STATUTORY INSTRUMENTS

2026 No. 948 (C. 77)

CRIMINAL LAW

The Sentencing Act 2026 (Commencement No. 5) (Amendment) Regulations 2026

Made - - - - *1st September 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 and extent

1.—(1) These Regulations may be cited as the Sentencing Act 2026 (Commencement No. 5) (Amendment) Regulations 2026.

(2) Any amendment made by these Regulations has the same extent as the provision amended.

Amendment of the Sentencing Act 2026 (Commencement No. 5) Regulations 2026

2.—(1) The Sentencing Act 2026 (Commencement No. 5) Regulations 2026(**b**) are amended as follows.

(2) In the heading and in the text of regulation 3, for "2nd September" substitute "1st October".

Signed by the authority of the Secretary of State

Jake Richards
Parliamentary Under-Secretary of State
Ministry of Justice

1st September 2026

(**a**) 2026 c. 2.
(**b**) S.I. 2026/772 (C. 65).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Sentencing Act 2026 (Commencement No. 5) Regulations 2026 (S.I. 2026/772 (C. 65)) ("the No. 5 Regulations"). The No. 5 Regulations bring into force certain provisions of the Sentencing Act 2026 (c. 2) ("the Act") on specified dates.

Regulation 3 of the No. 5 Regulations provides that sections 12 to 16 (inclusive), 18 and 27 of the Act come into force on 2nd September 2026. These Regulations change that date from 2nd September 2026 to 1st October 2026.

Section 12 of the Act amends Schedule 9 to the Sentencing Code, removing the requirement for a court to specify the maximum number of days an offender may be instructed to participate in rehabilitative activity as part of a community or suspended sentence order, where a "probation requirement" is attached. Section 13 makes amendments to the Sentencing Code to change the name of the "rehabilitation activity requirement" to "probation requirement".

Sections 14 to 16 of the Act amend the Sentencing Code to introduce new community requirements that may be imposed as part of a community or suspended sentence order. The court is permitted to prohibit an offender from driving (section 14), attending public events (section 15) and entering drinking establishments (section 16). Section 18 amends the Sentencing Code to give the Lord Chancellor the power (via secondary legislation in England and Wales, Scotland and Northern Ireland) to add to, or alter, requirements that may be imposed as part of a community or suspended sentence order.

Section 27(1) of the Act amends the Criminal Justice and Court Services Act 2000 (c. 43) to extend the power of the Probation Service to drug test all offenders on licence. Section 27(2) to (7) amend the Criminal Justice Act 2003 (c. 44) to give the Secretary of State powers to include new restrictive conditions on the licences of offenders released from custody. These conditions include prohibiting an offender from driving, attending public events and entering drinking establishments. They also include imposing a restriction zone to limit an offender's movements to a specific geographic location.

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

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ISBN 978-0-34-828665-6

9 780348 286656

£6.40

http://www.legislation.gov.uk/id/uksi/2026/948