STATUTORY INSTRUMENTS

# 2026 No. 402 (C. 35)

# CRIMINAL LAW

## The Sentencing Act 2026 (Commencement No. 3) Regulations 2026

*Made - - - -* *13th April 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 49(1) and (2) of the Sentencing Act 2026(**a**).

**Citation, extent and interpretation**

**1.**—(1) These Regulations may be cited as the Sentencing Act 2026 (Commencement No. 3) Regulations 2026.

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

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

**Provisions coming into force on 11th May 2026**

**2.** The following provisions of the Act come into force on 11th May 2026—

(a) section 21 (annual report relating to prison capacity);

(b) section 34 and Schedule 5 (repeal of provisions relating to supervision after end of sentence);

(c) section 36 (removal of maximum period for unpaid work requirement);

(d) section 38 (termination of community order);

(e) section 39 (termination of supervision period of suspended sentence order).

**Provision coming into force on 1st June 2026**

**3.** Section 42 of the Act (imprisonment or detention for public protection: termination of licences) comes into force on 1st June 2026.

*Timpson*
Signed by the authority of the Secretary of State
Ministry of Justice

13th April 2026

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

## EXPLANATORY NOTE

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

These Regulations bring into force specified provisions of the Sentencing Act 2026 ("the 2026 Act").

Regulation 2 brings into force section 21, 34, 36 38, 39, and Schedule 5 of the 2026 Act. Section 21 places a duty on the Secretary of State to publish an annual report on prison capacity and repeals a duplicative duty in section 5 of the Prison Act 1952(**a**). Section 34 and Schedule 5 amend the provisions in the Criminal Justice Act 2003(**b**) and the Sentencing Act 2020(**c**) relating to supervision after the end of a sentence.

Section 36 removes the requirement for offenders to perform the hours imposed under an unpaid work requirement within a 12 month period. Sections 38 and 39 introduce a new process for termination of community orders and the supervision period of suspended sentence orders. These will now end on completion of all court-ordered requirements and the offender's sentence plan.

Regulation 3 brings into force section 42 of the 2026 Act. Section 42 amends section 31 of the Crime (Sentences) Act 1997(**d**) to allow offenders serving IPP or DPP sentences to request that the Secretary of State refer their case to the Parole Board to consider licence termination. Section 42 also makes provision to reduce the qualifying period for referring a prisoner who is serving an IPP sentence to the Parole Board for consideration of licence termination. This section provides an early opportunity for licence termination and aligns the IPP sentence with the DPP sentence.

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 have been 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) | 31.3.2026 | S.I. 2026/86 |
| Section 33 | Various dates | S.I. 2026/86 |
| Section 44 | 22.3.2026 | S.I. 2026/86 |
| Section 45 | 22.3.2026 | S.I. 2026/217 |
| Schedule 4 | Various dates | S.I. 2026/86 |

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(**a**) 1952 c. 52.
(**b**) 2003 c. 44.
(**c**) 2020 c. 17.
(**d**) 1997 c. 43.

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