*Draft Regulations laid before Parliament under sections 41B(10) and 407(7) of the Sentencing Act 2020 (c. 17), for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2026 No.

# PRISONS, ENGLAND AND WALES

## The Sentencing Act 2020 (Prison Sanctions) Regulations 2026

*Made - - - -* ***

*Coming into force in accordance with article 1(2)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 41B(4) to (9) of the Sentencing Act 2020(**a**).

In accordance with sections 41B(10) and 407(7) of that Act, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Sentencing Act 2020 (Prison Sanctions) Regulations 2026.

(2) These Regulations come into force on the day on which section 1 of the Victims and Courts Act 2026(**b**) comes into force.

(3) These Regulations extend to England and Wales.

**Prison sanctions for contempt**

**2.**—(1) The sanctions specified for the purposes of section 41B of the Sentencing Act 2020 are—

(a) forfeiture of any of the privileges—

(i) under rule 6 of the Young Offender Institution Rules 2000(**c**) for a period not exceeding 21 days where the offender is aged 18, 19 or 20 and is to be taken to a young offender institution for detention immediately after the prison sanctions order(**d**) is made;

(ii) under rule 8 of the Prison Rules 1999(**e**) for a period not exceeding 84 days in any other case;

(**a**) 2020 c. 17. Section 41B was inserted by section 1 of the Victims and Courts Act 2026 (c. 19).
(**b**) 2026 c. 19.
(**c**) S.I. 2000/3371, amended by S.I. 2018/549; there are other amending instruments but none is relevant.
(**d**) The meaning of "prison sanctions order" can be found in section 41B(4) of the Sentencing Act 2020.
(**e**) S.I. 1999/728, amended by S.I. 2018/549; there are other amending instruments but none is relevant.

(b) cellular confinement—

(i) for a period not exceeding 10 days where the offender is aged 18, 19 or 20 and is to be taken to a young offender institution for detention immediately after the prison sanctions order is made;

(ii) for a period not exceeding 21 days in any other case;

(c) forfeiture of social visits for a period not exceeding 27 days;

(d) restriction of social visits to once in every period of 28 days for a period not exceeding 84 days.

(2) Where a court makes a prison sanctions order imposing a sanction of cellular confinement, the governor(**a**) of the prison or young offender institution in which the offender is detained must not implement the sanction unless a registered medical practitioner or registered nurse working within the prison or young offender institution has assessed the offender as being medically suitable.

(3) A sanction specified in paragraph (1)(c) or (d)—

(a) must not be imposed on an offender aged 18, 19 or 20 who is to be taken to a young offender institution for detention immediately after the prison sanctions order is made;

(b) does not apply to social visits from a child of the offender and any adult who is appropriately accompanying that child.

(4) In this regulation—

"child of the offender" means a person under the age of 18 in respect of whom the offender—

(a) is a parent, or

(b) has parental responsibility within the meaning of section 3 of the Children Act 1989(**b**);

"social visit" means an in-person visit to an offender, but does not include visits from a person acting in a professional or official capacity.

**Governor powers**

**3.** The governor of the prison or young offender institution in which an offender is detained may at any time decide not to implement, or may otherwise delay, pause or reduce the period of, any sanction imposed on the offender under a prison sanctions order if satisfied that exceptional circumstances exist to justify it—

(a) in an operational emergency;

(b) on compassionate grounds; or

(c) where there are serious concerns about the effect of the prison sanctions order on the offender's mental or physical health.

(**a**) The meaning of "governor" can be found in section 41B(11) of the Sentencing Act 2020.
(**b**) 1989 c. 41.

Signed by authority of the Secretary of State for Justice

Minister of State
Ministry of Justice

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations specify the prison sanctions available to be imposed by judges in Crown Courts for contempt of court by an offender following a breach of an order to attend a sentencing hearing. They reflect the punishments that a governor can impose for an offence against discipline as mentioned in rule 55(1)(b), (e), (j) and (k) of the Prison Rules 1999 (S.I. 1999/728) and rule 60(1)(b) and (f) of the Young Offender Institution Rules 2000 (S.I. 2000/3371). These Regulations also provide for the governor to decide, in certain circumstances, not to implement, or to otherwise delay, pause or reduce the period of, any prison sanction imposed under a prison sanctions order.

An impact assessment has not been prepared for this instrument as a full impact assessment was published in relation to the Victims and Courts Act 2026 (c. 19). That impact assessment can be obtained online at: https://assets.publishing.service.gov.uk/media/681b1b1f34321d7b2d873af2/vac-oia-ia.pdf or by writing to the Ministry of Justice, 102 Petty France, London SW1H 9AJ.

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