EXPLANATORY MEMORANDUM TO

THE CRIMINAL JUSTICE (SENTENCING) (LICENCE CONDITIONS) (AMENDMENT AND REVOCATION) ORDER 2026

2026 No. 911

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.

1.2 This Memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Catherine McKinnell, MP Minister of State at the Ministry of Justice, confirms that this Explanatory Memorandum meets the required standard.

2.2 Gordon Davison, Public Protection Group Director at HM Prison and Probation Service (HMPPS), confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Public Protection Operational Policy Team in Public Protection Group at HM Prison and Probation Service can be contacted at licence.policy@justice.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 This Instrument amends the Criminal Justice (Sentencing) (Licence Conditions) Order 2015 to:

- simplify and restructure the existing standard licence conditions to improve clarity and accessibility; and
- introduce a new standard licence condition relating to passport disclosure and control.

4.2 The effect of these amendments is that all offenders released on licence following a determinate custodial sentence will be subject to a revised set of standard licence conditions, expressed in clearer and more accessible language, and an additional standard condition concerning passport control.

4.3 The instrument also revokes the Criminal Justice (Sentencing) (Licence Conditions) (Amendment) Order 2026 laid on 7 July 2026. The revocation comes into force before the commencement of that Order to prevent it coming into force on the 2 September.

Where does the legislation extend to, and apply?

4.4 The territorial extent of this instrument is England and Wales.

4.5 The territorial application of this instrument is England and Wales.

5. Policy Context

What is being done and why?

5.1 This instrument revokes the Criminal Justice (Sentencing) (Licence Conditions) Order 2026 (No.760) laid on 7 July. The amendment concerns the commence date only and the substantive effect of the instrument (policy context detailed below) is unchanged from the version previously laid before Parliament. Please see section 11 for further detail.

5.2 Offenders released from prison on licence are subject to conditions to which they must adhere. Those which apply automatically to every determinate released offender are known as "standard licence conditions". Prior to the changes made by this instrument there were nine standard licence conditions set out in the Criminal Justice (Sentencing) (Licence Conditions) Order 2015 ("the 2015 Order") which apply to an offender's licence on release.

5.3 This amending Order simplifies the language used to express existing standard licence conditions set out in the 2015 Order and introduces one new standard licence condition relating to passport disclosure and control.

5.4 The primary aim of the Order is to add the passport disclosure and control condition to the set of standard licence conditions.

5.5 In the process of adding the new condition, the language of all standard licence conditions has also been simplified, lowering the required reading age, to improve comprehension and compliance.

5.6 The redrafting of the existing standard conditions forms part of a wider programme of work to improve accessibility of offender-facing licence documentation. This reflects evidence and feedback from stakeholders indicating that individuals on licence are more likely to comply with conditions which are clearly expressed and easier to understand.

5.7 This work has been informed by engagement with offenders and ex-offenders, as well as organisations representing them, to ensure that the revised wording improves comprehension while preserving the existing legal effect of the conditions.

5.8 The passport standard licence condition introduced by this Order requires offenders to disclose information about any existing passports and to seek permission to obtain a passport. This is currently included in licences only as a discretionary additional condition. Its inclusion as a standard licence condition reflects that the conditions can and should be applied consistently to all cases, in line with the standard licence condition not to travel outside of the United Kingdom, the Channel Islands, or the Isle of Man without prior permission.

What was the previous policy, how is this different?

5.9 When an offender serving a determinate sentence or extended determinate sentence is released, the probation practitioner will consider which licence conditions are required to manage any risk that offender may pose in the community. Prior to this instrument, offenders were subject to nine standard licence conditions, with additional conditions imposed on a case-by-case basis, where considered necessary and proportionate.

5.10 This instrument introduces a new standard licence condition on passport disclose and control, a commonly used additional condition, into the standard framework, reflecting its importance to effective supervision and aligning the legal framework

with established operational practice. The instrument also simplifies and restructures the existing standard licence conditions without altering their effect.

5.11 As a result of the Order, all offenders serving a determinate sentence released on licence will be subject to the revised set of standard licence conditions.

5.12 In addition, the revised conditions will apply to offenders already on licence at the point of commencement, supported by administrative processes to notify individuals of the updated requirements.

5.13 These changes form part of a broader set of reforms to the supervision of offenders serving standard determinate sentences, including measures to strengthen public protection and support more effective use of electronic monitoring and other supervisory tools in the community.

5.14 The policy supports the statutory purposes of supervision on licence, including the protection of the public, the prevention of reoffending, and the successful reintegration of offenders into the community.

6. Legislative and Legal Context

How has the law changed?

6.1 Standard licence conditions for determinate sentences are set out in secondary legislation within the Criminal Justice (Sentencing) (Licence Conditions) Order 2015. In order to reduce the complexity of those conditions and introduce the new condition on passport and disclosure control, an amendment order is required.

Why was this approach taken to change the law?

6.2 An SI was required to give effect to the new standard licence condition of passport disclosure and control. The Criminal Justice (Sentencing) (Licence Conditions) (Amendment) Order 2026 was laid on 7 July 2026 to give effect to the above changes. After a decision was made to change the commencement date of the instrument, this SI was laid to revoke the Criminal Justice (Sentencing) (Licence Conditions) (Amendment) Order 2026 and replace it with this Order which retained the same changes as the previous Order but with a different commencement date.

7. Consultation

Summary of consultation outcome and methodology

7.1 Consultation on the introduction of new standard licence conditions was undertaken with practitioners and trade unions as part of the review and update of the Licence Conditions Policy Framework, which sets out the requirements for practitioners responsible for supervising offenders on licence. The views expressed during the consultation were taken into account in the development of the revised Policy Framework.

7.2 Further consultation took place with groups of offenders, ex-offenders, and external agencies supporting offenders in the community specifically to test new terminology and licence template designs. Feedback on the terminology and phrasing informed the final versions of the reworded conditions to improve comprehension. The revised conditions, reflected in the final set of standard conditions updated through the SI, were positively received by the user groups consulted.

8. Applicable Guidance

8.1 The exact regimes for the new and existing conditions where relevant is set out in the HM Prison and Probation Licence Conditions Policy Framework[1].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument.

Impact on businesses, charities and voluntary bodies

9.2 The legislation does not affect small or micro businesses.

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 Policy frameworks, including the Licence Conditions Policy Framework, are subject to regular review.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This Instrument revokes the Criminal Justice (Sentencing) (Licence Conditions) Order 2026 (S.I. 2026/760) laid on 7 July[2]. The amendment has become necessary following the Government's review of the release points of standard determinate sentences, announced by the Prime Minister on 23 July 2026, and the subsequent decision to revise the implementation timetable for the new release arrangements. These decisions were taken after the original instrument had been laid.

11.2 It is not possible for the Probation Service to implement these two changes (the new standard licence condition on passport disclosure and control and the new simplified language to express existing standard licence conditions), separately to implementing the changes to the structure of standard determinate sentences (the Progression Model). The previous Order, alongside the Progression Model, is part of a wider package of changes which have been designed and planned to come into force collectively, affecting all functions across the Service such as guidance to staff and training. In delaying the start date of the Progression Model, other accompanying legislation needs to be aligned to the new start date, so that the Probation Service can deliver successful implementation and provide clarity to probation practitioners.

11.3 The former Order comes into force on 2 September 2026; this SI will revoke that Order. It is necessary to lay this Order in recess to meet the 21 days laying time and to ensure it comes into force before 2 September – the date of commencement of the Order it is repealing. The substantive effect of the instrument is unchanged from the version previously laid before Parliament; the amendments are limited to ensuring that the instrument and accompanying Explanatory Memorandum accurately reflect the revised implementation arrangements. This Instrument is being issued free of charge to all known recipients of the revoked Statutory Instrument (2026/760).

[1] https://www.gov.uk/government/publications/licence-conditions-policy-framework
2. https://www.legislation.gov.uk/uksi/2026/760/made

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").