STATUTORY INSTRUMENTS

2026 No. 217 (C. 18)

IMMIGRATION

The Sentencing Act 2026 (Commencement No. 2 and Transitional Provision) Regulations 2026

Made - - - - 4th March 2026

The Secretary of State makes these Regulations in exercise of the powers conferred by section 49(1) and (5) of the Sentencing Act 2026(**a**).

Citation, extent and interpretation

1.—(1) These Regulations may be cited as the Sentencing Act 2026 (Commencement No. 2 and Transitional Provision) Regulations 2026.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) In these Regulations, "the 2026 Act" means the Sentencing Act 2026.

Provision coming into force on 22nd March 2026

2. Section 45 of the 2026 Act (deportation of foreign criminals) comes into force on 22nd March 2026.

Transitional provision

3. The amendments made by section 45 of the 2026 Act do not apply in relation to periods of imprisonment imposed for offences for which the person was convicted before 22nd March 2026.

Alex Norris
Minister of State
Home Office

4th March 2026

(**a**) 2026 c. 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 45 of the Sentencing Act 2026 ("the 2026 Act") (c. 2).

Section 45(1) amends section 38(1) of the UK Borders Act 2007 (c. 30) in order to make persons who receive suspended sentences of 12 months or more liable to automatic deportation under section 32(2).

Section 45(2) amends section 117D(4) of the Nationality, Immigration and Asylum Act 2002 (c. 41) so that a person who has received a suspended sentence of 12 months or more is included within the definition of a 'foreign criminal' in section 117C. Section 117C sets out factors which a court or tribunal must consider when determining whether a decision made under the Immigration Act 1971 breaches a person's human rights.

Regulation 3 makes transitional arrangements in respect of section 38(1) of the UK Borders Act 2007 and section 117D(4) of the Nationality, Immigration and Asylum Act 2002 for persons convicted prior to 22nd March 2026.

An impact assessment has not been produced for this statutory instrument as no impact, or significant impact, on the private, voluntary or public sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Sentencing Act 2026 are or are due to be brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Sections 30 and 31	Various dates	S.I. 2026/86
Section 32(1) to (3)	Various dates	S.I. 2026/86
Section 32(4)	31.03.2026	S.I. 2026/86
Section 33	Various dates	S.I. 2026/86
Section 44	22.03.2026	S.I. 2026/86
Schedule 4	Various dates	S.I. 2026/86

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