STATUTORY INSTRUMENTS

2026 No. 993

CRIMINAL LAW, ENGLAND AND WALES

The Sentencing Act 2020 (Special Procedures for Community and Suspended Sentence Orders) Regulations 2026

Made - - - -	*7th September 2026*
Laid before Parliament	*9th September 2026*
Coming into force - -	*5th October 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 395A(1), (3), (4) and (5) of the Sentencing Act 2020(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sentencing Act 2020 (Special Procedures for Community and Suspended Sentence Orders) Regulations 2026.

(2) These Regulations come into force on 5th October 2026.

(3) These Regulations extend to England and Wales.

Special procedures for community and suspended sentence orders

2. A community order(**b**) or suspended sentence order(**c**) qualifies for special procedures for the purposes of a relevant provision(**d**) if the following four conditions are met.

3. The first condition is that the proposed order is made within the period beginning with the day on which these Regulations come into force and ending with 5th April 2028.

4. The second condition is that the court making the order is—

(a) Leeds Magistrates' Court,

(b) Liverpool Magistrates' Court,

(c) North Tyneside Magistrates' Court, or

(d) South Tyneside Magistrates' Court.

5. The third condition is that the person who would be subject to the proposed order is—

(a) a person aged 18 or over at the date of conviction of the offence to which the order relates,

(**a**) 2020 c. 17. Section 395A was inserted by section 153 of, and paragraphs 1 and 2 of Schedule 14 to, the Police, Crime, Sentencing and Courts Act 2022 (c. 32).
(**b**) See section 200(1) of the Sentencing Act 2020 for the meaning of "community order".
(**c**) See section 286(1) of the Sentencing Act 2020 for the meaning of "suspended sentence order".
(**d**) See section 395A(2) of the Sentencing Act 2020 for the meaning of "relevant provision".

(b) a female person, and

(c) not a relevant offender as defined in section 80(2) of the Sexual Offences Act 2003(**a**) at the date of conviction of the offence to which the order relates.

6. Subject to regulation 7, the fourth condition is that none of the offences to which the proposed order relates is—

(a) an offence under section 1 or section 1A of the Prevention of Crime Act 1953(**b**),

(b) an offence under Part 1 of the Firearms Act 1968(**c**),

(c) an offence under section 139(**d**), section 139A(**e**), section 139AA(**f**), section 141(**g**) or section 141A(**h**) of the Criminal Justice Act 1988(**i**),

(d) an offence under section 6 of the Offensive Weapons Act 2019(**j**), or

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(**a**) 2003 c. 42.

(**b**) 1953 c. 14. Section 1 was amended by section 46(1) and (3) of the Criminal Justice Act 1988 (c. 33), section 32(2) of the Magistrates' Courts Act 1980 (c. 43), section 2(1) and (4) of the Offensive Weapons Act 1996 (c. 26), section 32(1) of the Criminal Law Act 1977 (c. 45), sections 410 and 413 of, paragraph 6 of Schedule 24 to, and Schedule 28 to, the Sentencing Act 2020 (c. 17), section 119(2) of, and Part 1 of Schedule 7 to, the Police and Criminal Evidence Act 1984 (c. 60), and section 40(2) of, and paragraph 2 of Schedule 2 to, the Public Order Act 1986 (c. 64). Section 1A was inserted by section 142(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and was amended by section 50(1) to (3) of the Offensive Weapons Act 2019 (c. 17), Schedule 28 to the Sentencing Act 2020 (c. 17), S.I. 2022/500 and S.I. 2023/149.

(**c**) 1968 c. 27. Part 1 was amended by Part III of Schedule 3 to the Theft Act 1968 (c. 60), section 11(8) of, and Part I of the Schedule to, the Criminal Damage Act 1971 (c. 48), section 56(2) of, and Schedule 9 to, the Courts Act 1971 (c. 23), section 29 of the Criminal Justice Act 1972 (c. 71), paragraph 9 of Schedule 9 to the Criminal Law Act 1977 (c. 45), section 77 of, and paragraph 24 of Schedule 14 to, the Criminal Justice Act 1982 (c. 48), sections 1(1) to (3), 2, 20 and 23(1) to (4) and (8) of the Firearms (Amendment) Act 1988 (c. 45), sections 123(6) and 170(2) of, paragraph 6 of Schedule 8 to, and Schedule 16 to, the Criminal Justice Act 1988 (c. 33) sections 1(1) and 2(1) of the Firearms (Amendment) Act 1994 (c. 31), section 168(2) of, and paragraph 24(1) and (2) of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 35(2) of, and Part III of Schedule 7 to, the Armed Forces Act 1996 (c. 46), sections 1, 10, 42(1) and 52 of, paragraph 2(1) and (2) of Schedule 2 to, and Schedule 3 to, the Firearms (Amendment) Act 1997 (c. 5), sections 1 and 2(7) of, and Schedule 1 to, the Firearms (Amendment) (No. 2) Act 1997 (c. 64), section 119 of, and paragraph 14 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37), section 165 (1) of, and paragraph 31 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), sections 37(1), 38(1) and (3), 39(1) to (5) and 92 of, and Schedule 3 to, the Anti-social Behaviour Act 2003 (c. 38), section 304 of, and paragraphs 11 and 12 of Schedule 32 to, the Criminal Justice Act 2003 (c. 44), sections 31(1), 33(1) to (5), 34(1) to (3), 40(1) and 65 of, and Schedule 5 to, the Violent Crime Reduction Act 2006 (c. 38), section 6(2) of, and paragraphs 5 and 6 of Schedule 4 to, the Criminal Justice and Immigration Act 2008 (c. 4), section 14(2) of, and paragraph 30(1) and (2) of Schedule 2 to, the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), section 46(1) and (2) of the Crime and Security Act 2010 (c. 17), section 89(2) of, and paragraph 3 of Schedule 10 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), sections 108(1) to (5), 109(1) and (2) and 110(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 87 of, and paragraph 1(1) to (7) of Schedule 2 to, the Air Weapons and Licensing (Scotland) Act 2015 (asp 10), sections 127, 129(1) to (3) and 130(1) and (2)(a) of the Policing and Crime Act 2017 (c. 3), section 54(1) to (5) of the Offensive Weapons Act 2019 (c. 17), section 2 of, and paragraph 115 of Schedule 2 to, the Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), section 410 of, and paragraph 15 of Schedule 24 to, the Sentencing Act 2020 (c. 17), sections 1 and 2 of the Firearms Act 2023 (c. 49), paragraph 1 of Schedule 1 to the Sentencing Act 2026 (c. 2), section 44(2) of, and Schedule 5 to, the Crime and Policing Act 2026 (c. 20), S.I. 1972/971, S.I. 1992/2823, S.I. 1995/731, S.I. 2010/1759, S.I. 2014/2522, S.I. 2015/1782, S.I. 2019/742, S.I. 2022/500 and S.I. 2023/149.

(**d**) Section 139 was amended by section 3 of the Offensive Weapons Act 1996 (c. 26), section 42(1)(a) of the Violent Crime Reduction Act 2006 and sections 410 and 413 of, paragraph 90 of Schedule 24 to, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(**e**) Section 139A was inserted by section 4(1) of the Offensive Weapons Act 1996 and amended by section 45(1) to (7) of the Offensive Weapons Act 2019 (c. 17), section 42(1)(b) of the Violent Crime Reduction Act 2006 (c. 38), sections 410 and 413 of, paragraph 91 of Schedule 24 to, and Schedule 28 to, the Sentencing Act 2020 (c. 17), section 582(1) of, and paragraph 69 of Schedule 37 to, the Education Act 1996 (c. 56), S.I. 2022/500 and S.I. 2023/149.

(**f**) Section 139AA was inserted by section 142(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and amended by sections 50(4) to (6) and 51 of the Offensive Weapons Act 2019 (c. 17), sections 410 and 413 of, paragraph 92 of Schedule 24 to, and Schedule 28 to, the Sentencing Act 2020 (c. 17), S.I. 2022/500 and S.I. 2023/149.

(**g**) Section 141 was amended by section 46(1) to (16) (not fully in force) of the Offensive Weapons Act 2019 (c. 17) and sections 43(1), (3) to (4) and 65 of, and Schedule 5 to, the Violent Crime Reduction Act 2006 (c. 38).

(**h**) Section 141A was inserted by section 6(1) of the Offensive Weapons Act 1996 (c. 26) and amended by section 43(1) and (2) of the Violent Crime Reduction Act 2006 (c. 38) and sections 34(1), 35(1) and (2) and 36(1) and (2) of the Offensive Weapons Act 2019 (c. 17).

(**i**) 1988 c. 33.

(**j**) 2019 c. 17. Section 6 was amended by section 410 of, and paragraph 443 of Schedule 24 to, the Sentencing Act 2020 (c. 17), S.I. 2023/149 and S.I. 2022/500.

(e) an offence listed in paragraphs 1 to 35D of Schedule 3 to the Sexual Offences Act 2003(**a**).

7.—(1) But the fourth condition will be met where—

(a) any of the offences to which the proposed order is to relate is a specified weapons offence, and

(b) the person who would be subject to the proposed order has not, before the date of conviction of the offence to which the proposed order relates, been convicted of an offence mentioned in paragraphs (a) to (d) of regulation 6.

(2) In this regulation a "specified weapons offence" is an offence under section 1 of the Prevention of Crime Act 1953 or section 139 or section 139A of the Criminal Justice Act 1988.

Signed by authority of the Secretary of State

Catherine McKinnell
Minister of State
Ministry of Justice

7th September 2026

(**a**) 2003 c. 42. Schedule 3 was amended by section 63(2) of, and paragraph 63(1) and (2) of Schedule 6 to, the Serious Crime Act 2007 (c. 27), section 148(1) of, and paragraphs 53 and 58(1) and (2) of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c. 4), section 177(1) of, and paragraph 62(1) and (2) of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25), section 85(1) of, and paragraph 66(1) to (3) of Schedule 4 to, the Serious Crime Act 2015 (c. 9), section 1(1) and (4) of the Voyeurism (Offences) Act 2019 (c. 2), section 410 of, and paragraph 216 of Schedule 24 to, the Sentencing Act 2020 (c. 17), paragraph 16(4) of Schedule 14 to the Online Safety Act 2023 (c. 50), sections 72(3), 80(2) and 99(5) of, and paragraph 16 of Schedule 13 to, the Crime and Policing Act 2026 (c. 20) (not fully in force) and S.I. 2007/296.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Sentencing Act 2020 (c. 17), as amended by the Police, Crime, Sentencing and Courts Act 2022 (c. 32), makes provision for special procedures to apply to community orders and suspended sentence orders in certain cases.

The special procedures give both magistrates' courts and the Crown Court the power to require regular reviews of community and suspended sentence orders in certain cases. A progress report will be produced by probation services for the review hearing and the court may make amendments to certain conditions of the order on considering the report and the outcome of the review discussion. Incentives may be ordered by varying the frequency of review hearings or altering other parts of the order to recognise positive progress. The court may find that a breach of the order has occurred, in which case they may hold a breach hearing where they may make amendments to the order and may commit the offender to custody for up to 28 days on no more than 3 occasions during the order.

These Regulations make provision for a period of 18 months from the date they come into force, during which orders may be made which qualify for special procedures.

The Regulations provide that the courts which may make qualifying orders are Leeds Magistrates' Court, Liverpool Magistrates' Court, North Tyneside Magistrates' Court, and South Tyneside Magistrates' Court.

These Regulations provide that an individual must be aged 18 or over at the date of conviction and must be a female person in order to be eligible to be the subject of an order qualifying for special procedures. Persons who are subject to notification requirements as defined at section 80(2) of the Sexual Offences Act 2003 (c. 42) at the date of conviction will not be eligible.

These Regulations also set out certain categories of offences where an order qualifying for special procedures cannot be made. These include sexual offences and weapons offences. Exception is made for possession offences where these relate to knives or bladed weapons and the offender has not previously been convicted of a listed weapons offence or a possession of a knife or bladed article offence. In the case of first-time possession offences outlined above the court will retain discretion to consider the suitability of the person to take part in the pilot scheme.

A specific need for a female-only pilot has been identified and an equality statement produced. This is published alongside the Explanatory Memorandum for these Regulations on legislation.gov.uk.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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