals with housing conditions) if it is occupied solely or principally by students at an educational establishment, and that building is controlled and managed by an educational establishment which is a member of a specified Code. The two Codes specified for these purposes are Codes approved under section 233 of the Housing Act 2004 which lay down standards of conduct and practice to be followed with regard to the management of this accommodation and which apply to educational establishments.

4.3 This instrument also implements the exemption for new tenancies granted by private Purpose-Built Student Accommodation (PBSA) providers from the assured tenancy framework in the Housing Act 1988, amended by the Renters' Rights Act 2025 (RRA). This exemption will only extend to those private PBSA providers who are members of the new Code of practice or alternatively where a person acting on their behalf or discharging management functions in respect of the building is a member.

These providers will be able to offer common law tenancies, rather than assured periodic tenancies, the latter of which will be the norm in the wider private rented sector following implementation of Chapter 1, Part 1 of the RRA on 1 May 2026. This brings private PBSA into line with accommodation owned by educational establishments, with which it shares many similarities.

4.4 Finally, this instrument also ensures that where a PBSA provider landlord is a member of the new Code of practice (or a person acting on their behalf or discharging management functions in respect of the building is a Code member), in relation to a tenancy entered into before the 1 May 2026, that landlord will be able to use the student accommodation possession Ground 4A (see Schedule 2 to the Housing Act 1988, as amended by the RRA) as modified by Schedule 6 to the RRA.

Where does the legislation extend to, and apply?

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

4.6 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 However, private PBSA operates on a distinct model, offering fixed-term tenancies aligned with academic years to guarantee availability for incoming students. Applying the new assured tenancy system to PBSA would allow students to leave with two months' notice and require those landlords to rely on statutory grounds for possession, which may not be adequate to regain possession in some circumstances. PBSA developments often have planning conditions restricting occupancy to students, which prevents them letting properties to other types of tenants and could be breached if tenants remain after their studies.

5.3 Therefore, this instrument exempts providers of PBSA from the assured tenancy system introduced by the RRA if they are signed up to a specific government-approved Code of practice. For this purpose, the instrument also approves the new Code of practice, replacing a previous version. The exemption ensures that PBSA can continue to operate on a fixed-term basis while maintaining robust protections for student tenants through mandatory membership of an approved Code of practice.

5.4 This instrument will allow providers to offer fixed-term tenancies for students living in private PBSA in England every year and allow their landlords to take possession as stipulated in the tenancy agreement. It prevents disruption to accommodation availability for the 2026/27 academic year and beyond. Without this exemption, providers could not guarantee rooms for incoming students, creating significant risks to supply and potentially breaching planning restrictions.

5.5 The main benefit of this exemption is preserving a predictable supply of student housing by broadly allowing private PBSA providers to continue operating under a similar model as they have done pre-RRA. The main risk is that students in PBSA will

not benefit from the flexibility and security of the assured tenancy regime, which could be seen as unequal treatment. This risk is mitigated by requiring providers to join a government-approved Code of practice, ensuring standards and protections comparable to those in the assured tenancy system.

5.6 This change is legally significant as it creates a targeted exemption from a major tenancy reform. It balances the government's commitment to improving renters' rights with the practical need to maintain student housing supply and uphold planning frameworks.

5.7 As the exemption is not retrospective, it will not apply to pre-existing tenancies in private PBSA. Those tenancies will become assured periodic tenancies at the transition date on 1 May 2026, along with most other private rented sector tenancies. To minimise the disruption this causes, Schedule 6 to the RRA makes provision to allow landlords of tenancies which would qualify for the exemption had they been entered into after implementation, to take possession of those tenancies using a modified version of ground 4A, the student accommodation ground for possession. This instrument also specifies the new Code of practice for the purpose of this transitional arrangement.

What was the previous policy, how is this different?

5.8 Before implementation of the RRA, PBSA tenancies were generally assured shorthold tenancies (ASTs), which allowed fixed terms aligned with academic years. This model worked well for PBSA because it gave providers certainty of occupancy and students clarity on start and end dates.

5.9 In addition, student tenancies (i.e. one granted to a person who is pursuing or intends to pursue a course of study at a specified educational establishment) could be exempt from the assured tenancy regime only where accommodation was provided by a specified educational institution, as set out in paragraph 8 of Schedule 1 to the Housing Act 1988 ("the 1988 Act"). This policy reflected the assumption that most student housing was university managed. As a result, private providers of PBSA were not included in the exemption in Schedule 1, even though they operate on the same academic-year tenancy model and play a critical role in meeting student housing demand.

5.10 The RRA replaces ASTs with a single assured periodic tenancy model, ending fixed terms and strengthening tenant security. While this benefits most renters, applying it to PBSA would create additional risks that tenants could not be easily replaced due to planning restrictions, or PBSA providers could not secure vacant possession in time for the new academic year.

5.11 To address this, the RRA amends the assured tenancy exemption in paragraph 8 of Schedule 1 to the 1988 Act so that a student tenancy will be exempt from assured status where the tenancy is granted by a "specified body of persons" or, where a person acting on behalf of the landlord or who is appointed to discharge management functions in respect of the relevant building is a member of a specified housing management Code of practice. This amendment to paragraph 8 allows the Secretary of State to define eligibility based on a class of landlords, such as membership of an approved student housing management Code of practice. This change removes the impractical requirement to list every PBSA provider in regulations and ensures a consistent, transparent basis for exemption.

5.12 Using this revised power, this instrument exempts tenancies granted by private PBSA providers who are accredited under the specified government-approved Code of

Practice, or where a person acting on behalf of the private PBSA landlord in respect of the tenancy or is discharging management functions in respect of the building, is accredited under that Code. It also withdraws approval of the previous version of the new Code of practice and approves the updated version reflecting current legislation and standards, including new provisions on building safety, fire safety, tenancy deposits, and dispute resolution. This ensures that while tenancies provided by PBSA providers remain outside the assured tenancy regime, student tenants benefit from appropriate protections.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument amends existing legislation to reflect policy changes introduced by the RRA and to update the regulatory framework for private purpose-built student accommodation. The instrument operates primarily by amending the Student Accommodation (Codes of Management Practice and Specified Educational Establishments) (England) Regulations 2024 ('the 2024 Regulations') and the Assured and Protected Tenancies (Lettings to Students) Regulations 1998 ('the 1998 Regulations'). It also specifies a Code of practice for the purposes of a transitional provision in Schedule 6 to the RRA.

6.2 By way of background, the Housing Act 2004 ("the 2004 Act") introduced a licensing regime for houses in multiple occupation (HMOs) to raise the standards of management of such properties. It also gave the Secretary of State power in section 233 to approve Codes of practice regarding the management of HMOs or excepted accommodation. Excepted accommodation is accommodation that would be licensable if it were not covered by an exception in Schedule 14 to the 2004 Act. Before the changes made by RRA, paragraph 4 of Schedule 14 exempted buildings from HMO status (apart from in relation to Part 1) where those buildings are occupied by students at a specified educational establishment (or an educational establishment of a specified description) and where the person managing and controlling the building is that educational establishment or another specified person/person of a specified description. Those educational establishments who were members of an approved Code, were specified by way of a list in the Schedule to the 2024 Regulations.

6.3 The RRA amended Schedule 14 to the 2004 Act so that paragraph 4 now only applies to buildings in Wales and to create new paragraph 3A which makes similar provision for buildings in England occupied by students. Again, a building in England will not be an HMO (except for Part 1 purposes) where either: (1) it is occupied by students undertaking a full-time course of further or higher education at a specified educational establishment (or at an educational establishment of a specified description) and that educational establishment manages or controls the building, or (2) it is occupied by students undertaking a full-time course of further or higher education at an educational establishment and the person managing or controlling the building is a specified person or person of a specified description.

6.4 Regulation 2(2) approves the new Code of practice, by adding it to the list of approved Codes in Regulation 3 of the 2024 Regulations. Regulation 2(3) revokes regulation 4 of the 2024 Regulations, which previously preserved approval of the old version of the Code of practice through a saving provision. This repeal means the old Code will cease to have effect once the new Code of practice is approved, ensuring that only the updated Code applies going forward.

6.5 Regulation 2(4) then amends the previous method by which student accommodation managed by specified educational establishments is "excepted accommodation" under the Housing Act 2004. Instead of specifying individual educational establishments in the Schedule to the 2024 Regulations, an educational establishment will be specified for the purposes of paragraph 3A of Schedule 14 if it is a member of an approved housing management Code which applies to educational establishments. This ensures that any student accommodation managed by such an establishment is not defined as an HMO for the purposes of the Housing Act 2004 (except for Part 1) and avoids in future the need to maintain a list in the Schedule to those 2024 Regulations.

6.6 Regulation 3 of this instrument amends the 1998 Regulations, which govern when student tenancies are excluded from assured tenancy status under paragraph 8 of Schedule 1 of the Housing Act 1988. The effect of the amendments is that PBSA providers who are members of the approved new Code of practice are treated as 'body of persons' for these purposes. This means that student tenancies granted by such providers will not have assured status.

6.7 Regulation 3(3) inserts a new regulation 5A into the 1998 Regulations to specify the approved new Code of practice for the purposes of paragraph 8(1)(b) of Schedule 1 to the 1988 Act. This ensures that tenancies are also exempt from assured status where a person acting on behalf of the landlord or managing the building is a member of that Code.

6.8 Regulation 4 specifies the approved new Code of practice for the purposes of the transitional provision in paragraph 13 of Schedule 6 to the RRA. That provision modifies student possession Ground 4A for existing tenancies and applies further modifications where the tenancy is a 'qualifying student tenancy'. A tenancy qualifies if the landlord, a person appointed to act on the landlord's behalf, or a person appointed to discharge management functions in respect of the building is a member of the specified Code. Regulation 4 ensures that the new Code of practice is specified for this purpose. This ensures that landlords in these circumstances can rely on a modified Ground 4A to regain possession of existing student tenancies during the transitional period.

6.9 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:

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

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

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

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

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

6.10 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[1], which was published on 13 November 2025.

6.11 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?

6.12 Legislation was required because the powers to approve Codes of practice and to specify educational establishments or bodies of persons for the purposes of exemptions from HMO licensing and assured tenancy status must be exercised through regulations.

6.13 Amending existing Regulations was chosen rather than revoking and replacing, because doing so would have required complex savings provisions to preserve the legal effect of previous approvals. Amending the existing instruments was therefore considered the most proportionate and transparent way to achieve the policy objectives. No alternative non-legislative options were available because the changes required the exercise of statutory powers.

7. Consultation

Summary of consultation outcome and methodology

7.1 Under section 233(2) of the Housing Act 2004, before approving or modifying a Code of practice, the Secretary of State must take reasonable steps to consult persons involved in the management of the specified accommodation and those occupying such accommodation, or bodies representing their interests.

7.2 For this purpose, the department worked closely with Unipol, the Code Administrator, to draft the revised new Code of practice and oversee the consultation process. Unipol conducted a formal consultation between April 2025 and May 2025 with relevant stakeholders. 39 organisations responded to the consultation, including universities, members of Unipol's existing Code of practice which the new Code of practice replaces, and representatives of students and private providers.

7.3 Following the consultation, Unipol reviewed the responses and incorporated changes into the final draft of the Code before asking the Department to approve the new Code of practice. MHCLG monitored progress of the consultation through regular meetings with Unipol and through its membership of the Committee of Management.

7.4 Before approving the new Code of practice, MHCLG consulted further with the British Property Foundation, as representatives of persons involved in the management of accommodation covered by the new Code of practice, and with the National Union of Students as representatives of persons occupying such accommodation about the proposal for the Secretary of State to approve the new Code of practice. Both organisations were satisfied with the consultation and had no further comments on the draft Code submitted for approval.

7.5 The revised Code will be published on the Accreditation Network UK (ANUK) and Unipol websites with paper copies available on request, in line with the requirements of section 233(3) of the 2004 Act. Those managing student accommodation will be required to provide potential or existing student tenants with information about the

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

existence and operation of the revised Code, through the letting and marketing materials and other tenant information.

7.6 The review of the previous version of the Code provided clarity on several areas. This included clarity on managing conflict, the role of the Audit Panel and Complaint Investigator, notice periods students can give to end their agreement and inclusion of the requirement in the assured tenancy regime for tenancy deposits to be protected.

7.7 In addition, the policy of exempting PBSA from the new tenancy system was subject to extensive engagement during the development of the RRA. Annex 10 of the RRA's Impact Assessment[2] states that the option to exclude PBSA was tested in consultations and taken forward because PBSA is distinct from the wider private rented sector, caters specifically to students, is often restricted by planning conditions, and is not designed for long-term occupation. This broader consultation supports the approach taken in this instrument.

8. Applicable Guidance

8.1 Unipol are preparing sector-specific guidance on the exemption for private PBSA providers. This guidance will be published on the Unipol website before the instrument comes into force on 1 May 2026.

8.2 Separately, the department will publish guidance for tenants, including students, to support understanding of the changes introduced by the RRA. This guidance will be made publicly available on GOV.UK ahead of 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 estimated impacts identified in the de minimis impact assessment fall below the level requiring a full assessment. The de minimis impact assessment is published alongside the Explanatory Memorandum.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is limited to private providers of PBSA. Providers who wish to benefit from the exemption from assured status must maintain membership of a government approved Code of practice (or ensure a person appointed to act on their behalf in relation to the tenancy or who discharges management functions in respect of the building maintains such membership). As the majority of providers are already members of the Code, the requirement to be a member or the additional requirements included in the new Code of practice, do not create a significant additional regulatory burden. The removal of the requirement for individual educational establishments to be listed in the Schedule to the 2024 Regulations, will have no impact on private providers.

9.3 For those PBSA providers not currently members of an approved Code, the process of joining the new Code of practice may require minor administrative changes, such as updating tenancy documents or internal systems. In addition, some providers may have to make improvements to ensure their properties meet the standards of the approved Code. These steps are routine and consistent with normal business activities when aligning with an established industry standard.

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

9.4 Transitional impacts on PBSA providers are minimal. Broader impacts of the assured tenancy reforms and ground 4A on existing tenancies are assessed in the Renters' Rights Act impact assessment.

9.5 The instrument preserves existing operational practices for PBSA providers by allowing them to continue offering fixed-term tenancies aligned with the academic year. This avoids the operational disruption that would arise if PBSA were required to use assured periodic tenancies, including risks to predictable supply and potential conflict with planning conditions.

9.6 There is no, or no significant, impact on charities or voluntary bodies, as PBSA providers are predominantly commercial companies. There is minimal impact on students, as the instrument preserves the existing PBSA tenancy model, allowing students to continue accessing fixed-term, academic-year-aligned accommodation as under current arrangements.

9.7 The legislation does impact small or micro businesses. However, it does not impose a disproportionate cost on them. Small and micro PBSA providers are affected in the same way as larger providers, and where a provider is not currently a member of an approved Code of practice, joining the Code represents a new requirement but one that is routine within the sector.

9.8 No separate exemption for small or micro businesses has been applied, as the requirements are limited, proportionate, and consistent with established industry practice.

9.9 There is no, or no significant, impact on the public sector because the instrument preserves existing PBSA operating models and avoids planning enforcement risks that would otherwise fall on local authorities.

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 on achieving the government's aim of delivering 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 We also plan to undertake some targeted work on students as part of our wider monitoring of the RRA reforms, which may help us understand how different groups experience the changes.

10.5 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 de minimis impact assessment indicates there is no expected significant annualised impact on business. The government has also 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 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").