STATUTORY INSTRUMENTS

2026 No. 31 (C. 4)

CRIMINAL LAW

The Data (Use and Access) Act 2025 (Commencement No. 5) Regulations 2026

Made - - - - 15th January 2026

The Secretary of State makes these Regulations in exercise of the power conferred by section 142(1) of the Data (Use and Access) Act 2025(**a**).

Citation

1. These Regulations may be cited as the Data (Use and Access) Act 2025 (Commencement No. 5) Regulations 2026.

Commencement

2. Section 138 of the Data (Use and Access) Act 2025 (creating, or requesting the creation of, purported intimate image of adult) comes into force on 6th February 2026.

Signed by the authority of the Secretary of State

Alex Davies-Jones
Parliamentary Under Secretary of State
Ministry of Justice

15th January 2026

(**a**) 2025 c.18.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These are the fifth commencement Regulations made under the Data (Use and Access) Act 2025 (c. 18) ("the Act").

Regulation 2 brings into force section 138 of the Act on 6th February 2026.

Section 138(2) inserts new sections 66E, 66F, 66G and 66H into the Sexual Offences Act 2003(**a**) ("the 2003 Act") to provide for new offences relating to creating (section 66E), or requesting the creation of (section 66F), purported intimate images of an adult without consent or reasonable belief in consent. New section 66G sets out relevant definitions that apply to those offences, and new section 66H extends the time limit that applies to these offences, so that prosecutions can be brought at any time that is both within six months from when sufficient evidence comes to the prosecutor's knowledge, and within three years from when the offence was committed

Section 138(3) makes a consequential amendment to section 79(5) of the 2003 Act. The effect of the amendment is to exclude new sections 66E, 66F and 66G from the definition that otherwise applies to references to an "image of a person" for the purposes of Part 1 of the 2003 Act.

Section 138(4) inserts new section 177DA into the Armed Forces Act 2006(**b**) to ensure that where a person commits a service offence, as respects which the corresponding offence under the law of England and Wales is the offence of creating a purported intimate image of an adult under section 66E of the 2003 Act, courts within the Service Justice System have the power to make a deprivation order in respect of the image to which the offence relates, and anything containing it. Such an order could be used to deprive the offender of ownership of the image or anything containing the image, such as a mobile phone, laptop or hard drive.

Section 138(5) amends Schedule 3 to the Serious Crime Act 2007(**c**), to include new section 66F of the 2003 Act, with the effect that a person cannot be guilty under sections 45 or 46 of that Act of encouraging or assisting an offence under section 66F of the 2003 Act.

Section 138(6) inserts a new section 154A into the Sentencing Act 2020(**d**) to ensure that where a person commits an offence under section 66E of the 2003 Act, courts have the power to make a deprivation order in respect of the image to which the offence relates, and anything containing it. Such an order could be used to deprive the offender of ownership of the image or anything containing the image, such as a mobile phone, laptop or hard drive.

An impact assessment has not been prepared for this instrument as a full impact assessment was published in relation to the provisions in the Data (Use and Access) Bill. Copies can be obtained from the UK Government website at https://assets.publishing.service.gov.uk/media/690dd03447ad122f854627a8/data_use_and_access_act_enactment_impact_assessment.pdf or from the Department for Science, Innovation and Technology at 22-26 Whitehall, London, SW1A 2EG, United Kingdom.

(**a**) 2003 c. 42.
(**b**) 2006 c. 52.
(**c**) 2007 c. 27.
(**d**) 2020 c. 17.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Data (Use and Access) Act 2025 (c. 18) have been brought into force, so far as they were not already in force (see section 142(2) of that Act), by commencement Regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Part 1	20th August 2025	2025/904
Part 2 (partially)	1st December 2025	2025/1213
section 72 (partially)	20th August 2025	2025/904
section 74	20th August 2025	2025/904
section 79	5th September 2025	2025/996
section 84	20th August 2025	2025/904
section 88	5th September 2025	2025/996
sections 89 to 90	17th November 2025	2025/996
sections 91 to 93	20th August 2025	2025/904
section 95	20th August 2025	2025/904
section 102	20th August 2025	2025/904
section 104	20th August 2025	2025/904
sections 106 to 109	20th August 2025	2025/904
section 110 (partially)	20th August 2025	2025/904
section 111	20th August 2025	2025/904
section 113	20th August 2025	2025/904
section 117 (partially)	20th August 2025	2025/904
section 124	30th September 2025	2025/982
section 125	20th August 2025	2025/904
section 129	20th August 2025	2025/904
sections 134 to 137	20th August 2025	2025/904
Schedule 11 (partially)	20th August 2025	2025/904
Schedule 14	20th August 2025	2025/904

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ISBN 978-0-34-827859-0

£6.40

http://www.legislation.gov.uk/id/uksi/2026/31