EXPLANATORY MEMORANDUM TO

THE TRIBUNAL PROCEDURE (FIRST-TIER TRIBUNAL) (PROPERTY CHAMBER) (AMENDMENT) RULES 2026

2026 No. 391 (L. 5)

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Sackman KC MP, Minister of State for Courts and Legal Services at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

2.2 Rawfiah Choudry, Deputy Director for Tribunals, Fees and Irregular Migration Policy at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Vijay Parkash at the Ministry of Justice can be contacted by email at the following address with any queries regarding this instrument: Vijay.Parkash@justice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instruments

What does the legislation do?

The Tribunal Procedure (First-tier Tribunal) (Property Chamber) (Amendment) Rules 2026 ("the Amendment Rules")

4.1 The Amendment Rules make amendments to the rules of procedure that apply to the Property Chamber of the First-tier Tribunal ("the FtT") in respect of:

- *Renters' Rights Act:* Amendments to ensure that new cases created by the Renters' Rights Act 2025 ("the Act"), and over which the Act gives the FtT jurisdiction are suitably governed by the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("Property Chamber Rules").

4.2 On the Renters' Rights Act, the Amendment Rules introduces a technical change to the rules to allow for parts of the Renters' Rights Act 2025 to be managed effectively by the FtT. It does this by widening an existing categorisation in the Property Chamber (FtT) of a "residential property case" to include new types of residential property disputes that will appear before the FtT as a result of the Act. These are:

- applications to challenge a rent increase (per Section 13 of the Housing Act 1988, which is amended by Section 6 of the Renters' Rights Act 2025) and
- extending the legislation under which an appeal of a financial penalty levied on a landlord or other person can be brought, to include the:
- Protection of Eviction Act 1977 (relating to illegal eviction and harassment).

- Housing Act 1988 (various).
- Renters' Rights Act 2025 (on discrimination relating to children or benefit status, rental bidding, and in due course relating to non-registration on the Private Rented Sector Database or the associated new Ombudsman).

Where does the legislation extend to, and apply?

4.3 The territorial extent of the Amendment Rules (that is, the jurisdiction(s) of the Property Chamber in which the instrument forms part of the law) is England and Wales, Scotland and Northern Ireland.

4.4 The territorial application of the Amendment Rules (that is, where the instrument produces a practical effect) is the same as the application of the instrument to which the amendments relate. Practically, the amendments that effect the Property Chamber apply to proceedings in England and Wales.

5. Policy Context

What is being done and why?

Accommodating the Renters' Rights Act 2025

5.1 The Renters' Rights Act 2025 ("the Act")[1] delivers the Government's manifesto commitment to transform the experience of the private rented sector.

Key changes of the Act include:

- Ending Section 21 'no fault' evictions of the Housing Act 1988;
- Simplifying the tenancy structure by making all assured tenancies periodic;
- A stronger ability to appeal above-market rents to the Property Chamber; and
- Increasing the number of housing offences and strengthening the ability of local authorities to enforce them via financial penalties.

5.2 This instrument allows for parts of the Renters' Rights Act 2025 to be managed effectively by the FtT from 1 May 2026 onwards. It does this by enabling a sub-set of the new case types to be designated as "residential property cases". This determines the form of procedure followed by the Tribunal in administering these cases. If this change were not introduced, then these cases would not be governed under the procedure determined to be most suitable for residential property cases. This would also be inconsistent with the treatment given to other housing rights relating to residential property.

6. Legislative and Legal Context

How has the law changed?

6.1 The Amendment Rules amend the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

6.2 The Amendment Rules make the amendments set out in paragraphs 5.1 to 5.2, for the reasons given in those paragraphs.

Why was this approach taken to change the law?

6.3 This is the only possible approach to make the necessary changes.

[1] https://www.legislation.gov.uk/ukpga/2025/26/contents

7. Consultation

Summary of consultation outcomes

Accommodating the Renters' Rights Act 2025

7.1 In accordance with paragraph 28(1)(a) of Schedule 5 to the 2007 Act, the TPC has consulted such persons as it considers appropriate which includes individually with all relevant government departments and stakeholders. This includes the President of the Property Chamber of the First-tier Tribunal, the Ministry of Housing, Communities and Local Government and His Majesty's Courts and Tribunals Service, who agree with the changes made by these Amendment Rules.

8. Applicable Guidance

8.1 His Majesty's Courts and Tribunals Service produces guidance for each Tribunal jurisdiction which is issued to parties at key stages of the appeals process and is available here[2].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for this instrument as its impact is expected to be minimal and well below the threshold of £5 million per annum at which an assessment must be prepared.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The MoJ and the TPC approach the monitoring of the impact of changes to the Tribunal Procedure Rules by way of feedback received from the Tribunal, His Majesty's Courts and Tribunals Service and tribunal users.

10.2 The Amendment Rules do not include a statutory review clause. The legislation applies to activities that are undertaken by small businesses in so far as they may be appellants in proceedings before the FtT.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 There are no matters of special interest to Parliament.

12. European Convention on Human Rights

12.1 The Amendment Rules are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

[2] https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about

13. The Relevant European Union Acts

13.1 The Amendment Rules are 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").