STATUTORY INSTRUMENTS

2026 No. 772 (C. 65)

CRIMINAL LAW

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

Made - - - - *1st July 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 interpretation

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

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

Extent

2.—(1) These Regulations extend to England and Wales only, subject as follows.

(2) Regulations 3(c) and 3(h) extend to England and Wales, Scotland and Northern Ireland.

(3) Regulations 3(e) and 4(b) extend to England and Wales, Scotland, Northern Ireland, the Isle of Man and the British overseas territories, except Gibraltar.

Provisions coming into force on 2nd September 2026

3. The following provisions of the Act come into force on 2nd September 2026—

(a) section 12 (removal of requirement to specify maximum number of days);

(b) section 13(1) to (5) (rehabilitation activity requirement renamed probation requirement);

(c) section 13(6) and (7) (rehabilitation activity requirement renamed probation requirement);

(d) section 14(1) to (7) (driving prohibition requirement);

(e) section 14(8) (driving prohibition requirement in the service justice system);

(f) section 15 (public event attendance prohibition requirement);

(g) section 16 (drinking establishment entry prohibition requirement);

(h) section 18 (power to add or alter requirements);

(i) section 27 (licence conditions).

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

Provisions coming into force on 5th October 2026

4. The following provisions of the Act come into force on 5th October 2026—

(a) section 6(1) (finding of domestic abuse);

(b) section 6(2) (finding of domestic abuse in the service justice system).

Provisions coming into force on 18th January 2027

5. Section 37 of the Act (number of hours of work required by unpaid work requirement) comes into force on 18th January 2027.

Signed by the authority of the Secretary of State

Timpson
Minister of State
Ministry of Justice

1st July 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 3 brings into force sections 12 to 16, 18, and 27 of the 2026 Act on 2nd September 2026. Section 12 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 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 and Scotland and Northern Ireland) to add to, or alter, requirements that may be imposed by a community or suspended sentence order.

Section 27(1) 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) amends 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. It also includes imposing a restriction zone to limit an offender's movements to a specific geographical location.

Regulation 4 brings into force section 6 of the 2026 Act on 5th October 2026. Section 6(1) inserts a requirement into the Sentencing Code for a judge to state in open court when, in their view, the offence for which they are passing sentence involves domestic abuse carried out by the offender. Section 6(2) inserts an equivalent provision into the Armed Forces Act 2006 (c. 52) for the service justice system in relation to England and Wales, Scotland, Northern Ireland, the Isle of Man and the British overseas territories (except Gibraltar).

Regulation 5 brings into force section 37 of the 2026 Act on 18th January 2027. Section 37 amends Schedule 9 to the Sentencing Code to introduce an earned reduction in the number of unpaid work hours an offender may be required to complete as part of a community or suspended sentence order. An offender will be eligible to start earning credits after completing a qualifying period of 25% of their sentenced hours with no unacceptable absences or instances of non-compliance. Thereafter, offenders will earn a 30-minute reduction for every hour of unpaid work completed as long as they continue to demonstrate sustained compliance.

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.

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.*
Section 21	11.05.26	S.I. 2026/402
Section 23(1), (2), (6), (8), (11)(b) and (c) and (12) to (15)	02.09.26	S.I. 2026/609
Section 23(3) to (5), (7), (10) and (11)(a) and (d)	Various dates	S.I. 2026/609
Section 24(1)(a)(i) and (iii), (3)(a) and (5)(a)	Various dates	S.I. 2026/609
Section 24(1)(a)(ii), (2) and (6)	02.09.2026	S.I. 2026/609
Sections 30 and 31	Various dates	S.I. 2026/86
Section 32(1) to (3)	Various dates	S.I. 2026/86
Section 32(4)	31.03.26	S.I. 2026/86
Section 33	Various dates	S.I. 2026/86
Section 34	11.05.26	S.I. 2026/402
Section 36	11.05.26	S.I. 2026/402
Section 38	11.05.26	S.I. 2026/402
Section 39	11.05.26	S.I. 2026/402
Section 42	01.06.26	S.I. 2026/402
Section 44	22.03.26	S.I. 2026/86
Section 45	22.03.26	S.I. 2026/217
Schedule 4	Various dates	S.I. 2026/86
Schedule 5	11.05.26	S.I. 2026/402

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