

Sentencing Bill

[AS AMENDED IN COMMITTEE]

CONTENTS

PART 1

SENTENCING

Suspended sentences

- 1 Presumption of suspended sentence order for sentences of 12 months or less
- 2 Custodial sentences that may be suspended

Income reduction orders

- 3 Income reduction orders

Purposes of sentencing

- 4 Purposes of sentencing

Deferment of sentence

- 5 Date to which passing of sentence may be deferred

Finding of domestic abuse

- 6 Finding of domestic abuse

Offenders of particular concern

- 7 Special custodial sentence for certain offenders of particular concern: England and Wales
- 8 Sentence with fixed licence period: Scotland
- 9 Sentence with fixed licence period: Northern Ireland
- 10 Corresponding provision under service law

Rehabilitation activity requirement

- 11 Removal of requirement to specify maximum number of days
- 12 Rehabilitation activity requirement renamed probation requirement

New community order requirements and community requirements

- 13 Driving prohibition requirement
- 14 Public event attendance prohibition requirement
- 15 Drinking establishment entry prohibition requirement
- 16 Restriction zone requirement
- 17 Power to add or alter requirements

Sentencing Council for England and Wales

- 18 Sentencing Council business plan
- 19 Sentencing guidelines

PART 2**MANAGEMENT OF OFFENDERS AFTER SENTENCING***Release*

- 20 Release
- 21 Release: consequential amendments relating to driving disqualification
- 22 Release on licence of certain violent or sexual offenders: service offences
- 23 Limitation of provisions about home detention curfew

Licences

- 24 Licence conditions
- 25 Licence conditions: offenders sentenced under repealed armed forces legislation

Recall and further release

- 26 Power to make provision about recall to prison
- 27 Further release after recall: introductory
- 28 Further release after recall: relevant young offenders suitable for automatic release
- 29 Further release after recall: other offenders eligible for automatic release
- 30 Further release after recall: supplementary

Removal of requirement for supervision after sentence

- 31 Repeal of provisions relating to supervision after end of sentence

Early removal of prisoners liable to removal from the United Kingdom

- 32 Early removal of prisoners liable to removal from United Kingdom

Community order requirements and community requirements

- 33 Removal of maximum period for unpaid work requirement
- 34 Number of hours of work required by unpaid work requirement
- 35 Unpaid work requirement: publication of name and photograph of offender
- 36 Termination of community order

37 Termination of supervision period of suspended sentence order

Parole Board rules

38 Rules about the proceedings of the Parole Board

Repatriated prisoners

39 Application of provisions about release etc to certain repatriated prisoners

Certain life sentences

40 Certain life sentences: powers of High Court on referral

PART 3

BAIL

41 Amendments to Bail Act 1976

PART 4

FOREIGN CRIMINALS

42 Deportation of foreign criminals

PART 5

GENERAL

43 Power to make consequential provision

44 Power to state effect in Sentencing Act 2020 of commencement of amendments made by this Act

45 Extent

46 Commencement

47 Short title

Schedule 1 – Presumption of suspended sentence order: consequential provision

Schedule 2 – Sentence with fixed licence period in Scotland or Northern Ireland: consequential provision

Part 1 – Scotland

Part 2 – Northern Ireland

Schedule 3 – Corresponding provision about sentencing under service law: sentences for offenders of particular concern

Schedule 4 – Offences where offender not eligible for automatic release under section 255BA after recall

Schedule 5 – Repeal of provisions relating to supervision after end of sentence: consequential provision

Part 1 – Amendments consequential on repeals made by section 31

Part 2 – Repeal of provision which inserts or amends provision repealed by section 31 or Part 1 of this Schedule

[AS AMENDED IN COMMITTEE]

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B I L L

TO

Make provision about the sentencing, release and management after sentencing of offenders; to make provision about bail; to make provision about the removal from the United Kingdom of foreign criminals; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

SENTENCING

Suspended sentences

1 Presumption of suspended sentence order for sentences of 12 months or less

(1) The Sentencing Code is amended as follows.
(2) After section 264 insert—

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“264A Presumption of suspended sentence order: offender under 21

(1) This section applies where the court imposes a sentence of detention in a young offender institution for an offence where—
(a) the offender is aged at least 18 but under 21 when convicted of the offence,
(b) the offender is convicted of the offence on or after the day on which section 1 of the Sentencing Act 2025 came into force,
(c) the term of the sentence is not more than 12 months, and
(d) a suspended sentence order is available in relation to that sentence (see section 264).

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(2) The court must make a suspended sentence order in relation to the sentence where this section applies unless the court is of the opinion that there are exceptional circumstances which—

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(a) relate to the offence (or the combination of the offence and one or more offences associated with it) or the offender, and

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(b) justify not making the order.

(3) But this section does not apply if –

- (a) when the sentence is imposed the offender is in custody –
 - (i) pursuant to a custodial sentence or a pre-Code custodial sentence,
 - (ii) having been remanded in custody in connection with another offence which is not an associated offence, or
 - (iii) having been committed to custody by an order of a court,
- (b) when the sentence is imposed the offender is in custody –
 - (i) pursuant to a sentence of service detention, or a custodial sentence, within the meaning of the Armed Forces Act 2006 (see section 374 of that Act),
 - (ii) pursuant to an order under section 214 of that Act (detention for commission of offence during currency of detention and training order etc),
 - (iii) having been kept in service custody in connection with another offence which is not an associated offence,
 - (iv) having been remanded or admitted to hospital under section 35, 36 or 38 of the Mental Health Act 1983 as the section in question has effect by virtue of Schedule 4 to the Armed Forces Act 2006, or
 - (v) having been committed to custody by an order of a service court,
- (c) when the sentence is imposed the offender is detained in a hospital pursuant to –
 - (i) a hospital order within the meaning of section 37 of the Mental Health Act 1983,
 - (ii) an order under section 37 of that Act as it has effect by virtue of Schedule 4 to the Armed Forces Act 2006, or
 - (iii) a direction under section 45A or 47 of the Mental Health Act 1983,
- (d) the sentence of detention in a young offender institution is one of two or more sentences imposed on the same occasion where –
 - (i) the term of any of those sentences is more than 12 months, or
 - (ii) those sentences are to be served consecutively and the terms of those sentences are in aggregate more than 12 months,
- (e) the offence, or an associated offence, is an offence –
 - (i) in respect of which the offender is, or has been, subject to a supervision order, and
 - (ii) for which the court is re-sentencing the offender,
- (f) the offence, or an associated offence, was committed while the offender was subject to a supervision order,

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(g) the commission of the offence, or an associated offence, constituted, or occurred in circumstances closely connected with, a breach by the offender of—

- (i) an order of a court, or
- (ii) an order or award (whether or not of a court) made (anywhere) in proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006, or

(h) the court is of the opinion that making the order would put a particular individual at significant risk of physical or psychological harm. 5

(4) For the purposes of subsection (3)(a)(ii), a person is remanded in custody if—

- (a) remanded in or committed to custody by order of a court,
- (b) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or
- (c) remanded, admitted or removed to hospital under section 35, 36, 38, 44 or 48 of the Mental Health Act 1983. 10

(5) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinions mentioned in subsections (2) and (3)(h). 15

(6) Nothing in this section affects the court’s power to impose a suspended sentence order in a case where this section does not apply. 20

(7) In this section—

- “order of a court” includes an order of a tribunal;
- “supervision order” means any of the following—

- (a) a community order;
- (b) a detention and training order;
- (c) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act); 30
- (d) a referral order;
- (e) a service community order, or an overseas community order, within the meaning of the Armed Forces Act 2006 (see section 374 of that Act);
- (f) a suspended sentence of service detention within the meaning of the Armed Forces Act 2006 (see section 190 of that Act); 35
- (g) a suspended sentence order;
- (h) a youth rehabilitation order.”

(3) After section 277 insert— 40

“277A Presumption of suspended sentence order: person aged 21 or over

(1) This section applies where the court imposes a sentence of imprisonment for an offence where—

(a) the offender is aged 21 or over when convicted of the offence,
 (b) the offender is convicted of the offence on or after the day on
 which section 1 of the Sentencing Act 2025 came into force,
 (c) the term of the sentence is not more than 12 months, and
 (d) a suspended sentence order is available in relation to that
 sentence (see section 277). 5

(2) The court must make a suspended sentence order in relation to the sentence where this section applies unless the court is of the opinion that there are exceptional circumstances which— 10

(a) relate to the offence (or the combination of the offence and one or more offences associated with it) or the offender, and
 (b) justify not making the order.

(3) But this section does not apply if— 15

(a) when the sentence is imposed the offender is in custody—

(i) pursuant to a custodial sentence or a pre-Code custodial sentence,
 (ii) having been remanded in custody in connection with another offence which is not an associated offence, or
 (iii) having been committed to custody by an order of a court, 20

(b) when the sentence is imposed the offender is in custody—

(i) pursuant to a sentence of service detention, or a custodial sentence, within the meaning of the Armed Forces Act 2006 (see section 374 of that Act),
 (ii) having been kept in service custody in connection with another offence which is not an associated offence,
 (iii) having been remanded or admitted to hospital under section 35, 36 or 38 of the Mental Health Act 1983 as the section in question has effect by virtue of Schedule 4 to the Armed Forces Act 2006, 25

(iv) having been committed to custody by an order of a service court, or
 (v) pursuant to a pre-Armed Forces Act 2006 custodial sentence, 30

(c) when the sentence is imposed the offender is detained in a hospital pursuant to—

(i) a hospital order within the meaning of section 37 of the Mental Health Act 1983,
 (ii) an order under section 37 of that Act as it has effect by virtue of Schedule 4 to the Armed Forces Act 2006, or
 (iii) a direction under section 45A or 47 of the Mental Health Act 1983, 35

(d) the sentence of imprisonment is one of two or more sentences imposed on the same occasion where— 40

- (i) the term of any of those sentences is more than 12 months, or
- (ii) those sentences are to be served consecutively and the terms of those sentences are in aggregate more than 12 months,

(e) the offence, or an associated offence, is an offence –

- (i) in respect of which the offender is, or has been, subject to a supervision order, and
- (ii) for which the court is re-sentencing the offender,

(f) the offence, or an associated offence, was committed while the offender was subject to a supervision order,

(g) the commission of the offence, or an associated offence, constituted, or occurred in circumstances closely connected with, a breach by the offender of –

- (i) an order of a court, or
- (ii) an order or award (whether or not of a court) made (anywhere) in proceedings in respect of a service offence within the meaning of the Armed Forces Act 2006, or

(h) the court is of the opinion that making the order would put a particular individual at significant risk of physical or psychological harm.

(4) For the purposes of subsection (3)(a)(ii), a person is remanded in custody if –

- (a) remanded in or committed to custody by order of a court, or
- (b) remanded, admitted or removed to hospital under section 35, 36, 38, 44 or 48 of the Mental Health Act 1983.

(5) For the purposes of subsection (3)(b)(v) “pre-Armed Forces Act 2006 custodial sentence” means any of the following –

- (a) a sentence of imprisonment passed by –

- (i) a court-martial,
- (ii) a Standing Civilian Court,
- (iii) the Court Martial Appeal Court before 31 October 2009, or
- (iv) the House of Lords or the Supreme Court, before 31 October 2009, on an appeal brought from a decision of the Court Martial Appeal Court;

(b) a sentence of custody for life under section 71A(1A) or (1B) of the Army Act 1955 or the Air Force Act 1955 or section 43A(1A) or (1B) of the Naval Discipline Act 1957;

(c) a sentence of detention during Her Majesty’s pleasure under section 71A(3) of the Army Act 1955 or the Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957;

(d) a sentence of detention under section 71A(4) of the Army Act 1955 or the Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;

(e) a custodial order under—

- (i) section 71AA of, or paragraph 10 of Schedule 5A to, the Army Act 1955 or Air Force Act 1955, or
- (ii) section 43AA of, or paragraph 10 of Schedule 4A to, the Naval Discipline Act 1957.

(6) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinions mentioned in subsections (2) and (3)(h). 5

(7) Nothing in this section affects the court’s power to impose a suspended sentence order in a case where this section does not apply. 10

(8) In this section—

- “order of a court” includes an order of a tribunal;
- “supervision order” means any of the following—

- (a) a community order;
- (b) a detention and training order;
- (c) an order under section 211 of the Armed Forces Act 2006 (corresponding order under that Act);
- (d) a referral order;
- (e) a service community order, or an overseas community order, within the meaning of the Armed Forces Act 2006 (see section 374 of that Act);
- (f) a suspended sentence of service detention within the meaning of the Armed Forces Act 2006 (see section 190 of that Act);
- (g) a suspended sentence order;
- (h) a youth rehabilitation order.” 25

(4) Schedule 1 makes consequential amendments. 20

2 Custodial sentences that may be suspended

(1) The Sentencing Code is amended in accordance with subsections (2) to (5). 30

(2) In section 264 (suspended sentence order for offender under 21: availability)—

- (a) in subsection (2), for “2 years” substitute “the maximum term”;
- (b) after subsection (2) insert—

“(2A) But a suspended sentence order is not available in relation to that sentence if—

- (a) in a case where the offender is convicted of the offence before the day on which section 2 of the Sentencing Act 2025 comes into force, subsection (3) applies, or
- (b) in a case where the offender is convicted of the offence on or after that day, subsection (3) or (3A) applies.”; 35

(c) in subsection (3)— 40

- (i) for the words before paragraph (a) substitute “This subsection applies if –”;
- (ii) in paragraph (b), for “2 years” substitute “the maximum term”;
- (d) after subsection (3) insert –
 - “(3A) This subsection applies if –
 - (a) the court imposes a sentence under section 265 (adult offenders of particular concern aged under 21) or 266 (extended sentence for adults aged under 21) in respect of the offence, or
 - (b) the court imposes a sentence under either of those sections or under section 278 (adult offenders of particular concern aged 21 and over) or 279 (extended sentence for adults aged 21 or over) in respect of any other offence for which a sentence is imposed on the same occasion.
 - (3B) For the purposes of this section –
 - (a) if the offender is convicted of the offence before the day on which section 2 of the Sentencing Act 2025 comes into force, the maximum term is 2 years;
 - (b) if the offender is convicted of the offence on or after that day, the maximum term is 3 years.”
- (3) In section 277 (suspended sentence order for person aged 21 or over: availability) –
 - (a) in subsection (2)(b), for “2 years” substitute “the maximum term”;
 - (b) after subsection (2) insert –
 - “(2A) But a suspended sentence order is not available in relation to that sentence if –
 - (a) in a case where the offender is convicted of the offence before the day on which section 2 of the Sentencing Act 2025 comes into force, subsection (3) applies, or
 - (b) in a case where the offender is convicted of the offence on or after that day, subsection (3) or (3A) applies.”;
 - (c) in subsection (3) –
 - (i) for the words before paragraph (a) substitute “This subsection applies if –”;
 - (ii) in paragraph (b), for “2 years” substitute “the maximum term”;
 - (d) after subsection (3) insert –
 - “(3A) This subsection applies if –
 - (a) the court imposes a sentence under section 278 (adult offenders of particular concern aged 21 or over) or 279 (extended sentence for adults aged 21 or over) in respect of the offence, or
 - (b) the court imposes a sentence under either of those sections or under section 265 (adult offenders of

particular concern aged under 21) or 266 (extended sentence for adults aged under 21) in respect of any other offence for which a sentence is imposed on the same occasion.

(3B) For the purposes of this section— 5

- (a) if the offender is convicted of the offence before the day on which section 2 of the Sentencing Act 2025 comes into force, the maximum term is 2 years;
- (b) if the offender is convicted of the offence on or after that day, the maximum term is 3 years.” 10

(4) In section 288 (operational period and supervision period)—

- (a) in subsection (2)(b), for “2 years” substitute “the maximum period”;
- (b) after subsection (2) insert—

“(2A) The maximum period for the purposes of subsection (2)(b) is 3 years if— 15

- (a) the term of the suspended sentence is more than 2 years, or
- (b) the suspended sentence is one of two or more sentences imposed on the same occasion which are to be served consecutively and the terms of those sentences are in aggregate more than 2 years. 20

(2B) Otherwise the maximum period for the purposes of subsection (2)(b) is 2 years.”

(5) In Schedule 22 (amendments of the Sentencing Code etc), in paragraph 54— 25

- (a) the words from “in the heading” to the end of the paragraph become paragraph (a);
- (b) after paragraph (a) insert—

“(b) in subsection (3A)— 30

- (i) in paragraph (a) omit “aged 21 or over” in both places;
- (ii) in paragraph (b) omit the words from “or under” to “adults aged under 21”).”

(6) The Armed Forces Act 2006 is amended in accordance with subsections (7) and (8). 35

(7) In section 200(2)(a) (modifications to provisions in the Sentencing Code about suspended sentence orders), for “200A” substitute “200ZA”. 35

(8) After section 200 insert—

“200ZA Modifications of sections 264 and 277 of the Sentencing Code

(1) Section 264 of the Sentencing Code (suspended sentence order for offender under 21: availability) has effect in relation to a suspended 40

sentence order made by a relevant service court as if in subsection (3A) –

- (a) the reference to a sentence under section 265 of the Sentencing Code were to a sentence to which subsections (2) and (3) of that section apply by virtue of section 224A of this Act (special custodial sentence for certain offenders of particular concern); 5
- (b) the reference to section 266 of the Sentencing Code were to a sentence under that section by virtue of section 219A of this Act (extended sentence for certain violent, sexual or terrorism offenders aged 18 or over); 10
- (c) the reference to a sentence under section 278 of the Sentencing Code were to a sentence to which subsections (2) and (3) of that section apply by virtue of section 224A of this Act; 15
- (d) the reference to a sentence under section 279 of the Sentencing Code were to a sentence under that section by virtue of section 219A of this Act.

(2) Section 277 of the Sentencing Code (suspended sentence order for person aged 21 or over: availability) has effect in relation to a suspended sentence order made by a relevant service court as if in subsection (3A) –

- (a) the reference to a sentence under section 278 of the Sentencing Code were to a sentence to which subsections (2) and (3) of that section apply by virtue of section 224A of this Act; 20
- (b) the reference to a sentence under section 279 of the Sentencing Code were to a sentence under that section by virtue of section 219A of this Act; 25
- (c) the reference to a sentence under section 265 of the Sentencing Code were to a sentence to which subsections (2) and (3) of that section apply by virtue of section 224A of this Act; 30
- (d) the reference to section 266 of the Sentencing Code were to a sentence under that section by virtue of section 219A of this Act.”

Income reduction orders

3 Income reduction orders

(1) In the Sentencing Code, in Part 7 (financial orders and orders relating to property), after Chapter 4 insert – 35

“CHAPTER 5

INCOME REDUCTION ORDERS

161A Income reduction order

(1) In this Code “income reduction order” means an order under this Chapter that – 40

- (a) is made in respect of an offender for an offence, and
- (b) requires the offender, for the period in respect of which the order has effect, to pay such percentage of the offender's excess monthly income as is determined by the court.

(2) For the purposes of subsection (1)(b), "the offender's excess monthly income" means such of the offender's monthly income as exceeds an amount specified in regulations made by the Secretary of State. 5

(3) For the purposes of subsection (2), "monthly income" means monthly income after deduction of such amounts as may be specified in the regulations. 10

(4) The regulations may make further provision about how the court is to determine the offender's monthly income.

(5) The amount specified under subsection (2) must not be less than an amount equal to 170 times the hourly amount of the national minimum wage. 15

(6) For further provision about determining the percentage of the offender's excess monthly income payable under an income reduction order, see section 161B.

(7) In this section "national minimum wage" means such single hourly rate as is for the time being specified in regulations under section 1(3) of the National Minimum Wage Act 1998. 20

161B Determining the amount payable under an income reduction order

- (1) The Secretary of State must by regulations make provision about how the court is to determine the percentage of the offender's excess monthly income payable under an income reduction order. 25
- (2) Provision made by regulations under subsection (1) must secure that the percentage determined by the court does not exceed a specified percentage.
- (3) The percentage specified by virtue of subsection (2) must not exceed twenty per cent. 30
- (4) Provision made by virtue of subsection (1) may include provision for the percentage to depend on (among other things) –
 - (a) the offence or offences committed;
 - (b) how the offender is otherwise dealt with (including, where the offender is fined, the amount of the fine);
 - (c) the age of the offender. 35
- (5) In this section, "specified" means specified in the regulations.

161C Further provision about income reduction orders

(1) The Secretary of State may by regulations make such further provision about income reduction orders as the Secretary of State considers appropriate. 11

(2) Regulations under subsection (1) may make provision about payments under an income reduction order including (among other things) – 5

- (a) provision about the form and manner in which payments must or may be made;
- (b) provision for payments to be made to a specified person, or a person of a specified description;
- (c) provision about the date by which, or period within which, payments must be made;
- (d) provision about interest on any unpaid amounts payable under an income reduction order. 10

(3) Regulations under subsection (1) may – 15

- (a) make provision for monitoring compliance with income reduction orders;
- (b) make provision for the enforcement of income reduction orders, including provision about the recovery of any unpaid amounts under an income reduction order; 20
- (c) make provision about appeals.

(4) The provision that may be made by virtue of subsection (3)(a) and (b) includes – 25

- (a) provision for a specified person, or a person of a specified description, to require the provision of documents or information;
- (b) provision for a specified person, or a person of a specified description, to require the offender to attend at a place and answer questions.

(5) In this section, “specified” means specified in the regulations. 30

161D Income reduction order: availability

(1) An income reduction order is available to a court by or before which an offender is convicted of an offence where – 35

- (a) the offence is committed on or after the date on which section 3 of the Sentencing Act 2025 comes fully into force,
- (b) the offender is aged at least 18 when convicted of the offence,
- (c) the court imposes a suspended sentence order in relation to –
 - (i) the offence, or
 - (ii) a combination of the offence and one or more offences associated with it, and 40
- (d) when the sentence is imposed –

- (i) the offender's monthly income exceeds such amount as is specified in regulations under section 161A(2), or
- (ii) it appears to the court that the offender's monthly income will exceed that amount during the operational period of the suspended sentence order.

(2) The Secretary of State may, by regulations, make provision about circumstances in which a court may not make an income reduction order.

(3) Where an income reduction order is available, the court may make such an order whether or not it also deals with the offender for the offence in any other way.

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161E Making an income reduction order

- (1) An income reduction order must specify –
 - (a) the percentage of the offender's excess monthly income payable under the order,
 - (b) the period for which the order has effect,
 - (c) the date or dates by which payments under the order must be made, and
 - (d) the person to whom payments under the order must be made.
- (2) The period for which the order has effect may not exceed the operational period of the suspended sentence order mentioned in section 161D(1)(c).
- (3) In determining –
 - (a) whether to make an income reduction order against an offender, or
 - (b) the percentage of the offender's excess monthly income payable under the order,

the court must have regard to the offender's means, so far as they appear or are known to the court.
- (4) Where the court considers –
 - (a) that it would be appropriate to impose both an income reduction order and one or more of –
 - (i) a compensation order,
 - (ii) an unlawful profit order, or
 - (iii) a slavery and trafficking reparation order, but
 - (b) that the offender has insufficient means to pay both the income reduction order and appropriate amounts under such of those orders as it would be appropriate to make,

the court must give preference to such of the orders in paragraph (a)(i) to (iii) as it would be appropriate to make (though it may impose an income reduction order as well).

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(5) For the effect of proceedings in relation to confiscation orders on the court’s powers in relation to income reduction orders, see the following provisions of the Proceeds of Crime Act 2002—

- (a) section 13 (where confiscation order has been made);
- (b) section 15 (where proceedings on a confiscation order have been postponed).

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(6) In this section—

“the operational period” has the meaning given by section 288(2);

“slavery and trafficking reparation order” means an order under section 8 of the Modern Slavery Act 2015;

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“unlawful profit order” means an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.

161F Variation or discharge of income reduction order

(1) An income reduction order may be varied or discharged by the court that made it if, on an application by a person within subsection (2), it appears to the court, having regard to any change in the circumstances since the order was made, to be appropriate to do so.

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(2) The persons are—

- (a) the offender;
- (b) an officer of a provider of probation services.

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(3) The power to vary an order includes power to decrease the percentage of the offender’s excess monthly income payable under the order.

(4) But the court may not exercise the power in subsection (1) so as to increase the percentage payable under the order.

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161G Income reduction orders: supplementary

(1) In this Chapter—

“income” means income chargeable to income tax within the meaning of the Income Tax Acts;

“monthly income” has the meaning given by section 161A(3);

“the offender’s excess monthly income” has the meaning given by section 161A(2);

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“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of Senedd Cymru, or
- (d) Northern Ireland legislation;

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(2) The Secretary of State may by regulations amend the definition of “income” in subsection (1).

(3) Regulations under this Chapter may amend primary legislation.

(4) Regulations under this Chapter are subject to the affirmative resolution procedure.”

(2) In Schedule 9 to the Administration of Justice Act 1970 (enforcement of orders for costs, compensation etc.), after paragraph 10 insert –

“10A Where under Chapter 5 of Part 7 of the Sentencing Code a court makes an income reduction order.”

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*Purposes of sentencing***4 Purposes of sentencing**

(1) In section 57(2)(d) of the Sentencing Code (purposes of sentencing: protection of the public), after “public” insert “(including victims of crime)”. 10

(2) In section 237(1)(e) of the Armed Forces Act 2006 (purposes of sentencing: protection of the public), after “public” insert “(including victims of crime)”. 10

*Deferment of sentence***5 Date to which passing of sentence may be deferred**

(1) Section 5 of the Sentencing Code (making a deferment order) is amended as follows. 15

(2) In subsection (2), for the words from “more than” to the end of the subsection substitute “ –

(a) more than 6 months after the date on which the order is made, if the offender was convicted of the offence, or any of the offences, before the relevant date, or 20

(b) more than 12 months after the date on which the order is made, if the offender was convicted of the offence, or all of the offences, on or after the relevant date.”

(3) After that subsection insert – 25

“(2A) In subsection (2) “the relevant date” means the date on which section 5 of the Sentencing Act 2025 came into force.”

Finding of domestic abuse

6 Finding of domestic abuse

(1) In Part 3 of the Sentencing Code (sentencing procedure), after Chapter 5 insert—

“CHAPTER 6

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FINDING OF DOMESTIC ABUSE

56A Finding of domestic abuse

(1) This section applies if—
(a) a court is passing sentence for an offence, and
(b) the court is of the view that the offence involved domestic abuse carried out by the offender.

(2) The court must, in open court, state that in its view the offence involved domestic abuse carried out by the offender.

(3) This section is without prejudice to any duty imposed on the court by section 59 or 60 to follow sentencing guidelines in dealing with the offender for the offence.

(4) In this section “domestic abuse” has the same meaning as in the Domestic Abuse Act 2021 (see sections 1 and 2 of that Act)."

(2) In the Armed Forces Act 2006, after section 253 insert—

“Finding of domestic abuse

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253A Finding of domestic abuse

(1) This section applies if—
(a) a court or officer is passing sentence for a service offence, and
(b) the court or officer is of the view that the offence involved domestic abuse carried out by the offender.

(2) The court or officer must, in open court, state that in the court’s or officer’s view the offence involved domestic abuse carried out by the offender.

(3) In its application to a court, this section is without prejudice to any duty imposed on the court by section 259 to have regard to guidelines in dealing with the offender for the offence.

(4) In this section—
“domestic abuse” has the same meaning as in the Domestic Abuse Act 2021 (see sections 1 and 2 of that Act);
“sentence” includes any order made when dealing with the offender in respect of an offence.”

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Offenders of particular concern

7 Special custodial sentence for certain offenders of particular concern: England and Wales

- (1) The Sentencing Code is amended in accordance with subsections (2) to (6). 5
- (2) In the italic heading before section 252A, for “terrorist” substitute “certain”. 5
- (3) In section 252A (required special sentence of detention for terrorist offenders of particular concern) –
 - (a) in the heading, for “terrorist” substitute “certain”;
 - (b) after subsection (1) insert –
 - “(1A) Subsections (3) to (5) also apply where –
 - (a) a person aged under 18 is convicted of an offence listed in Part 3 of Schedule 13 (offences involving or connected with a threat to national security),
 - (b) the offence was committed on or after the day on which section 7(3) of the Sentencing Act 2025 came into force,
 - (c) the court does not impose –
 - (i) a sentence of detention for life under section 250 for the offence or for an offence associated with it, or
 - (ii) an extended sentence of detention under section 254 for an offence associated with the offence, and
 - (d) the court would, apart from this section, impose a custodial sentence (see, in particular, section 230(2)).”;
 - (c) in subsection (2), after “subsection (1)(d)” insert “or (1A)(d)”;
 - (d) in subsection (6), after “subsection (1)” insert “or (1A)”. 25
 - (4) In section 265 (required special sentence for certain offenders of particular concern) –
 - (a) in subsection (1), after paragraph (a) insert –
 - “(aa) if the offence is listed in Part 3 of that Schedule (offences involving or connected with a threat to national security), the offender was convicted of the offence on or after the day on which section 7(4) of the Sentencing Act 2025 came into force,”;
 - (b) in subsection (1A)(b) –
 - (i) in sub-paragraph (i), at the beginning insert “if listed in Part 1 of Schedule 13 (offences involving or connected with terrorism),”;
 - (ii) after sub-paragraph (i), but before the “or” at the end of it, insert –
 - “(ia) if listed in Part 3 of Schedule 13, was committed before the day on which

section 7(4) of the Sentencing Act 2025 came into force.”.

(5) In section 278 (required special sentence for certain offenders of particular concern) –

(a) in subsection (1), after paragraph (a) insert –

“(aa) if the offence is listed in Part 3 of that Schedule (offences involving or connected with a threat to national security), the offender was convicted of the offence on or after the day on which section 7(5) of the Sentencing Act 2025 came into force.”;

(b) in subsection (1A)(b) –

(i) in sub-paragraph (i), at the beginning insert “if listed in Part 1 of Schedule 13 (offences involving or connected with terrorism);”;

(ii) after sub-paragraph (i), but before the “or” at the end of it, insert –

“(ia) if listed in Part 3 of Schedule 13, was committed before the day on which section 7(5) of the Sentencing Act 2025 came into force.”.

(6) In Schedule 13 (special sentence for offenders of particular concern: offences), after Part 2 insert –

“PART 3

OFFENCES INVOLVING OR CONNECTED WITH A THREAT TO NATIONAL SECURITY

Official Secrets Act 1911

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13 An offence under section 1 of the Official Secrets Act 1911 (spying).

Official Secrets Act 1920

14 An offence under section 7 of the Official Secrets Act 1920 (attempting or inciting etc an offence under the Official Secrets Acts 1911 and 1920) where the offence which the person attempts to commit, solicits or incites or endeavours to persuade another person to commit, or aids or abets and does any act preparatory to the commission of, is an offence under section 1 of the Official Secrets Act 1911.

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National Security Act 2023

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15 An offence under any of the following provisions of the National Security Act 2023 –

- (a) section 1 (obtaining or disclosing protected information);
- (b) section 2 (obtaining or disclosing trade secrets);
- (c) section 3 (assisting a foreign intelligence service);

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- (d) section 4 (entering etc a prohibited place for a purpose prejudicial to the UK);
- (e) section 12 (sabotage);
- (f) section 13 (foreign interference);
- (g) section 17 (obtaining etc material benefits from a foreign intelligence service);
- (h) section 18 (preparatory conduct);
- (i) section 56 (offences relating to Part 2 notices);
- (j) section 65 (requirement to register foreign activity arrangements);
- (k) section 67 (carrying out etc relevant activities pursuant to unregistered foreign activity arrangement);
- (l) section 68 (failure to register relevant activities of specified persons);
- (m) section 74(8) committed in relation to a foreign activity arrangement registered under section 65 or a relevant activity registered under section 68 (failure to comply with registration information requirements);
- (n) section 75(8) committed in relation to an information notice given under section 75(1) (failure to comply with information notice);
- (o) section 77(1) or (2) (provision of false information);
- (p) section 78(1) (carrying out activities under foreign activity arrangement tainted by false information).

Certain electoral offences where foreign power condition met

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16 An offence –

- (a) to which subsection (1)(a) of section 16 of the National Security Act 2023 applies (relevant electoral offences committed on or after specified day), and
- (b) in relation to which it is determined for the purposes of subsection (1)(b) of that section that the foreign power condition is met,

other than an offence under section 89A(4) or (5) of the Political Parties, Elections and Referendums Act 2000.

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Inchoate offences

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17 An inchoate offence in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule.

Certain other offences where foreign power condition met

18 An offence, other than one for which the sentence is fixed by law as life imprisonment –

- (a) which is punishable on indictment with imprisonment for more than 2 years, and

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(b) where it is determined under section 69A that the foreign power condition is met in relation to the conduct that constitutes the offence.”

(7) In section 51A(3)(ba) of the Crime and Disorder Act 1998 (sending cases to the Crown Court: children and young persons), after “252A(1)(a)” insert “or (1A)(a)”. 5

(8) The Criminal Justice Act 2003 is amended as follows –

(a) in section 244A (release on licence of prisoners serving sentence under section 278 of the Sentencing Code etc) –

(i) in subsection (1), after “or under section” insert “252A,”;

(ii) in subsection (6), in the definition of “the appropriate custodial term” after “or under section” insert “252A,”;

(b) in section 256AA(1)(ba) (requirement for supervision after end of sentence) after “section” insert “252A,”;

(c) in section 264(6) (consecutive terms: minimum custodial period), after paragraph (ca), insert –

“(caa) in relation to a sentence imposed under section 252A of the Sentencing Code, two-thirds of the appropriate custodial term determined by the court under that section,”;

(d) in section 268(1A)(c) (meaning of “requisite custodial period” in Chapter 6 of Part 12), after “or under section” insert “252A,”.

(9) In consequence of the amendments made by subsections (3) and (6), the Sentencing Act 2020 is amended as follows –

(a) in section 16A (committal for sentence of young offenders on summary trial of certain terrorist offences) –

(i) in the heading, omit “terrorist”;

(ii) in subsection (1)(a), for “(terrorism offences” substitute “or (1A)(a) (offences”);

(b) in section 19 (committal for sentence on indication of guilty plea by child with related offences) –

(i) in subsection (1)(b), for “(terrorism offences” substitute “or (1A)(a) (offences”;

(ii) in subsection (2)(a), after “252A(1)(a)” insert “or (1A)(a)”;

(c) in section 22(1)(aa) (powers of Crown Court where offender aged under 18 committed for sentence), omit “terrorist”;

(d) in section 166(5) (periods of extension of driving disqualification order where custodial sentence imposed), in entry 1A in the table, for “terrorist” substitute “certain”;

(e) in section 221(2)(ba) (kinds of custodial sentence dealt with by Chapter 2 of Part 10) for “terrorist” substitute “certain”;

(f) in section 398(4)(b), at the beginning insert “Part 1 or 2 of”;

(g) in paragraph 51A of Schedule 22 (amendments of the Sentencing Code), for “terrorist” substitute “certain”;

(h) in paragraph 15(2) of Schedule 27 (transitional provision) –

- (i) in paragraph (za), after “section 252A(1)(c)(i)” insert “and (1A)(c)(i)”;
- (ii) in paragraph (zb), after “section 252A(1)(c)(ii)” insert “and (1A)(c)(ii)”.

(10) If section 31 (repeal of provisions relating to supervision after end of sentence) comes into force before or at the same time as the coming into force of subsection (8), that subsection is to be read as if paragraph (b) were omitted.

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8 Sentence with fixed licence period: Scotland

(1) Section 205ZC of the Criminal Procedure (Scotland) Act 1995 (terrorism sentence with fixed licence period) is amended in accordance with subsections (2) to (5).

(2) In the heading, omit “Terrorism”.

(3) After subsection (1) insert –

“(1A) This section also applies where –

- (a) a person is convicted on indictment of an offence specified in Part 2 of Schedule 5ZB on or after the day on which section 8 of the Sentencing Act 2025 comes into force, and
- (b) the court does not impose one of the following for the offence or for an offence associated with it –

- (i) a sentence of imprisonment for life,
- (ii) a sentence of detention for life,
- (iii) an order for lifelong restriction under section 210F,
- (iv) a serious terrorism sentence of imprisonment under section 205ZA(2),
- (v) a serious terrorism sentence of detention under section 205ZA(6), or
- (vi) an extended sentence under section 210A.

(1B) For the purposes of subsection (1A), an offence is associated with another if –

- (a) the offender –

- (i) is convicted of it in the proceedings in which the offender is convicted of the other offence, or
- (ii) (although convicted of it in earlier proceedings) is sentenced for it at the same time as being sentenced for that offence, or

- (b) in the proceedings in which the offender is sentenced for the other offence, the offender –

- (i) admits having committed it, and
- (ii) asks the court to take it into consideration in sentencing for that other offence.”

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(4) In subsection (2), in paragraph (b), for the words from “before the day” to the end of the paragraph substitute “—

- (i) if the offence is a terrorism offence, before the day on which section 23 of the Counter-Terrorism and Sentencing Act 2021 came into force;
- (ii) if the offence is an offence specified in Part 2 of Schedule 5ZB, before the day on which section 8 of the Sentencing Act 2025 came into force.”

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(5) In subsection (8)(a), after “specified in” insert “Part 1 of”.

(6) Schedule 5ZB to the Criminal Procedure (Scotland) Act 1995 (terrorism offences) is amended in accordance with subsections (7) to (11).

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(7) For the Schedule heading substitute “Offences specified for the purpose of section 205ZC (sentence with fixed licence period)”.

(8) After the Schedule heading (and so that the existing text in the Schedule becomes Part 1 of the Schedule) insert—

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“PART 1

TERRORISM OFFENCES”

(9) In paragraph 7(1) (ancillary offences), after “Part” insert “of this Schedule”.

(10) In paragraph 8 (abolished offences)—

(a) in paragraph (a), after “this” insert “Part of this”;

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(b) in paragraph (b), after “this”, in the first place it occurs, insert “Part of this”.

(11) At the end of the Schedule insert—

“PART 2

OFFENCES INVOLVING OR CONNECTED WITH A THREAT TO NATIONAL SECURITY

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Official Secrets Act 1911

9 An offence under section 1 of the Official Secrets Act 1911 (spying).

Official Secrets Act 1920

10 An offence under section 7 of the Official Secrets Act 1920 (attempting or inciting etc an offence under the Official Secrets Acts 1911 and 1920) where the offence which the person attempts to commit, solicits or incites or endeavours to persuade another person to commit, or aids or abets and does any act preparatory to the commission of, is an offence under section 1 of the Official Secrets Act 1911.

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National Security Act 2023

11 An offence under any of the following provisions of the National Security Act 2023 –

- (a) section 1 (obtaining or disclosing protected information);
- (b) section 2 (obtaining or disclosing trade secrets);
- (c) section 3 (assisting a foreign intelligence service);
- (d) section 4 (entering etc a prohibited place for a purpose prejudicial to the UK);
- (e) section 12 (sabotage);
- (f) section 13 (foreign interference);
- (g) section 17 (obtaining etc material benefits from a foreign intelligence service);
- (h) section 18 (preparatory conduct);
- (i) section 56 (offences relating to Part 2 notices);
- (j) section 65 (requirement to register foreign activity arrangements);
- (k) section 67 (carrying out etc relevant activities pursuant to unregistered foreign activity arrangement);
- (l) section 68 (failure to register relevant activities of specified persons);
- (m) section 74(8) committed in relation to a foreign activity arrangement registered under section 65 or a relevant activity registered under section 68 (failure to comply with registration information requirements);
- (n) section 75(8) committed in relation to an information notice given under section 75(1) (failure to comply with information notice);
- (o) section 77(1) or (2) (provision of false information);
- (p) section 78(1) (carrying out activities under foreign activity arrangement tainted by false information).

Certain electoral offences where foreign power condition met

12 An offence –

- (a) to which subsection (1)(a) of section 16 of the National Security Act 2023 applies (relevant electoral offences committed on or after specified day), and
- (b) in relation to which it is determined for the purposes of subsection (1)(b) of that section that the foreign power condition is met,

other than an offence under section 89A(4) or (5) of the Political Parties, Elections and Referendums Act 2000.

Ancillary offences

13 (1) An attempt to commit an offence specified in the preceding paragraphs of this Part of this Schedule (“a listed offence”).
(2) Conspiracy to commit a listed offence.
(3) Incitement to commit a listed offence.
(4) Aiding, abetting, counselling or procuring the commission of a listed offence.

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Certain other offences where foreign power condition met

14 An offence, other than one for which the sentence is fixed by law as life imprisonment—
(a) which is punishable on indictment with imprisonment for more than 2 years, and
(b) in relation to which section 21 of the National Security Act 2023 applies (aggravating factor where foreign power condition met: Scotland).
(12) Part 1 of Schedule 2 makes consequential provision.

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9 Sentence with fixed licence period: Northern Ireland

(1) Article 15A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (terrorism sentence with fixed licence period) is amended in accordance with subsections (2) to (4).
(2) In the heading, omit “Terrorism”.
(3) In paragraph (2), in the words before paragraph (a), after “apply” insert “by virtue of paragraph (1)”.
(4) After paragraph (2) insert—
“(2A) This Article also applies where—
(a) a person is convicted after the commencement of section 9 of the Sentencing Act 2025 of an offence specified in Schedule 2B (offences involving or connected with a threat to national security specified for the purposes of Article 15A),
(b) the court does not impose, in respect of the offence or any offence associated with it, a life sentence, an indeterminate custodial sentence, a serious terrorism sentence or an extended custodial sentence, and
(c) the court decides to impose a custodial sentence.
(2B) But this Article does not apply by virtue of paragraph (2A) where—
(a) the offender is under the age of 21 when convicted of the offence, and
(b) the offence was committed before the commencement of section 9 of the Sentencing Act 2025.”

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(5) In the Criminal Justice (Northern Ireland) Order 2008, after Schedule 2A insert –

“SCHEDULE 2B

Article 15A(2A)

OFFENCES INVOLVING OR CONNECTED WITH A THREAT TO NATIONAL SECURITY
 SPECIFIED FOR THE PURPOSES OF ARTICLE 15A

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Official Secrets Act 1911

1 An offence under section 1 of the Official Secrets Act 1911 (spying).

Official Secrets Act 1920

2 An offence under section 7 of the Official Secrets Act 1920 (attempting or inciting etc an offence under the Official Secrets Acts 1911 and 1920) where the offence which the person attempts to commit, solicits or incites or endeavours to persuade another person to commit, or aids or abets and does any act preparatory to the commission of, is an offence under section 1 of the Official Secrets Act 1911.

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National Security Act 2023

3 An offence under any of the following provisions of the National Security Act 2023 –

- (a) section 1 (obtaining or disclosing protected information);
- (b) section 2 (obtaining or disclosing trade secrets);
- (c) section 3 (assisting a foreign intelligence service);
- (d) section 4 (entering etc a prohibited place for a purpose prejudicial to the UK);
- (e) section 12 (sabotage);
- (f) section 13 (foreign interference);
- (g) section 17 (obtaining etc material benefits from a foreign intelligence service);
- (h) section 18 (preparatory conduct);
- (i) section 56 (offences relating to Part 2 notices);
- (j) section 65 (requirement to register foreign activity arrangements);
- (k) section 67 (carrying out etc relevant activities pursuant to unregistered foreign activity arrangement);
- (l) section 68 (failure to register relevant activities of specified persons);
- (m) section 74(8) committed in relation to a foreign activity arrangement registered under section 65 or a relevant activity registered under section 68 (failure to comply with registration information requirements);

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- (n) section 75(8) committed in relation to an information notice given under section 75(1) (failure to comply with information notice);
- (o) section 77(1) or (2) (provision of false information);
- (p) section 78(1) (carrying out activities under foreign activity arrangement tainted by false information). 5

Certain electoral offences where foreign power condition met

4 An offence –

- (a) to which subsection (1)(a) of section 16 of the National Security Act 2023 applies (relevant electoral offences committed on or after specified day), and 10
- (b) in relation to which it is determined for the purposes of subsection (1)(b) of that section that the foreign power condition is met,

other than an offence under section 89A(4) or (5) of the Political Parties, Elections and Referendums Act 2000. 15

Ancillary offences

5 (1) In the preceding paragraphs of this Schedule any reference to an offence includes an ancillary offence in relation to that offence (unless the reference is specifically to an ancillary offence). 20

(2) “Ancillary offence”, in relation to an offence, means any of the following –

- (a) aiding, abetting, counselling or procuring the commission of the offence;
- (b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence; 25
- (c) attempting or conspiring to commit the offence.

(3) In sub-paragraph (2)(b) the reference to an offence under Part 2 of the Serious Crime Act 2007 includes, in relation to times before the commencement of that Part, an offence of incitement. 30

Certain other offences where foreign power condition met

6 An offence, other than one for which the sentence is fixed by law as life imprisonment –

- (a) which is punishable on indictment with imprisonment for more than 2 years, and 35
- (b) in relation to which section 20 of the National Security Act 2023 applies (aggravating factor where foreign power condition met: Northern Ireland). ”

(6) Part 2 of Schedule 2 makes consequential provision.

10 Corresponding provision under service law

Schedule 3 makes provision about sentencing under service law that corresponds to provision made by section 7.

Rehabilitation activity requirement

11 Removal of requirement to specify maximum number of days

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In paragraph 4 of Schedule 9 to the Sentencing Code (meaning of rehabilitation activity requirement), omit sub-paragraph (2).

12 Rehabilitation activity requirement renamed probation requirement

- (1) The Sentencing Code is amended as follows.
- (2) In section 201 (community order requirements table), for “rehabilitation activity requirement” substitute “probation requirement”. 10
- (3) In section 287 (suspended sentence order: community requirements table), for “rehabilitation activity requirement” substitute “probation requirement”.
- (4) In section 394 (rules relating to community orders and suspended sentence orders etc), in subsection (1)(e)(i), for “rehabilitation activity requirements” substitute “probation requirements”. 15
- (5) In Schedule 9 (community orders and suspended sentence orders: requirements) –
 - (a) in the heading to Part 2, for “Rehabilitation activity requirement” substitute “Probation requirement”; 20
 - (b) in paragraph 4(1), for ““rehabilitation activity requirement”” substitute ““probation requirement””;
 - (c) in paragraph 5(1), for “rehabilitation activity requirement” substitute “probation requirement”.
- (6) In Schedule 11 (transfer of community orders to Scotland or Northern Ireland) –
 - (a) in paragraph 5(2)(b), for “rehabilitation activity requirement” substitute “probation requirement”;
 - (b) in paragraph 12(2)(b), for “rehabilitation activity requirement” substitute “probation requirement”. 30
- (7) In Schedule 17 (transfer of suspended sentence orders to Scotland or Northern Ireland) –
 - (a) in paragraph 9(2)(b), for “rehabilitation activity requirement” substitute “probation requirement”;
 - (b) in paragraph 32(5)(b), for “rehabilitation activity requirement” substitute “probation requirement”. 35

New community order requirements and community requirements

13 Driving prohibition requirement

(1) The Sentencing Code is amended in accordance with subsections (2) to (7).

(2) In section 163(2) (availability of driving disqualification), at the end insert “(including where the court makes a community order or a suspended sentence order which imposes a driving prohibition requirement).”

(3) In section 201 (community order requirements table), in the table, after the entry relating to the prohibited activity requirement insert –

“driving prohibition requirement Part 4A section 207(A1)”

(4) In section 207 (availability of community order requirements) –

(a) before the italic heading before subsection (1) insert –

“*Driving prohibition requirement*

(A1) A driving prohibition requirement is not an available requirement if the offence was committed before the day on which section 13(4)(a) of the Sentencing Act 2025 came into force.”;

(b) after subsection (4) insert –

“*Day on which offence committed*

(5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this section to have been committed on the last of those days.”

(5) In section 287 (community requirements table), in the table, after the entry relating to the prohibited activity requirement insert –

“driving prohibition requirement Part 4A section 291(A1)”

(6) In section 291 (availability of community requirements) –

(a) before the italic heading before subsection (1) insert –

“*Driving prohibition requirement*

(A1) A driving prohibition requirement is not an available requirement if the offence was committed before the day on which section 13(6)(a) of the Sentencing Act 2025 came into force.”;

(b) after subsection (4) insert –

“*Day on which offence committed*

(5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of

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2 or more days, it must be taken for the purposes of this section to have been committed on the last of those days.”

(7) In Schedule 9 (community orders and suspended sentence orders: requirements), after Part 4 insert—

“PART 4A

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DRIVING PROHIBITION REQUIREMENT

8A (1) In this Code “driving prohibition requirement”, in relation to a relevant order, means a requirement prohibiting the offender from driving a motor vehicle on a road or other public place.

(2) A driving prohibition requirement may prohibit the offender—
 (a) from driving at any time in a particular period or at particular times in a particular period;
 (b) from driving any motor vehicle or a motor vehicle of a particular kind;
 (c) from driving on any road or other public place or on a road or other public place in a particular area.

(3) Where the court makes a relevant order imposing a driving prohibition requirement, the following must be specified in the order—
 (a) the period for which the requirement has effect;
 (b) if the order prohibits the offender from driving at particular times, those times;
 (c) if the order prohibits the offender from driving a motor vehicle of a particular kind, that kind of motor vehicle;
 (d) if the order prohibits the offender from driving on a road or other public place in a particular area, that area.

(4) A court may impose a driving prohibition requirement whether or not the offence to which the order relates involved—
 (a) the driving of a motor vehicle, or
 (b) the use of a motor vehicle to commit the offence.

(5) In this paragraph—
 “motor vehicle” has the same meaning as in the Road Traffic Act 1988 except that for this purpose section 189(1) of that Act is to be read as if paragraph (c) (certain electrically assisted pedal cycles not to be treated as motor vehicles) were omitted;
 “road” has the same meaning as in the Road Traffic Act 1988 (see section 192 of that Act). ”

(8) In section 177H of the Armed Forces Act 2006 (availability of driving disqualification order), at the end insert “(including where the court makes a service community order, an overseas community order or a suspended sentence order which imposes a driving prohibition requirement).”

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14 Public event attendance prohibition requirement

(1) The Sentencing Code is amended as follows.

(2) In section 201 (community order requirements table), in the table, after the entry relating to the driving prohibition requirement (inserted by section 13(3)), insert—

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“public event attendance prohibition Part 4B section 207(B1)”
requirement

(3) In section 207 (availability of community order requirements), after subsection (A1) (inserted by section 13(4)(a)) insert—

“*Public event attendance prohibition requirement*

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(B1) A public event attendance prohibition requirement is not an available requirement if the offence was committed before the day on which section 14(3) of the Sentencing Act 2025 came into force.”

(4) In section 287 (community requirements table), in the table, after the entry relating to the driving prohibition requirement (inserted by section 13(5)), insert—

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“public event attendance prohibition Part 4B section 291(B1)”
requirement

(5) In section 291 (availability of community requirements), after subsection (A1) (inserted by section 13(6)(a)) insert—

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“*Public event attendance prohibition requirement*

(B1) A public event attendance prohibition requirement is not an available requirement if the offence was committed before the day on which section 14(5) of the Sentencing Act 2025 came into force.”

(6) In Schedule 9 (community orders and suspended sentence orders: requirements), after Part 4A (inserted by section 13(7)) insert—

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“PART 4B”

PUBLIC EVENT ATTENDANCE PROHIBITION REQUIREMENT

8B (1) In this Code “public event attendance prohibition requirement”, in relation to a relevant order, means a requirement prohibiting the offender from attending a public event.

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(2) A public event attendance prohibition requirement may prohibit the offender from attending a public event at any time in a particular period or at particular times in a particular period.

(3) A public event attendance prohibition requirement may prohibit the offender from attending—

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(a) a particular public event,
(b) a public event of a particular kind, or
(c) any public event.

(4) Where the court makes a relevant order imposing a public event attendance prohibition requirement, the following must be specified in the order—

(a) the period for which the requirement has effect;
(b) if the order prohibits the offender from attending a public event at particular times, those times;
(c) if the order prohibits the offender from attending a particular event, that public event;
(d) if the order prohibits the offender from attending a public event of a particular kind, that kind of public event.

(5) In this paragraph “public event” means any event to which the public or a section of the public has access, whether on payment or otherwise.”

15 Drinking establishment entry prohibition requirement

(C1) A drinking establishment entry prohibition requirement is not an available requirement if the offence was committed before the day on which section 15(5) of the Sentencing Act 2025 came into force.”

(6) In Schedule 9 (community orders and suspended sentence orders: requirements), after Part 4B (inserted by section 14(6)) insert –

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“PART 4C

DRINKING ESTABLISHMENT ENTRY PROHIBITION REQUIREMENT

8C (1) In this Code “drinking establishment entry prohibition requirement”, in relation to a relevant order, means a requirement prohibiting the offender from entering a drinking establishment.

(2) A drinking establishment entry prohibition requirement may prohibit the offender from entering a drinking establishment at any time in a particular period or at particular times in a particular period.

(3) A drinking establishment entry prohibition requirement may prohibit the offender from entering –

- (a) a particular drinking establishment,
- (b) a drinking establishment of a particular kind, or
- (c) any drinking establishment.

(4) Where the court makes a relevant order imposing a drinking establishment entry prohibition requirement, the following must be specified in the order –

- (a) the period for which the requirement has effect;
- (b) if the order prohibits the offender from entering a drinking establishment at particular times, those times;
- (c) if the order prohibits the offender from entering a particular drinking establishment, that drinking establishment;
- (d) if the order prohibits the offender from entering a drinking establishment of a particular kind, that kind of drinking establishment.

(5) In this paragraph “drinking establishment” means –

- (a) any premises or part of premises used principally for the sale of alcohol to the public or a section of the public, for consumption on the premises or part of premises, where the sale is not made subject to a condition that a person reside at, or consume food on, the premises, or
- (b) any premises –

- (i) that are open to the public or a section of the public for the purposes of entertainment,
- (ii) that are, for those purposes, open for any continuous period of time beginning at any time on a day and not ending at or before midnight on that day, and

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(iii) on which the sale of alcohol to the public or a section of the public for consumption on the premises takes place.”

16 Restriction zone requirement

(1) The Sentencing Code is amended in accordance with subsections (2) to (12). 5

(2) In section 201 (community order requirements table), in the table, after the entry relating to the drinking establishment entry prohibition requirement (inserted by section 15(2)), insert –

“restriction zone requirement Part 4D section 207(D1)”.

(3) In section 207 (availability of community order requirements), after subsection (C1) (inserted by section 15(3)) insert – 10

“*Restriction zone requirement*

(D1) A restriction zone requirement is not an available requirement if the offence was committed before the day on which section 16(3) of the Sentencing Act 2025 came into force.” 15

(4) In section 212(3) (persons to whom partial copy of community order must be provided) in the table, before the entry relating to an exclusion requirement insert –

“A restriction zone requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender

The person intended to be protected”

(5) In section 287 (community requirements table), in the table, after the entry relating to the drinking establishment entry prohibition requirement (inserted by section 15(4)), insert – 20

“restriction zone requirement Part 4D section 291(D1) ”

(6) In section 291 (availability of community requirements), after subsection (C1) (inserted by section 15(5)) insert – 25

“*Restriction zone requirement*

(D1) A restriction zone requirement is not an available requirement if the offence was committed before the day on which section 16(6) of the Sentencing Act 2025 came into force.” 30

(7) In section 298(3) (persons to whom partial copy of suspended sentence order must be provided) in the table, before the entry relating to an exclusion requirement insert –

“A restriction zone requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender

“The person intended to be protected”

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(8) In Schedule 9 (community orders and suspended sentence orders: requirements) –

(a) after Part 4C (inserted by section 15(6)) insert –

“PART 4D

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RESTRICTION ZONE REQUIREMENT

8D (1) In this Code “restriction zone requirement”, in relation to a relevant order, means a requirement that the offender must remain, for a particular period (“the relevant period”), in one or more particular areas.

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(2) Where the court makes a relevant order imposing a restriction zone requirement, the following must be specified in the order –

(a) the relevant period;

(b) the area or areas in which the offender must remain for the relevant period.

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(3) The relevant period must not exceed the period of 2 years beginning with the day on which the requirement first takes effect.

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(4) Different areas may be specified for different periods in the relevant period.

(5) Where the relevant order specifies different areas which do not adjoin each other, it may include provision for the offender to travel between any of those areas.

(6) Where the court makes a relevant order imposing a restriction zone requirement, it must also impose an electronic compliance monitoring requirement (see paragraph 29) for securing compliance with it, unless –

(a) it is prevented from doing so by –

(i) paragraph 33 (consent of person whose cooperation is required), or

(ii) paragraph 34(1) (arrangements in relevant areas), or

(b) in the particular circumstances of the case, it considers it inappropriate to do so.”;

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(b) in paragraph 34 (restriction on imposing an electronic compliance monitoring requirement) –

- (i) in sub-paragraph (1)(a), for “(2)“ substitute “(1A)”; 5
- (ii) after sub-paragraph (1) insert –

“(1A) In the case of a relevant order containing a restriction zone requirement, each area proposed to be specified in the order is a relevant area.”

(9) In paragraph 27(4) of Schedule 10 (persons to whom partial copy of amending order must be provided) in the table, before the entry relating to an exclusion requirement insert – 10

“A restriction zone requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender | The person intended to be protected”

(10) In paragraph 17(3) of Schedule 11 (persons to whom partial copy of community order or amending order must be provided), in the table, before the entry relating to an exclusion requirement insert – 15

“A restriction zone requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender | The person intended to be protected”

(11) In paragraph 28(4) of Schedule 16 (persons to whom partial copy of amending order must be provided), in the table, before the entry relating to an exclusion requirement insert – 20

“A restriction zone requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender | The person intended to be protected” 25

(12) In paragraph 13(5) of Schedule 17 (persons to whom partial copy of transferring order must be provided), in the table, before the entry relating to an exclusion requirement insert –

“A restriction zone requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender | The person intended to be protected” 30

(13) The Armed Forces Act 2006 is amended in accordance with subsections (14) and (15). 35

(14) In section 182(3)(c) (application of section 208(2) of, and Schedule 9 to, the Sentencing Code to overseas community orders), after sub-paragraph (ix), and on a new line, insert “(see also the modification to paragraph 8D of Schedule 9 made by section 183(5A) of this Act);”.

(15) In section 183 (modifications of the Sentencing Code in relation to overseas community orders) –

- (a) in subsection (1), for “(5)” substitute “(5A)”;
- (b) after subsection (5) insert –

“(5A) Paragraph 8D of Schedule 9 (restriction zone requirement) has effect as if sub-paragraph (6) were omitted.”

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17 Power to add or alter requirements

(1) The Sentencing Act 2020 is amended as follows.

(2) In section 407(1)(b) (regulations and rules), before the “or” before sub-paragraph (iii) insert –

“(iia) paragraph 13A of Schedule 23 (power to add or alter requirements imposed by community orders and suspended sentence orders),”.

(3) Section 407 extends to Scotland (as well as to England and Wales and Northern Ireland).

(4) In section 414 (extent) –

- (a) in subsection (3)(c), after “rules” insert “(but see subsection (7))”;
- (b) after subsection (6) insert –

“(7) See also sections 17(3) and 45(2)(a) of the Sentencing Act 2025 (extent of section 407 and paragraph 13A of Schedule 23).”

(5) In Schedule 23 (powers to amend Sentencing Code), after paragraph 13 (but in Part 6 of that Schedule) insert –

“Power to add or alter requirements”

13A(1) The Lord Chancellor may by regulations amend Chapter 2 of Part 9 and Chapter 5 of Part 10 (including Schedule 9) so as to –

- (a) add a relevant requirement;
- (b) make provision about a relevant requirement added pursuant to paragraph (a);
- (c) alter provision about a relevant requirement that applies for the time being.

(2) In sub-paragraph (1) “relevant requirement” means a requirement that may be imposed by a relevant order.

(3) Regulations under this paragraph may make such other provision as the Lord Chancellor considers necessary or expedient in consequence of, or in connection with, the provision made by virtue of sub-paragraph (1).

The provision that may be made by virtue of this sub-paragraph includes, in particular, provision amending or repealing any provision of an Act (whenever passed) including any provision of the Sentencing Code.

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- (4) Regulations under this paragraph may not have effect in relation to any offence committed before the day on which the regulations come into force.
- (5) Regulations under this paragraph may confer a function (including the exercise of a discretion) on a person or description of person.
- (6) Regulations under this paragraph are subject to the affirmative resolution procedure.”

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Sentencing Council for England and Wales

18 Sentencing Council business plan

After section 118 of the Coroners and Justice Act 2009 insert – 10

“118A Business plan

- (1) As soon as practicable after the beginning of each financial year, the Council must submit a business plan for the year to the Lord Chancellor for approval.
- (2) The business plan for a financial year must set out –
 - (a) the matters about which the Council proposes to prepare sentencing guidelines in the year, and
 - (b) the other activities it proposes to undertake in the year.
- (3) If the Lord Chancellor approves the business plan for a financial year –
 - (a) the Lord Chancellor must notify the Council, and
 - (b) the Council must publish the plan once it has been so notified.”

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19 Sentencing guidelines

- (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) In section 120 (sentencing guidelines) –
 - (a) in subsection (7), after “appropriate” insert “ –
 - (a) seek the consent of the Lord Chief Justice and the Lord Chancellor to issue them as definitive guidelines, and
 - (b) if such consent is given”;
 - (b) in subsection (8), for “such amendments” substitute “any amendments of the draft guidelines which it considers appropriate –
 - (a) seek the consent of the Lord Chief Justice and the Lord Chancellor to issue them as definitive guidelines, and
 - (b) if such consent is given”;

(3) In section 122 (allocation guidelines), in subsection (5), after “appropriate” insert “—

- (a) seek the consent of the Lord Chief Justice and the Lord Chancellor to issue them as definitive guidelines, and
- (b) if such consent is given”.

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PART 2

MANAGEMENT OF OFFENDERS AFTER SENTENCING

Release

20 Release

- (1) The Criminal Justice Act 2003 is amended in accordance with subsections (2) to (9). 10
- (2) In section 243A (duty to release certain prisoners serving less than 12 months)—
 - (a) in subsection (1)(b), for sub-paragraph (i) (but not the “and” at the end of that sub-paragraph) substitute—
 - “(i) is serving a sentence under section 250 of the Sentencing Code which is for a term of more than 1 day but less than 12 months,”;
 - (b) in subsection (1A), for paragraph (a) (but not the “and” at the end of that sub-paragraph) substitute—
 - “(a) the prisoner is serving a sentence under section 250 of the Sentencing Code which is for a term of more than 1 day but less than 12 months,”;
 - (c) in subsection (3), for paragraph (a) (but not the “and” at the end of that paragraph) substitute—
 - “(a) in relation to a person serving one sentence imposed under section 250 of the Sentencing Code, one half of the sentence,
 - (aa) in relation to a person serving one sentence of any other kind, one-third of the sentence,”;
 - (d) in subsection (4), omit paragraph (b) (and the “and” before it). 20
- (3) In section 244(3) (requisite custodial period for prisoners not subject to special provision for release), for paragraph (a) substitute—
 - “(a) in relation to a prisoner serving one sentence imposed under section 91 of the PCC(S)A 2000 or section 250 of the Sentencing Code, one-half of the sentence,
 - (aa) in relation to a prisoner serving one sentence of any other kind, one-third of the sentence,”.25 30 35

(4) In section 244ZA(8) (requisite custodial period for certain violent or sexual offenders), for paragraph (a) (but not the “and” at the end of that paragraph) substitute—

- “(a) in relation to a prisoner serving one sentence within subsection (4) or (5), one-half of the prisoner’s sentence,
- “(aa) in relation to a prisoner serving one sentence within subsection (6), two-thirds of the prisoner’s sentence.”.

(5) In section 246(6) (power to release prisoners on licence before being required to do so: interpretation), in the definition of “the requisite custodial period”, after “paragraph (a)”, in both places it occurs, insert “, (aa)”. 10

(6) In section 256B(1A)(a) (supervision after release of certain young offenders serving less than 12 months) omit “or 262”. 15

(7) In section 264 (consecutive terms)–

- (a) in subsection (2F)(a)(i), after “243A(1)” insert “or (1A)”;
- (b) in subsection (6)–
 - (i) for paragraph (cb) (but not the “and” at the end of that paragraph) substitute—
 - “(cb) in relation to a sentence in respect of which section 244ZA applies to the offender by virtue of subsection (4) or (5) of that section, one-half of the sentence,
 - “(cc) in relation to a sentence in respect of which section 244ZA applies to the offender by virtue of subsection (6) of that section, two-thirds of the sentence,
 - “(cd) in relation to any sentence imposed under section 91 of the PCC(S)A 2000, or in relation to any other sentence imposed under section 250 of the Sentencing Code, one-half of the sentence,”;
 - (ii) in paragraph (d), for “one-half” substitute “one-third”. 30

(8) In section 264B (consecutive terms: supplementary)–

- (a) in subsection (1)(b), omit “of imprisonment”;
- (b) in subsection (1)(c)–
 - (i) omit “of imprisonment”;
 - (ii) after “imposed”, in the first place it occurs, insert “under section 250 of the Sentencing Code”;
 - (iii) after “imposed”, in the second place it occurs, insert “(whether or not under section 250 of the Code)”;
- (c) in subsection (2)(a), after “the”, in the first place it occurs, insert “minimum”;
- (d) in subsection (3), for “custodial period” substitute “minimum custodial period”. 40 35

(9) In section 267 (alteration by order of relevant proportion of sentence) –

- (a) after “section 243A(3)(a)” insert “or (aa)”;
- (b) after “244(3)(a)” insert “or (aa), section 244ZA(8)(a) or (aa)”;
- (c) for “264(6)(d)” substitute “264(6)(cb), (cc), (cd) or (d)”.

(10) The Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024 (S.I. 2024/844) is revoked. 5

(11) In consequence of the amendments made by this section –

- (a) in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in Schedule 14, omit paragraph 6(3)(b); 10
- (b) in the Offender Rehabilitation Act 2014, in Schedule 3, omit paragraph 18;
- (c) in the Police, Crime, Sentencing and Courts Act 2022, omit section 130(6);
- (d) in the Home Detention Curfew and Requisite and Minimum Custodial Periods (Amendment) Order 2024 (S.I. 2024/1331) omit articles 3 and 4. 15

(12) The amendments made by this section, as well as applying in relation to a sentence of imprisonment or detention imposed on or after the day on which those amendments come into force, apply in relation to a sentence of imprisonment or detention imposed before that day if, immediately before that day, the person serving the sentence –

- (a) is in custody or detention pursuant to the sentence, or
- (b) is on licence subject to a curfew condition within the meaning of section 253 of the Criminal Justice Act 2003. 20

(13) But subsection (12) does not have the effect that the amendments made by this section apply in relation to a sentence imposed before the day on which those amendments come into force if subsection (14) or (15) applies to the sentence. 25

(14) This subsection applies to a sentence if –

- (a) it is a sentence for an offence listed in Part 3 of Schedule 13 to the Sentencing Code (as inserted by section 7(6) of this Act), and 30
- (b) the sentence was not imposed under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, section 209 of the Armed Forces Act 2006 or section 250 of the Sentencing Code.

(15) This subsection applies to a sentence if –

- (a) section 244 of the Criminal Justice Act 2003 applies in relation to the sentence,
- (b) the sentence was imposed in respect of an offence for which a sentence of life imprisonment could have been imposed (in the case of an offender aged 21 or over) on the day on which this section comes into force, and 40
- (c) the sentence would, on the date on which this section comes into force, fall within subsection (4) or (5) of section 244ZA of the Criminal Justice

Act 2003 if that section were read subject to the following modifications (so far as necessary to enable the subsection in question to apply) –

- (i) subsections (4)(c) and (5)(c) (date of sentence) were omitted;
- (ii) subsections (4)(d)(ii) and (7)(b)(ii) (availability of life sentence at date of imposition of sentence) were omitted;
- (iii) subsection (5)(a) also referred to a sentence under section 96 of the Powers of Criminal Courts (Sentencing) Act 2000.

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(16) If section 23 (limitation of provisions about home detention curfew) comes into force before or at the same time as this section, this section is to be read as if subsection (5) were omitted.

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21 Release: consequential amendments relating to driving disqualification

(1) In section 35A of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed) –

(a) in subsection (4) –

- (i) in paragraph (fc), for the words from “, a period” to the end of the paragraph substitute “ –

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- (i) where the sentence falls within subsection (4) or (5) of that section, a period equal to one-half of the sentence;
- (ii) where the sentence falls within subsection (6) of that section, a period equal to two-thirds of the sentence;”;

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(ii) after paragraph (fd) insert –

“(fe) in the case of any other sentence under section 250 of the Sentencing Code, a period equal to one-half of the sentence;”;

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(iii) in paragraph (h), for “half” substitute “one-third of”;

(b) in subsection (8), after “244(3)(a)” insert “or (aa) or section 244ZA(8)(a) or (aa)”;

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(c) in subsection (9) –

(i) before paragraph (a) insert –

“(za) if the amending order makes provision in respect of section 244ZA(8)(a) or (aa) of that Act, provide that the proportion specified in subsection (4)(fc)(i) or (ii) of this section is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion;

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(zb) if the amending order makes provision in respect of section 243A(3)(a) or 244(3)(a) of that Act, provide that the proportion specified in subsection (4)(fe) of this section is to be read, in the case of a custodial sentence to which the

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amending order applies, as a reference to the new proportion’’;

(ii) in paragraph (a), for “243A(3)(a) or 244(3)(a)” substitute “244(3)(aa)”.

(2) The Armed Forces Act 2006 is amended in accordance with subsections (3) and (4). 5

(3) In section 177J (extension of disqualification where custodial sentence or service detention also imposed) –

(a) in subsection (5), in the table –

(i) before entry 1 insert – 10

“A1	a sentence of detention under section 209 (offenders under 18: certain serious offences), other than one in respect of which section 244ZA or 247A of the Criminal Justice Act 2003 applies to the offender	half the term of the sentence of detention”;
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(ii) in entry 10, in column 2, at the end insert “by virtue of subsection (4) or (5) of that section”; 20

(iii) in that entry, in column 3, for “two-thirds” substitute “one-half”;

(iv) after entry 10 insert –

“10A	a custodial sentence in respect of which section 244ZA of the Criminal Justice Act 2003 applies to the offender by virtue of subsection (6) of that section	two-thirds of the sentence”;
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(v) in entry 14, in column 3, for “half” substitute “one-third of”; 25

(b) for subsection (8) substitute –

“(8) Subsection (8A) applies where –

(a) an order (“the amending order”) is made under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence), and 35

(b) the amending order provides that the proportion of a custodial sentence for the time being referred to in section 243A(3)(a), 244(3)(a) or (aa) or 244ZA(8)(a) or (aa) of that Act (release of prisoners in certain circumstances) is to be read as a reference to another proportion (the “new proportion”). 40

(8A) The Secretary of State may by regulations –

- (a) if the amending order makes provision in respect of section 243A(3)(a) or 244(3)(a) of that Act, provide that the table in subsection (5) is to be read as if, in relation to a custodial sentence to which the order applies, entry A1 specified the new proportion; 5
- (b) if the amending order makes provision in respect of section 244ZA(8)(a) of that Act, provide that that table is to be read as if, in relation to a custodial sentence to which the order applies, entry 10 specified the new proportion; 10
- (c) if the amending order makes provision in respect of section 244ZA(8)(aa) of that Act, provide that that table is to be read as if, in relation to a custodial sentence to which the order applies, entry 10A specified the new proportion; 15
- (d) if the amending order makes provision in respect of section 244(3)(aa) of that Act, provide that that table is to be read as if, in relation to a custodial sentence to which the order applies, entry 14 specified the new proportion.” 20

(4) In section 373 (orders, regulations and rules), in each of subsections (3)(d), (5) and (5A), for “177J(8)” substitute “177J(8A).”

(5) In section 166 of the Sentencing Code (extension of disqualification where custodial sentence also imposed) – 25

- (a) in subsection (5), in the table –
 - (i) after entry 1 insert –

“1ZA	a sentence of detention under section 250 (offenders under 18: certain serious offences), other than one in respect of which section 244ZA or 247A of the Criminal Justice Act 2003 applies to the offender	half the term of the sentence of detention”;
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 - (ii) in entry 6B, in column 2, at the end insert “by virtue of subsection (4) or (5) of that section”;
 - (iii) in that entry, in column 3, for “two-thirds” substitute “one-half”;
 - (iv) after entry 6B insert –

“6BA	a custodial sentence in respect of which section 244ZA of the Criminal Justice Act 2003 applies to	two-thirds of the sentence”;
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	the offender by virtue of subsection (6) of that section	
(v)	in entry 8, in column 3, for “half” substitute “one-third of”;	
(b)	for subsection (7) substitute—	5
	“(7) Subsection (7A) applies where—	
	(a) an order (“the amending order”) is made under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence), and	
	(b) the amending order provides that the proportion of a custodial sentence for the time being referred to in section 243A(3)(a), 244(3)(a) or (aa) or 244ZA(8)(a) or (aa) of that Act (release of prisoners in certain circumstances) is to be read as a reference to another proportion (the “new proportion”).	10
	(7A) The Secretary of State may by regulations—	15
	(a) if the amending order makes provision in respect of section 243A(3)(a) or 244(3)(a) of that Act, provide that the table in subsection (5) is to be read as if, in relation to a custodial sentence to which the order applies, entry 1ZA specified the new proportion;	20
	(b) if the amending order makes provision in respect of section 244ZA(8)(a) of that Act, provide that that table is to be read as if, in relation to a custodial sentence to which the order applies, entry 6B specified the new proportion;	25
	(c) if the amending order makes provision in respect of section 244ZA(8)(aa) of that Act, provide that that table is to be read as if, in relation to a custodial sentence to which the order applies, entry 6BA specified the new proportion;	30
	(d) if the amending order makes provision in respect of section 244(3)(aa) of that Act, provide that that table is to be read as if, in relation to a custodial sentence to which the order applies, entry 8 specified the new proportion.”;	35
	(c) in subsection (8), for “(7)” substitute “(7A)”;	
	(d) in subsection (9), for “(7)” substitute “(7A)”.	
(6)	In consequence of the amendments made by this section—	
	(a) in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in Schedule 14, omit paragraph 1(b);	40
	(b) in the Police, Crime, Sentencing and Courts Act 2022, in Schedule 21, omit paragraph 4.	
(7)	The amendments made by this section apply in relation to—	

- (a) an order under section 34 or 35 of the Road Traffic Offenders Act 1988 which is made on or after the day on which this section comes into force,
- (b) a driving disqualification order within the meaning of the Armed Forces Act 2006 which is made on or after that day, and
- (c) a driving disqualification order within the meaning of the Sentencing Code which is made on or after that day.

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22 Release on licence of certain violent or sexual offenders: service offences

- (1) Section 244ZA of the Criminal Justice Act 2003 (release on licence of certain violent or sexual offenders) is amended as follows.

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- (2) After subsection (8) insert –

“(9) For the purposes of this section, a reference to an offence specified in a paragraph or Part of Schedule 15 includes a reference to a service offence as respects which the corresponding civil offence is so specified.

- (10) In subsection (9) –

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- (a) “service offence” means an offence under –

- (i) section 70 of the Army Act 1955 or the Air Force Act 1955,
- (ii) section 42 of the Naval Discipline Act 1957, or
- (iii) section 42 of the Armed Forces Act 2006;

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- (b) “corresponding civil offence” means –

- (i) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
- (ii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section;
- (iii) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section.

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- (11) Section 48 of the Armed Forces Act 2006 (supplementary provisions relating to ancillary service offences) applies for the purposes of subsection (10)(b)(iii) above as it applies for the purposes of the provisions of that Act referred to in subsection (3)(b) of that section.”

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- (3) The amendments made by this section, as well as applying in relation to offences committed on or after the day on which those amendments come into force, apply in relation to offences committed before that day.

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23 Limitation of provisions about home detention curfew

- (1) The Criminal Justice Act 2003 is amended in accordance with subsections (2) to (5).

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(2) In section 246 (power to release prisoners on licence before required to do so) –

- (a) in the heading, after release insert “certain”;
- (b) for subsection (1) substitute –

“(1) Subject to subsections (1A), (2) and (4), the Secretary of State may release on licence under this section a fixed-term prisoner serving only one or more sentences under section 91 of the PCC(S)A 2000 or section 250 of the Sentencing Code at any time during the period of 365 days ending with the day on which the prisoner will have served the requisite custodial period.”;

(c) after subsection (1) insert –

“(1A) Subsection (1) does not apply to a prisoner to whom section 244ZA or 247A applies.”;

(d) in subsection (2), in the opening words, for “(1)(a)” substitute “(1)”;

(e) in subsection (4)(ac) –

- (i) in sub-paragraph (i), for “244ZA(4)(c), (5)(c) and (6)(c)” substitute “244ZA(6)(c)”;
- (ii) at the end of that sub-paragraph insert “and”;
- (iii) omit sub-paragraph (ii) and the “and” at the end of that sub-paragraph;

(f) omit subsection (4)(d);

(g) in subsection (4A) –

- (i) omit paragraph (a) and the “and” at the end of that paragraph;
- (ii) in paragraph (b), for “that Act” substitute “the Armed Forces Act 2006”;

(h) in subsection (5)(a), for “(1)(a)” substitute “(1)”;

(i) in subsection (6) –

- (i) for the definition of “the requisite custodial period” substitute –

““the requisite custodial period” –

- (a) means, for the purposes of subsection (4)(gb)(ii), the period mentioned in section 244(3)(a) (subject to sections 263 and 264);
- (b) otherwise, in relation to a person serving any sentence, has the meaning given by paragraph (a) or (b) of section 243A(3) or (as the case may be) paragraph (a) or (d) of section 244(3);”;

(ii) omit the definition of “term of imprisonment”.

(3) In section 255BA (automatic release: other offenders) (as inserted by section 29(2)) –

- (a) in subsection (2), for the words from “means –” to the end of the subsection substitute “means the period of 56 days beginning with the day on which P returns to custody.”;

- (b) in subsection (10), for the words from “either or both” to the end of the subsection substitute “subsection (2) so as to alter the period for the time being specified in that subsection.”
- (4) In section 255C(6) (prisoners excluded from automatic release), after “if P” insert “is a relevant young offender who”. 5
- (5) In section 264AA(1A) (consecutive terms: detention and training orders), for “246(1)(a)” substitute “246(1)”; 10
- (6) In consequence of the amendments made by this section—
 - (a) in the Legal Aid, Sentencing and Punishment of Offenders Act 2012—
 - (i) omit section 112(6); 10
 - (ii) in Schedule 20, omit paragraph 5(3);
 - (b) in the Criminal Justice and Courts Act 2015, in Schedule 1, omit paragraph 7(3); 15
 - (c) in the Sentencing Act 2020, in Schedule 24, omit paragraph 224(2)(b) and (3);
 - (d) the Criminal Justice Act 2003 (Home Detention Curfew) Order 2023 (S.I. 2023/390) is revoked; 20
 - (e) in the Victims and Prisoners Act 2024, omit section 68(2);
 - (f) in the Home Detention Curfew and Requisite and Minimum Custodial Periods (Amendment) Order 2024 (S.I. 2024/1331), omit article 2.
- (7) The amendments made by this section do not apply in relation to a person who, immediately before the day on which this section comes into force, is on licence subject to a curfew condition within the meaning of section 253 of the Criminal Justice Act 2003. 25

Licences

24 Licence conditions

- (1) In section 64 of the Criminal Justice and Court Services Act 2000 (drug testing requirement)—
 - (a) in subsection (1)—
 - (i) at the end of paragraph (a) insert “, and”; 30
 - (ii) omit the “and” at the end of paragraph (b);
 - (iii) omit paragraph (c);
 - (b) omit subsection (1A);
 - (c) in subsection (2), for the words from “For the purpose” to “they” substitute “Those conditions”. 35
- (2) The Criminal Justice Act 2003 is amended in accordance with subsections (3) to (7). 35
- (3) In section 250 (licence conditions)—
 - (a) in subsection (4)(b)—

(i) before sub-paragraph (i) insert –

“(ai) a driving prohibition condition (see section 250A);”;

(ii) after sub-paragraph (ai) (inserted by sub-paragraph (i) above) insert –

“(bi) a public event attendance prohibition condition (see section 250B);”;

(iii) after sub-paragraph (bi) (inserted by sub-paragraph (ii) above) insert –

“(ci) a drinking establishment entry prohibition condition (see section 250C);”;

(iv) after sub-paragraph (ci) (inserted by sub-paragraph (iii) above) insert –

“(di) a restriction zone condition (see section 250D);”;

(b) after subsection (8) insert –

“(8A) An order under this section or a condition included in a licence under this section may confer a discretion on an officer of a provider of probation services.”

(4) After section 250 insert –

“250A Driving prohibition condition

(1) A driving prohibition condition is a condition prohibiting a person from driving a motor vehicle on a road or other public place.

(2) A driving prohibition condition may prohibit a person –

(a) from driving at any time or at times specified in the condition;

(b) from driving any motor vehicle or a motor vehicle of a description so specified;

(c) from driving on any road or other public place or on a road or other public place in an area so specified.

(3) In this section –

“motor vehicle” has the same meaning as in the Road Traffic Act 1988 except that for this purpose section 189(1) of that Act is to be read as if paragraph (c) (certain electrically assisted pedal cycles not to be treated as motor vehicles) were omitted;

“road” has the same meaning as in the Road Traffic Act 1988 (see section 192 of that Act). ”

(5) After section 250A (inserted by subsection (4)) insert –

“250B Public event attendance prohibition condition

(1) A public event attendance prohibition condition is a condition prohibiting a person from attending a public event.

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(2) A public event attendance prohibition condition may prohibit a person from attending a public event at any time or at times specified in the condition.

(3) A public event attendance prohibition condition may prohibit a person from attending –

- a public event specified in the condition,
- a public event of a description so specified, or
- any public event.

(4) In this section “public event” means any event to which the public or a section of the public has access, whether on payment or otherwise.”

(6) After section 250B (inserted by subsection (5)) insert –

“250C Drinking establishment entry prohibition condition

(1) A drinking establishment entry prohibition condition is a condition prohibiting a person from entering a drinking establishment.

(2) A drinking establishment entry prohibition condition may prohibit a person from entering a drinking establishment at any time or at times specified in the condition.

(3) A drinking establishment entry prohibition condition may prohibit a person from entering –

- a drinking establishment specified in the condition,
- a drinking establishment of a description so specified, or
- any drinking establishment.

(4) In this section “drinking establishment” means –

- any premises or part of premises used principally for the sale of alcohol to the public or a section of the public, for consumption on the premises or part of premises, where the sale is not made subject to a condition that a person reside at, or consume food on, the premises, or
- any premises –
 - that are open to the public or a section of the public for the purposes of entertainment,
 - that are, for those purposes, open for any continuous period of time beginning at any time on a day and not ending at or before midnight on that day, and
 - on which the sale of alcohol to the public or a section of the public for consumption on the premises takes place.”

(7) After section 250C (inserted by subsection (6)) insert—

“250D Restriction zone condition

- (1) A restriction zone condition is a condition requiring a person to remain in one or more areas specified in the condition. 5
- (2) A restriction zone condition may require a person to remain in different areas at different times.
- (3) Where a restriction zone condition specifies different areas which do not adjoin each other, it may include provision for the person to whom the condition applies to travel between any of those areas.”
- (8) In consequence of the provision made by subsection (1), in section 11(2) of the Offender Rehabilitation Act 2014 omit paragraphs (b) to (d). 10
- (9) The amendments made by this section, as well as applying to a person released on or after the day on which those amendments come into force, apply to a person released before that day.

25 Licence conditions: offenders sentenced under repealed armed forces legislation 15

- (1) The Criminal Justice and Court Services Act 2000 is amended as follows.
- (2) In section 62 (release on licence etc: electronic monitoring conditions), in subsection (5)—
 - (a) omit the “and” at the end of paragraph (g) and insert—
 - “(ga) a sentence of detention under section 71A(3) or (4) of the Army Act 1955 or the Air Force Act 1955, or section 43A(3) or (4) of the Naval Discipline Act 1957;”;
 - (b) in paragraph (h), for “that Act” substitute “the Armed Forces Act 2006”;
 - (c) at the end of paragraph (h) insert “, and
 - (i) a custodial order under—
 - (i) section 71AA of the Army Act 1955 or the Air Force Act 1955, or section 43AA of the Naval Discipline Act 1957, or
 - (ii) paragraph 10 of Schedule 5A to the Army Act 1955 or the Air Force Act 1955, or paragraph 10 of Schedule 4A to the Naval Discipline Act 1957.”.
- (3) In section 62A (release on licence etc: compulsory electronic monitoring conditions), in subsection (4)—
 - (a) omit the “or” at the end of paragraph (c) and insert—
 - “(ca) a sentence of detention under section 71A(4) of the Army Act 1955 or the Air Force Act 1955, or section

43A(4) of the Naval Discipline Act 1957 (detention of offenders under 18 convicted of certain offences);”;

(b) in paragraph (d), for “that Act” substitute “the Armed Forces Act 2006”;

(c) at the end of paragraph (d) insert “, or

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(e) a custodial order under—

(i) section 71AA of the Army Act 1955 or the Air Force Act 1955, or section 43AA of the Naval Discipline Act 1957, or

(ii) paragraph 10 of Schedule 5A to the Army Act 1955 or the Air Force Act 1955, or paragraph 10 of Schedule 4A to the Naval Discipline Act 1957.”

(4) In section 64 (release on licence etc: drug testing requirements), in subsection (5)—

(a) omit the “and” at the end of paragraph (g) and insert—

“(ga) a sentence of detention under section 71A(3) or (4) of the Army Act 1955 or the Air Force Act 1955, or section 43A(3) or (4) of the Naval Discipline Act 1957.”;

(b) in paragraph (h), for “that Act” substitute “the Armed Forces Act 2006”;

(c) at the end of paragraph (h) insert “, and

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(i) a custodial order under—

(i) section 71AA of the Army Act 1955 or the Air Force Act 1955, or section 43AA of the Naval Discipline Act 1957, or

(ii) paragraph 10 of Schedule 5A to the Army Act 1955 or the Air Force Act 1955, or paragraph 10 of Schedule 4A to the Naval Discipline Act 1957.”.

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(5) In section 64A (release on licence etc: drug appointments), in subsection (8), in the definition of “sentence of imprisonment”—

(a) in paragraph (f), after “2006” insert “or section 71A(4) of the Army Act 1955 or the Air Force Act 1955, or section 43A(4) of the Naval Discipline Act 1957”;

(b) in paragraph (g), for “that Act” substitute “the Armed Forces Act 2006 or section 71A(3) of the Army Act 1955 or the Air Force Act 1955, or section 43A(3) of the Naval Discipline Act 1957”.

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(6) The amendments made by this section, as well as applying to a person released on or after the day on which those amendments come into force, apply to a person released before that day.

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Recall and further release

26 Power to make provision about recall to prison

(1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 254 (recall of prisoners while on licence), after subsection (6) insert –

“(6A) The Secretary of State may by order amend this Chapter so as to make provision for and about circumstances or cases in which the Secretary of State may, or may not, revoke a person’s licence and recall the person to prison under subsection (1).”

(6B) An order under subsection (6A) may confer a function (including the exercise of a discretion) on the Secretary of State or another person, or description of person, specified in the order.”

(3) In section 330(5)(a) (orders subject to affirmative procedure), at the appropriate place insert –

“section 254(6A),”.

27 Further release after recall: introductory

(1) The Criminal Justice Act 2003 is amended as follows.

(2) For section 255A substitute –

“255A Further release after recall: introductory

(1) This section applies for the purpose of identifying which of sections 255B, 255BA and 255C governs the further release of a person who has been recalled under section 254.

(2) In this section –

(a) subsections (3) to (6) apply to a person who is serving only one or more sentences imposed under section 250 of the Sentencing Code or section 91 of the PCC(S)A 2000 (a “relevant young offender”);

(b) subsections (7) and (8) apply to other persons.

(3) The Secretary of State must, on recalling a relevant young offender other than an offender whose case was referred to the Board under section 244ZB, consider whether the offender is suitable for release at the end of the section 255B automatic release period (see section 255B(1A) and (1B) for the meaning of this period).

(4) A relevant young offender is suitable for release at the end of the section 255B automatic release period only if –

(a) the offender –

(i) is aged 18 or over,

(ii) is serving a sentence of less than 12 months,

- (iii) has not been recalled on account of being charged with a serious offence, and
- (iv) is not being managed at level 2 or 3, as specified in guidance for the time being issued under section 325(8), by a responsible authority under arrangements made under that section (arrangements for assessing etc risks posed by certain offenders), or

(b) where paragraph (a) does not apply, the Secretary of State is satisfied that the offender will not present a risk of serious harm to members of the public if released at the end of the section 255B automatic release period.

(5) For the purposes of subsection (4)(a)(iii), “serious offence” means—

- (a) murder, or
- (b) an offence listed in Schedule 18 to the Sentencing Code.

(6) A relevant young offender must be dealt with—

- (a) in accordance with section 255B if suitable for release at the end of the section 255B automatic release period;
- (b) in accordance with section 255C otherwise,

but that is subject, where applicable, to section 243A(2) (unconditional release).

(7) A person who is not a relevant young offender must be dealt with—

- (a) in accordance with section 255BA if—
 - (i) the person is eligible for release at the end of the section 255BA automatic release period (see section 255BA(2) for the meaning of this period), and
 - (ii) the Secretary of State has not made a determination under subsection (5) of that section in relation to the person;
- (b) in accordance with section 255C otherwise,

but that is subject, where applicable, to section 243A(2) (unconditional release).

(8) A person who is not a relevant young offender is eligible for release at the end of the section 255BA automatic release period except where the person—

- (a) is an extended sentence prisoner,
- (b) is serving a sentence imposed under section 236A or under section 265 or 278 of the Sentencing Code (prisoners serving sentences for offenders of particular concern),
- (c) is serving a sentence imposed in respect of an offence within section 247A(2) (terrorist prisoners),
- (d) is serving a sentence for an offence listed in Schedule 19ZB (offences involving or connected with terrorism or a threat to national security),

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(e) is serving a sentence for an offence listed in Part 3 of Schedule 13 to the Sentencing Code (offences involving or connected with a threat to national security),

(f) is a relevant terrorist offender for the purposes of section 325(2)(aa) (see section 327),

(g) falls, immediately before being recalled, within section 325(2)(c) (persons considered to be persons who may be at risk of involvement in terrorism-related activity),

(h) is, immediately before being recalled, a person who is considered by the Secretary of State to be a person who may be at risk of involvement in foreign power threat activity within the meaning of Part 1 of the National Security Act 2023 (see section 33 of that Act),

(i) is being managed, immediately before being recalled, at level 2 or 3, as specified in guidance for the time being issued under section 325(8), by a responsible authority under arrangements made under that section (arrangements for assessing etc risks posed by certain offenders),

(j) is a person whose case was referred to the Board under section 244ZB (referral of high-risk offenders),

(k) has been recalled on account of being charged with an offence, or

(l) is a person to whom Part 2 or 3 of Schedule 20B applies (transitional cases).

(9) For the purposes of subsection (8)(a), an “extended sentence prisoner” is a prisoner serving an extended sentence imposed under—

(a) section 226A, 226B, 227 or 228 of this Act,

(b) section 254, 266 or 279 of the Sentencing Code, or

(c) section 85 of the PCC(S)A 2000, and paragraph (c) includes (in accordance with paragraph 1(3) of Schedule 11 to the PCC(S)A 2000) a reference to section 58 of the Crime and Disorder Act 1998.

(10) The Secretary of State may by order—

(a) amend subsection (8) so as to—

(i) add a description of person;

(ii) alter or remove a description of person for the time being mentioned in the subsection;

(b) further amend this Act for the purpose of making provision which is consequential on provision made under paragraph (a).

(11) An order under subsection (10) may confer a function (including the exercise of a discretion) on the Secretary of State or another person, or description of person, specified in the order.”

(3) In section 330(5)(a) (orders subject to affirmative procedure), at the appropriate place insert –

“section 255A(10),”.

(4) After Schedule 19ZA insert the Schedule set out in Schedule 4 to this Act (offences where offender not eligible for release at the end of the section 255BA automatic release period). 5

(5) Omit Schedule 19AA (offences where offender not suitable for automatic release).

28 Further release after recall: relevant young offenders suitable for automatic release

(1) Section 255B of the Criminal Justice Act 2003 is amended as follows.

(2) In the heading, after “release” insert “: relevant young offenders”.

(3) For subsection (1) substitute –

“(1) A relevant young offender who is suitable for automatic release at the end of the section 255B automatic release period (“P”) must –

(a) on return to prison, be informed that they will be released under this section (subject to subsections (8) and (9)), and

(b) at the end of the section 255B automatic release period, be released by the Secretary of State on licence under this Chapter (unless P is released before that date under subsection (2) or (5)).

(1A) In the case of a relevant young offender recalled under section 254 while on licence under a provision of this Chapter other than section 246, “the section 255B automatic release period” means –

(a) where the offender is serving a sentence of less than 12 months, the period of 14 days beginning with the day on which the offender returns to custody;

(b) where the offender is serving a sentence of 12 months or more, the period of 28 days beginning with that day.

(1B) In the case of a relevant young offender recalled under section 254 while on licence under section 246, “the section 255B automatic release period” means whichever of the following ends later –

(a) the period described in subsection (1A)(a) or (b) (as appropriate);

(b) the requisite custodial period which the offender would have served under section 243A or 244 but for the earlier release.”

(4) In subsection (9), in the words before paragraph (a) and in paragraph (b), for “automatic release” substitute “release at the end of the section 255B automatic release period”.

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(5) For subsection (10) substitute—

“(10) Subsections (8) and (9) do not apply where P falls within section 255A(4)(a), unless the Secretary of State receives information that, after being recalled, P has been charged with a serious offence (within the meaning of section 255A(5)).”

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(6) At the end insert—

“(11) For the purposes of subsections (1A) and (1B), a person returns to custody when the person, having been recalled, is detained (whether or not in prison) in pursuance of the sentence.

(12) In this section, “relevant young offender” has the same meaning as in section 255A.”

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29 Further release after recall: other offenders eligible for automatic release

(1) The Criminal Justice Act 2003 is amended as follows.

(2) After section 255B insert—

“255BA Automatic release: other offenders

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(1) A prisoner who is eligible for automatic release at the end of the section 255BA automatic release period (“P”) must—

- (a) on return to prison, be informed that they will be released under this section (subject to subsections (5) to (9)), and
- (b) at the end of the section 255BA automatic release period, be released by the Secretary of State on licence under this Chapter (unless P is released before that date under subsection (3) or P falls within subsection (9)(b)).

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(2) The “section 255BA automatic release period”, in relation to P, means—

- (a) if P is recalled under section 254 while on licence under a provision of this Chapter other than section 246, the period of 56 days beginning with the day on which P returns to custody;
- (b) if P is recalled under section 254 while on licence under section 246, whichever of the following ends later—
 - (i) the period of 56 days beginning with the day on which P returns to custody;
 - (ii) the requisite custodial period which P would have served under section 243A or 244 but for the earlier release.

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(3) The Secretary of State may, at any time after P is returned to prison, release P again on licence under this Chapter.

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(4) The Secretary of State must not release P under subsection (3) unless the Secretary of State is satisfied that it is not necessary for the protection of the public that P should remain in prison until the end of the section 255BA automatic release period.

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(5) Subsection (9) applies in relation to P if at any time the Secretary of State determines that P should not be released at the end of the section 255BA automatic release period.

(6) The Secretary of State may make a determination under subsection (5) only if one or both of the following conditions is satisfied. 5

(7) The first condition is that the Secretary of State believes on reasonable grounds that P would, if released, pose a significant risk to members of the public of serious harm occasioned by the commission of any of the following offences—

- (a) murder;
- (b) an offence listed in Schedule 18 to the Sentencing Code.

(8) The second condition is that, after P is recalled, the Secretary of State receives information—

- (a) that results in a determination that P may be at risk of involvement in terrorism-related activity (within the meaning of section 325(9)),
- (b) that results in the Secretary of State considering that P may be at risk of involvement in foreign power threat activity within the meaning of Part 1 of the National Security Act 2023 (see section 33 of that Act),
- (c) that results in a determination that, if released at the end of the section 255BA automatic release period, P would be managed at level 2 or 3, as specified in guidance for the time being issued under section 325(8), by a responsible authority under arrangements made under that section (arrangements for assessing etc risks posed by certain offenders), or 15
- (d) that P has been charged with an offence.

(9) Where this subsection applies—

- (a) if the Secretary of State has already informed P that P will be released under this section, the Secretary of State must inform P that P will not be released under this section, and 20
- (b) P is to be dealt with in accordance with section 255C (and accordingly not released under this section).

(10) The Secretary of State may by order amend either or both of paragraphs (a) and (b)(i) of subsection (2) so as to alter the period for the time being specified in those paragraphs. 35

(11) For the purposes of subsection (2), a person returns to custody when the person, having been recalled, is detained (whether or not in prison) in pursuance of the sentence.”

(3) In section 330(5)(a) (orders subject to affirmative procedure), at the appropriate place insert— 40

“section 255BA(10),”.

(4) In section 255BA (automatic release: other offenders) (as inserted by subsection (2)), after subsection (4) insert –

“(4A) The Secretary of State must not be satisfied as mentioned in subsection (4) unless the Secretary of State considers that there is no more than a minimal risk that, if P were released before the end of the period mentioned in subsection (1)(b), P would commit a further offence the commission of which would cause serious harm (and section 237A(4) applies for the purposes of that assessment).”

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30 Further release after recall: supplementary

(1) The Criminal Justice Act 2003 is amended in accordance with subsections (2) to (11). 10

(2) In section 237A(12)(b) (public protection decisions), for “not suitable for” substitute “excluded from”. 15

(3) In section 240ZA(6) (time remanded in custody to count as time served), after “255B(1)” insert “or 255BA(1)”. 15

(4) In section 240A(3B) (time remanded on bail to count as time served), after “255B(1)” insert “or 255BA(1)”. 20

(5) In section 244(1A) (duty to release prisoners not subject to special provision for release), for “and”, in the second place it occurs, substitute “to”. 25

(6) In section 244ZA(2) (release on licence of certain violent or sexual offenders), in paragraph (c), for “and” substitute “to”. 25

(7) In section 247A(7) (restricted eligibility for release on licence of terrorist prisoners), for “255B and” substitute “255A to”. 30

(8) In section 255C (prisoners excluded from automatic release) –

(a) in the heading, for “not suitable for automatic release” substitute “excluded from automatic release under section 255B or 255BA”; 30

(b) for subsection (1), substitute –

“(1) This section applies to a prisoner (“P”) –

(a) who is a relevant young offender and –

(i) whose case was referred to the Board under section 244ZB, or 30

(ii) who is not considered suitable for release at the end of the section 255B automatic release period (see sections 255A(4) and 255B(9)), or

(b) who is not a relevant young offender and – 35

(i) who is not a prisoner eligible for automatic release at the end of the section 255BA automatic release period (see section 255A(8)), or

(ii) who the Secretary of State has determined should not be released at the end of the section 40

255BA automatic release period (see section 255BA(5)).”;

(c) at the end insert—

“(9) In this section, “relevant young offender” has the same meaning as in section 255A.”

(9) In section 256AZA(4) (release after recall where further sentence being served), after “255B,” insert “255BA.”

(10) In section 256AZB(1) (power to change test for release following recall)—

(a) in paragraph (a), for “automatic release” substitute “release at the end of the section 255B automatic release period”;

(b) in paragraph (b), after “section 255B(2)” insert “, 255BA(3)”;

(c) after paragraph (b) insert—

“(ba) the test to be applied by the Secretary of State in determining under subsection (5) of section 255BA that a person should not be released at the end of the section 255BA automatic release period.”

(11) In Schedule 19B (prisoners returning to the UK: modifications of Chapter 6 of Part 12), in paragraphs 6 and 12, for paragraph (b) substitute—

“(b) section 255C (prisoners excluded from automatic release) applied to them.”

(12) In section 246(2C) of the Armed Forces Act 2006 (crediting of time in service custody), after “255B(1)” insert “or 255BA(1)”.

(13) In consequence of the amendments made by sections 27 to 29 and this section—

(a) in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in Schedule 20 omit paragraph 7;

(b) in the Offender Rehabilitation Act 2014, omit section 9(4) and (5);

(c) in the Sentencing Act 2020, in Schedule 24 omit paragraph 228;

(d) in the Counter-Terrorism and Sentencing Act 2021, in Schedule 13 omit paragraph 9(6) and (7)(b);

(e) in the Police, Crime, Sentencing and Courts Act 2022, omit section 132(6) and (7);

(f) the Criminal Justice Act 2003 (Suitability for Fixed Term Recall) Order 2025 (S.I. 2025/833) is revoked.

(14) The amendments made by sections 27, 28, 29(1) to (3), this section and Schedule 4, as well as applying to a person recalled on or after the day on which those amendments come into force, apply to a person (“P”) recalled before that day except where P, immediately before that day—

(a) is in custody or detention, and

(b) is not being dealt with in accordance with section 255C (prisoners excluded from automatic release).

Removal of requirement for supervision after sentence

31 Repeal of provisions relating to supervision after end of sentence

(1) In the Criminal Justice Act 2003—

- (a) for the italic heading before section 256AA, for “offenders” substitute “certain young offenders after release”;
- (b) omit sections 256AA to 256AC (supervision after end of sentence of prisoners serving less than 2 years);
- (c) omit Schedule 19A (supervision default orders).

(2) In the Sentencing Code, omit section 247 (supervision after end of term of detention and training order).

(3) Schedule 5 makes provision which is consequential on subsections (1) and (2).

(4) Subject to subsection (5), the amendments made by this section and Schedule 5 have effect in relation to supervision requirements imposed on a person under section 256AA of the Criminal Justice Act 2003 before the day on which the amendments come into force.

(5) The amendments do not have effect in relation to a failure, or alleged failure, to comply with such a supervision requirement where the failure or alleged failure began, or is alleged to have begun, before the day on which the amendments come into force.

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Early removal of prisoners liable to removal from the United Kingdom

32 Early removal of prisoners liable to removal from United Kingdom

(1) In section 260 of the Criminal Justice Act 2003 (early removal of prisoners liable to removal from United Kingdom)—

- (a) in subsection (1) omit “after the prisoner has served the minimum pre-removal custodial period”;
- (b) omit subsection (2);
- (c) omit subsection (6);
- (d) in subsection (9) omit from “and in such a case—” to the end of that subsection.

(2) In consequence of the amendments made by subsection (1)—

- (a) in section 257(2) of the Criminal Justice Act 2003 (additional days for disciplinary offences)—
 - (i) at the end of paragraph (a) insert “and”;
 - (ii) omit paragraph (b) and the “and” at the end of that paragraph;
- (b) in section 263 of that Act (concurrent terms), omit subsection (2A);
- (c) in section 330(5)(a) of that Act (procedure for orders), omit “section 260.”;

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- (d) in Schedule 20B to that Act (transitional provision), in paragraph 37(1) –
 - (i) in paragraph (b) omit “during the period mentioned in subsection (1) of that section”;
 - (ii) in the words after paragraph (b) omit “after the end of that period”;
- (e) in section 47 of the Nationality and Borders Act 2022 (prisoners liable to removal from United Kingdom), omit subsections (8) and (10). 5

Community order requirements and community requirements

33 Removal of maximum period for unpaid work requirement 10

- (1) The Sentencing Code is amended as follows –
 - (a) in paragraph 1 of Schedule 9 (meaning of “unpaid work requirement”: community order and suspended sentence order) –
 - (i) in sub-paragraph (1)(b), omit “, during a period of 12 months.”;
 - (ii) omit sub-paragraph (2); 15
 - (b) in Schedule 10, omit paragraph 21 and the italic heading before it;
 - (c) in Schedule 16, omit paragraph 27 and the italic heading before it.
- (2) Schedule A1 to the Children Act 1989 is amended as follows –
 - (a) in paragraph 3A (meaning of “unpaid work requirement”: enforcement order) –
 - (i) in sub-paragraph (1)(b), omit “, during a period of 12 months.”;
 - (ii) in sub-paragraph (2), for “paragraphs 7 and 9” substitute “paragraph 9”;
 - (iii) omit sub-paragraph (3); 20
 - (b) omit paragraph 7 and the italic heading before it; 25
 - (c) in paragraph 9 (breach of an enforcement order), in sub-paragraph (9) omit paragraph (b).
- (3) The amendments made by subsections (1) and (2) apply in relation to a community order, suspended sentence order or, as the case may be, an enforcement order whenever made. 30
- (4) In paragraph 3(4) of Schedule 19A to the Criminal Justice Act 2003 (modification of Sentencing Code in its application to supervision default orders), for paragraph (b), substitute –
 - “(b) as if, in paragraph (b), after “the times” there were inserted “, before the end of the supervision period.”.” 35
- (5) If section 31 (repeal of provisions relating to supervision after end of sentence) comes into force before the coming into force of subsection (4), the reference in that subsection to Schedule 19A to the Criminal Justice Act 2003 is a reference to that Schedule as it continues to have effect despite its repeal.

(6) In consequence of the amendments made by subsection (2), in paragraph 112 of Schedule 24 to the Sentencing Act 2020—

- (a) omit sub-paragraph (4);
- (b) in sub-paragraph (6), omit paragraph (b).

34 Number of hours of work required by unpaid work requirement

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(1) Part 1 of Schedule 9 to the Sentencing Code (community orders and suspended sentence orders: unpaid work requirement) is amended in accordance with subsections (2) and (3).

(2) In paragraph 2 (number of hours of unpaid work)—

(a) for sub-paragraph (1) substitute—

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“(1) A relevant order imposing an unpaid work requirement must specify the number of hours that the offender may be required to work under the requirement subject to any reduction under paragraph 3A.

(1A) The number of hours which may be specified in the order must, in aggregate, be—

- (a) not less than 40, and
- (b) not more than 300.”;

(b) in sub-paragraph (2), for “(1)(b)(i)” substitute “(1A)(a)”;

(c) in sub-paragraph (4), in the final sentence, for “(1)(b)(ii)” substitute “(1A)(b)”.

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(3) After paragraph 3 insert—

“Reduction in number of hours of work required by unpaid work requirement”

3A (1) This paragraph applies where—

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- (a) a relevant order is in force,
- (b) the order includes an unpaid work requirement,
- (c) the offender has performed the qualifying amount of work in relation to the requirement,

(d) the responsible officer is of the view that the offender did not, during the period starting when the order was made and ending when the offender had first performed the qualifying amount of work (“the relevant period”), at any time fail without reasonable excuse to attend for work as required by the officer’s instructions, and

(e) during the relevant period the responsible officer did not at any time ask the offender to leave a place of work on the grounds that the offender was not performing work as required by the officer’s instructions.

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(2) For the purposes of this paragraph “the qualifying amount of work”, in relation to an unpaid work requirement, is 25 per cent of the number of hours of work specified in the relevant order (including a fraction of an hour where necessary).

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(3) Where this paragraph applies, the number of hours that the offender may be required to work under the requirement is reduced by half an hour for every credit earning hour worked.

(4) For the purposes of sub-paragraph (3), the offender works a credit earning hour where the offender performs a whole hour of work under the requirement at any time after the offender has performed the qualifying amount of work in relation to the requirement. 5

(5) But if –

- (a) the responsible officer is of the view that the offender fails without reasonable excuse to attend for work as required by the officer’s instructions, or 10
- (b) the responsible officer asks the offender to leave a place of work on the grounds that the offender is not performing work as required by the officer’s instructions,

any work performed by the offender at any time after that failure to attend or request to leave is not to count as all or part of a credit earning hour. 15

(6) Where a relevant order is amended under paragraph 10(5)(b) or 11(2)(b) of Schedule 10, or under paragraph 13(1)(d)(i) of Schedule 16, so as to require the offender to perform additional hours of unpaid work – 20

- (a) the requirement to perform those additional hours is to be treated, for the purposes of this paragraph, as imposed under an additional unpaid work requirement that is separate from any unpaid work requirement included in the order before its amendment, and 25
- (b) sub-paragraph (3) does not apply in relation to that additional unpaid work requirement.

(7) The Secretary of State may by regulations amend this paragraph so as to – 30

- (a) vary the percentage for the time being specified in sub-paragraph (2);
- (b) vary the amount for the time being specified in sub-paragraph (3) as the amount by which the number of hours required to be worked is reduced for each hour worked by the offender; 35
- (c) omit sub-paragraph (1)(d) or (e) or (5);
- (d) provide for restrictions, conditions or exclusions in relation to the application of the paragraph or the reduction in hours required to be worked that results from its application; 40
- (e) vary or remove any restrictions, conditions or exclusions provided for by virtue of paragraph (d).

(8) Regulations under sub-paragraph (7) –

- (a) may make consequential amendments (including amendments of primary legislation); 45

(b) are subject to the affirmative resolution procedure.”

(4) In consequence of the amendments made by subsections (1) to (3), the Sentencing Code is amended as follows—

- (a) in section 220(3) (when a community order ceases to be in force), at the end insert “, subject to any reduction under paragraph 3A of Schedule 9”;
- (b) in section 288(5)(a) (supervision period of suspended sentence order), for “under paragraph 2(1) of Schedule 9” substitute “, subject to any reduction under paragraph 3A of Schedule 9”;
- (c) in paragraph 13(4) of Schedule 10 (imposition of more onerous requirements on breach of order), in the words after paragraph (b), for “for” to “paragraph 2(1)” substitute “which may be specified in the order (see paragraph 2(1A))”;
- (d) in paragraph 13(1)(a) of Schedule 23 (power to amend maximum number of hours of unpaid work), for “paragraph 2(1)” substitute “paragraph 2(1A)”.

(5) In Schedule 19A to the Criminal Justice Act 2003 (supervision default orders: application and modification of provisions relating to community orders)—

- (a) in paragraph 2(f), after “2(1)” insert “and (1A)”;
- (b) in paragraph 3—
 - (i) after sub-paragraph (3) insert—

“(3A) Section 220(3) applies as if the words “, subject to any reduction under paragraph 3A of Schedule 9” were omitted.”;
 - (ii) for sub-paragraph (5) substitute—

“(5) Paragraph 2(1) of that Schedule applies as if the words “subject to any reduction under paragraph 3A” were omitted.

(5A) Paragraph 2(1A) of that Schedule applies as if for paragraphs (a) and (b) (limit on number of hours of unpaid work) there were substituted—
 - “(a) not less than 20 hours, and
 - “(b) not more than 60 hours.””;

- (c) in paragraph 6, for “paragraph 3(5)” substitute “paragraph 3(5A)”;
- (d) in paragraph 10(2)(b), for “2(1)” substitute “2(1A)”.

(6) If section 31 (repeal of provisions relating to supervision after end of sentence) comes into force before the coming into force of subsection (5), the reference in that subsection to Schedule 19A to the Criminal Justice Act 2003 is a reference to that Schedule as it continues to have effect despite its repeal.

(7) In Schedule 31 to the Criminal Justice Act 2003 (default orders: modification of provisions relating to community orders)—

- (a) in paragraph 2 (unpaid work requirement)—

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(i) after sub-paragraph (1), insert –

“(1A) In sub-paragraph (1), the words “subject to any reduction under paragraph 3A” are omitted.”;

(ii) in sub-paragraph (2), for the words before the Table in that sub-paragraph substitute “In sub-paragraph (1A), for paragraphs (a) and (b) there is substituted –

“(a) not less than 20 hours, and

(b) in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.””;

(b) after paragraph 2 insert –

“2A In its application to a default order, Schedule 9 to the Sentencing Code has effect as if paragraph 3A (reduction in number of hours of work required by unpaid work requirement) were omitted.”

(8) The amendments made by this section apply in relation to a community order, suspended sentence order, supervision default order or default order whenever made.

35 Unpaid work requirement: publication of name and photograph of offender

(1) The Sentencing Code is amended in accordance with subsections (2) to (4).

(2) In Part 1 of Schedule 9 (community orders and suspended sentence orders: unpaid work requirements), after paragraph 3A (as inserted by section 34 of this Act) insert –

“Power to take photograph of offender

3B (1) This paragraph applies where –

(a) a relevant order is in force,

(b) the order includes an unpaid work requirement, and

(c) the order was made, or the requirement was included, on or after the day on which section 35 of the Sentencing Act 2025 comes into force.

(2) But this paragraph does not apply in such cases as may be prescribed in regulations made by the Secretary of State.

(3) The responsible officer may give the offender a notice under this paragraph, the effect of which is that –

(a) an officer of a provider of probation services may take a photograph of the offender (with or without the consent of the offender), and

(b) the offender must comply with any instructions given by an officer of a provider of probation services for the purpose of taking a photograph under paragraph (a).

(4) The instructions that may be given under sub-paragraph (3)(b) include, in particular, an instruction to remove any item or substance worn on or over the whole or any part of the head or face of the offender. 5

(5) The obligation in sub-paragraph (3)(b) is enforceable –

- (a) where the relevant order is a community order, as if it were a community order requirement of that order; 10
- (b) where the relevant order is a suspended sentence order, as if it were a community requirement of that order.

(6) The responsible officer may withdraw a notice given under this paragraph (and such a notice ceases to have effect on being withdrawn). 15

(7) This paragraph ceases to apply (and any notice given under it ceases to have effect) –

- (a) where the relevant order is a community order, when the order ceases to be in force;
- (b) where the relevant order is a suspended sentence order, at the end of the supervision period. 20

(8) Regulations under sub-paragraph (2) may prescribe cases by reference to, among other things, the opinion of the responsible officer.

(9) Regulations under sub-paragraph (2) are subject to the negative resolution procedure. 25

Publication of photograph of offender etc

3C (1) Where a notice under paragraph 3B has effect in relation to an offender, a provider of probation services may publish –

- (a) any photograph of the offender taken pursuant to the notice,
- (b) the name of the offender, and
- (c) the fact that the offender is subject to an unpaid work requirement. 30

(2) A photograph taken pursuant to such a notice –

- (a) may be used by, or disclosed to, any person for any of the probation purposes (within the meaning of section 1(1) of the Offender Management Act 2007), and
- (b) after being so used or disclosed, may be retained but may not be used or disclosed except for such a purpose.” 35

(3) In Schedule 11 (transfer of community orders to Scotland or Northern Ireland) – 40

(a) in paragraph 6 (modification of requirements: Scotland), in sub-paragraph (b), before paragraph (i) insert –

“(ai) paragraphs 3B and 3C (power to take and publish photograph of offender subject to unpaid work requirement);”;

(b) in paragraph 13 (modification of requirements: Northern Ireland), in sub-paragraph (b), before paragraph (i) insert –

“(ai) paragraphs 3B and 3C (power to take and publish photograph of offender subject to unpaid work requirement);”.

(4) In Schedule 17 (transfer of suspended sentence orders to Scotland or Northern Ireland) –

(a) in paragraph 10 (making of orders: modification of requirements), in sub-paragraph (b), before paragraph (i) insert –

“(ai) paragraphs 3B and 3C (power to take and publish photograph of offender subject to unpaid work requirement);”;

(b) in paragraph 16 (provisions where SSSO or NISSO is in force: modification of requirements), in sub-paragraph (b), before paragraph (i) insert –

“(ai) paragraphs 3B and 3C (power to take and publish photograph of offender subject to unpaid work requirement);”.

(5) In Schedule 31 to the Criminal Justice Act 2003 (default orders: modification of provisions relating to community orders), after paragraph 2A (as inserted by section 34 of this Act) insert –

“2B In its application to a default order, Schedule 9 to the Sentencing Code has effect as if paragraphs 3B and 3C (power to take and publish photograph of offender subject to unpaid work requirement) were omitted.”

(6) In section 183 of the Armed Forces Act 2006 (overseas community orders: modifications of the Sentencing Code) –

(a) in subsection (1), for “(5)” substitute “(5A)”;

(b) after subsection (5) insert –

“(5A) Schedule 9 has effect as if, in paragraph 3B(3)(a) and (b), after “services” there were inserted “or another person determined by the responsible officer”.”;

(c) in subsection (6), after “Schedule 6” insert “of this Act”.

36 Termination of community order

(1) The Sentencing Code is amended as follows.

(2) In the italic heading before section 218, after “revocation” insert “, termination”.

(3) In section 218—

- (a) in the heading, after “revocation” insert “, termination”;
- (b) after paragraph (b) insert—
 - “(ba) termination of community orders;”.

(4) In section 220(2) (when a community order ceases to be in force)–

- (a) the words “when it is revoked” become paragraph (a), and
- (b) at the end of that paragraph insert “, or

- (b) when it terminates under Part 3A of Schedule 10.”

(5) In Schedule 10 (breach, revocation or amendment of community order)–

- (a) in the heading, after “revocation” insert “, termination”;
- (b) after Part 3 insert—

“PART 3A

TERMINATION OF ORDER

15A(1) This paragraph applies if—

- (a) a community order is in force,
- (b) the order does not contain provision for review within the meaning of section 217A (review of community order qualifying for special procedures),
- (c) in a case where the order imposes a probation requirement, the responsible officer does not consider that it is necessary to give any further instructions to the offender pursuant to that requirement,
- (d) in a case where the order imposes one or more other community order requirements listed in section 201 (whether or not it also imposes a probation requirement), the offender has complied with each of those other requirements, and
- (e) in a case where a sentence plan has been prepared for the offender, the responsible officer—
 - (i) considers that the offender has met the objectives set out in the plan, and
 - (ii) does not consider that it is necessary to add to those objectives.

(2) The community order terminates on the date specified by the responsible officer to the offender.

(3) In this paragraph “sentence plan”, in relation to an offender to whom a community order relates, means a plan prepared by the responsible officer which sets out—

- (a) the community order requirements imposed by the order,
- (b) any objectives to be met by the offender for the purposes of the order, and

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(c) how the offender –

- (i) will comply with those requirements, and
- (ii) will meet any such objectives.

(4) If section 36 of the Sentencing Act 2025 (which inserted this paragraph) comes into force before section 12 of that Act, the references in sub-paragraph (1) to a probation requirement are to be read, until that section comes into force, as references to a rehabilitation activity requirement.”

(6) The amendments made by this section apply to a community order whenever made.

37 Termination of supervision period of suspended sentence order

(1) The Sentencing Code is amended as follows.

(2) In section 288 (operational period and supervision period), after subsection (5) insert –

“(6) For provision about the termination of the supervision period, see paragraph 22A of Schedule 16.”

(3) In section 303 (introduction of Schedule 16), after paragraph (a) (but before the “and” at the end of that paragraph) insert –

“(aa) termination of the supervision period of a suspended sentence order.”

(4) In section 305 (suspended sentences: interpretation), in the definition of the “the supervision period”, in the words after paragraph (c), after “requirement” insert “and paragraph 22A of Schedule 16 (termination of supervision period)”.

(5) In Part 3 of Schedule 16 (amendment of suspended sentence order), after paragraph 22 insert –

“Termination of supervision period

22A(1) This paragraph applies if –

- (a) the suspended sentence order does not contain provision for review within the meaning of section 293A (review of suspended sentence order qualifying for special procedures),
- (b) in a case where the order imposes a probation requirement, the responsible officer does not consider that it is necessary to give any further instructions to the offender pursuant to that requirement,
- (c) in a case where the order imposes one or more other community requirements listed in section 287 (whether or not it also imposes a probation requirement), the offender has complied with each of those other requirements, and
- (d) in a case where a sentence plan has been prepared for the offender, the responsible officer –

- (i) considers that the offender has met the objectives set out in the plan, and
- (ii) does not consider that it is necessary to add to those objectives.

(2) The supervision period terminates on the date specified by the responsible officer to the offender. 5

(3) In this paragraph “sentence plan”, in relation to an offender to whom a suspended sentence order relates, means a plan prepared by the responsible officer which sets out—

- (a) the community requirements imposed by the order, 10
- (b) any objectives to be met by the offender for the purposes of the order, and
- (c) how the offender—
 - (i) will comply with those requirements, and
 - (ii) will meet any such objectives.

(4) If section 37 of the Sentencing Act 2025 (which inserted this paragraph) comes into force before section 12 of that Act, the references in sub-paragraph (1) to a probation requirement are to be read, until that section comes into force, as references to a rehabilitation activity requirement.” 15

(6) In paragraph 25 of Schedule 17 (modifications of Part 3 of Schedule 16 to the Code in relation to an SSSO or NISSO), after paragraph (d) insert—
“(da) paragraph 22A (termination of supervision period) were omitted;”.

(7) The amendments made by this section apply to a suspended sentence order whenever made. 25

Parole Board rules

38 Rules about the proceedings of the Parole Board

Omit section 73(2) of the Victims and Prisoners Act 2024 (rules about the proceedings of the Parole Board). 30

Repatriated prisoners

39 Application of provisions about release etc to certain repatriated prisoners

(1) In the Schedule to the Repatriation of Prisoners Act 1984 (operation of certain enactments in relation to transferred prisoners), after paragraph 2A insert—
“*Application of release provisions to prisoner serving fixed-term sentence for murder* 35

2B (1) This paragraph applies to a prisoner if—

- (a) the prisoner has been transferred to England and Wales in pursuance of a warrant under section 1,
- (b) the prisoner is serving a sentence for an offence which corresponds to murder under the law of England and Wales, and
- (c) by virtue of that sentence the prisoner is a fixed-term prisoner for the purposes of Chapter 6 of Part 12 of the Criminal Justice Act 2003 (“the 2003 Act”).

(2) If, apart from this sub-paragraph, section 243A of the 2003 Act (duty to release certain prisoners serving less than 12 months) would apply to the prisoner, Chapter 6 of Part 12 of that Act and the following provisions of this paragraph have effect in relation to the prisoner as if section 244 of that Act applied to the prisoner.

(3) If section 244 of the 2003 Act (duty to release prisoners not subject to special provision for release) applies to the prisoner, Chapter 6 of Part 12 of that Act has effect in relation to the prisoner as if the requisite custodial period for the purposes of that section were—

- (a) where the prisoner is serving one sentence, two-thirds of the sentence, and
- (b) where the prisoner is serving two or more concurrent or consecutive sentences, the period determined under section 263(2) and 264(2B) or (2E) of the 2003 Act.

(4) If, apart from this sub-paragraph, the prisoner could be released on licence under section 246 of the 2003 Act, the prisoner must not be released under that section.

(5) If—

- (a) the prisoner is recalled to prison under section 254 of the 2003 Act, and
- (b) apart from this sub-paragraph, section 255B or 255BA of that Act (automatic release) would apply to the prisoner following the prisoner’s recall,

section 255C of that Act (prisoners excluded from automatic release) applies to the prisoner instead.

(6) Section 256AZBA of the 2003 Act (referral of release decisions to High Court) has effect in relation to the prisoner as if the offence mentioned in sub-paragraph (1)(b) of this paragraph were specified in section 256AZBB(1) of that Act (specified offences for the purposes of section 256AZBA).

(7) If section 264 of the 2003 Act (consecutive terms) applies to the prisoner, that section has effect in relation to the prisoner as if the minimum custodial period in relation to the prisoner’s sentence for the offence mentioned in sub-paragraph (1)(b) of this paragraph were two-thirds of the sentence.

(8) Section 264B of the 2003 Act (consecutive terms: supplementary) does not apply to the prisoner.”

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(2) In Schedule 20B to the Criminal Justice Act 2003 (modifications of Chapter 6 of Part 12 in certain transitional cases), in paragraph 4(5)(c), omit “to murder or”.

(3) The amendments made by this section, as well as applying to a prisoner who is transferred into England and Wales on or after the day on which those amendments come into force, apply to a prisoner who is transferred into England and Wales before that day.

(4) But if –

(a) a prisoner is transferred into England and Wales before the day on which the amendments made by this section come into force, and

(b) the prisoner is released under Chapter 6 of Part 12 of the Criminal Justice Act 2003 before that day,

those amendments do not apply to the prisoner unless the prisoner is recalled to prison under section 254 or 255 of that Act on or after that day.

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Certain life sentences

40 Certain life sentences: powers of High Court on referral

(1) Section 32ZAC of the Crime (Sentences) Act 1997 (powers of the High Court on referral of release decision) is amended in accordance with subsections (2) to (4).

(2) In subsection (1), after “section 32ZAA,” insert “and unless subsection (2B) applies on the referral.”

(3) After subsection (2) insert –

“(2A) Subsection (2B) applies on a referral of a prisoner’s case under section 32ZAA if, by virtue of section 31A(4F)(a), the Parole Board has directed the Secretary of State to release the prisoner unconditionally.”

(2B) The High Court –

(a) must, if satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined, make an order requiring the Secretary of State to give effect to the Parole Board’s direction to release the prisoner unconditionally;

(b) otherwise, must make an order quashing the Parole Board’s direction to release the prisoner unconditionally.”

(4) In subsection (3), after “(1)(b)” insert “or (2B)(b)”.

(5) Section 32ZB of the Crime (Sentences) Act 1997 (release at direction of Parole Board: timing) is amended in accordance with subsections (6) and (7).

(6) In subsection (1), after “32ZAC(1)(a)” insert “or (2B)(a)”.

(7) In subsection (2), after “the need” insert “where the life prisoner is to be released on licence”.

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(8) The amendments made by this section do not affect the duty of the Secretary of State to release a prisoner whose release has been directed by the Parole Board before this section comes into force.

PART 3**BAIL**

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41 Amendments to Bail Act 1976

(1) The Bail Act 1976 is amended as follows.

(2) In section 2 (definitions), in subsection (2), after the definition of “surrender to custody” insert –

“suspended sentence” has the meaning given by section 286 of the Sentencing Code.”.

(3) In section 3 (general provisions), in subsection (6ZAA), after “extradition proceedings” insert “, section 3AAB (in the case of certain adults granted bail where there is a real prospect of a suspended sentence)”.

(4) After section 3AAA insert –

“3AAB Conditions for the imposition of electronic monitoring requirements: certain adults released on bail where real prospect of suspended sentence

(1) This section applies to a person who has attained the age of 18 and is released on bail in non-extradition proceedings if it appears to the court that –

(a) there is no real prospect that the person will be sentenced in the proceedings to a custodial sentence, other than a suspended sentence, and

(b) there is a real prospect that the person will be sentenced in the proceedings to a suspended sentence.

(2) Where the person is accused or convicted in the proceedings of one or more indictable offences or offences triable either way a court may not impose electronic monitoring requirements on the person unless –

(a) the condition in subsection (4) or (8) is met, and

(b) the condition in subsection (9) is met.

(3) Where the person is accused or convicted in the proceedings of one or more offences each of which is a summary offence a court may not impose electronic monitoring requirements on the person unless –

(a) the condition in subsection (5), (6), (7) or (8) is met, and

(b) the condition in subsection (9) is met.

(4) The condition in this subsection is that the court is satisfied that there are substantial grounds for believing that without the electronic monitoring requirements the person would –

(a) fail to surrender to custody,

(b) commit an offence while on bail, or

(c) interfere with witnesses or otherwise obstruct the course of justice in relation to the person or any other person.

(5) The condition in this subsection is that—

(a) it appears to the court that, having previously been granted bail in criminal proceedings, the person has failed to surrender to custody in accordance with the person's obligations under the grant of bail, and

(b) the court believes that without the electronic monitoring requirements the person would fail to surrender to custody.

(6) The condition in this subsection is that—

(a) it appears to the court that the person was on bail in criminal proceedings on the date of the offence or one of the offences of which the person is accused or convicted in the proceedings, and

(b) the court is satisfied that there are substantial grounds for believing that without the electronic monitoring requirements the person would commit an offence while on bail.

(7) The condition in this subsection is that—

(a) having been released on bail in or in connection with the proceedings, the person has been arrested in pursuance of section 7, and

(b) the court is satisfied that without the electronic monitoring requirements there are substantial grounds for believing that the person would—

(i) fail to surrender to custody,

(ii) commit an offence while on bail, or

(iii) interfere with witnesses or otherwise obstruct the course of justice in relation to the person or another person.

(8) The condition in this subsection is that the court is satisfied that without the electronic monitoring requirements the person would not be granted bail.

(9) The condition in this subsection is that the court is satisfied that the necessary provision for dealing with the person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.

(10) An offence mentioned in Schedule 2 to the Magistrates' Courts Act 1980 (offences for which the value involved is relevant to the mode of trial) in relation to which—

(a) a determination has been made under section 22(2) of that Act (certain either way offences to be tried summarily if value involved is less than relevant sum) that it is clear that the value

does not exceed the relevant sum for the purposes of that section, or

(b) a determination has been made under section 9A(4) of this Act to the same effect,
is, for the purposes of this section, to be regarded as a summary offence.”

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(5) In section 3AB (conditions for imposition of electronic monitoring requirements in relation to other persons), in subsection (1), after “eighteen” insert “and in relation to whom section 3AAB does not apply”.

(6) In section 3AC (electronic monitoring: general provisions), in subsections (7) and (8), after “3AAA” insert “, 3AAB”.

(7) Schedule 1 (exceptions to general right to bail) is amended as follows.

(8) In Part 1—

(a) in paragraph 1A(1)—

(i) at the end of paragraph (a) insert “and”;

(ii) omit paragraph (b) and the “and” at the end of that paragraph;

(iii) in paragraph (c), after “custodial sentence” insert “, other than a suspended sentence,”;

(b) in paragraph 9, after paragraph (b) insert—

(“ba) the fact (where it is the case) that the defendant—

(i) is pregnant,

(ii) is the primary carer for another person, or

(iii) has been the victim of an offence which involved behaviour by the offender amounting to domestic abuse within the meaning given by section 1 of the Domestic Abuse Act 2021.”.

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(9) In Part 1A, in paragraph 1A(1)—

(a) at the end of paragraph (a) insert “and”;

(b) omit paragraph (b) and the “and” at the end of that paragraph;

(c) in paragraph (c), after “custodial sentence” insert “, other than a suspended sentence,”.

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PART 4

FOREIGN CRIMINALS

42 Deportation of foreign criminals

(1) In section 38(1) of the UK Borders Act 2007 (meaning of “period of imprisonment” for purposes of condition 1 in definition of “foreign criminal”), omit paragraph (a).

(2) In section 117D(4) of the Nationality, Immigration and Asylum Act 2002 (meaning of “period of imprisonment” for purposes of definition of “foreign criminal”), omit paragraph (a).

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PART 5

GENERAL

43 Power to make consequential provision

(1) The Secretary of State may by regulations make provision that is consequential on this Act. 5

(2) Regulations under subsection (1) may, in particular, amend, repeal or revoke any enactment passed or made before, or in the same Session as, this Act.

(3) In subsection (2) “enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation. 10 15

(4) The power to make regulations under subsection (1) includes power to make—

- (a) supplementary, incidental, transitional or saving provision;
- (b) different provision for different purposes or areas.

(5) Regulations under subsection (1) are to be made by statutory instrument. 20

(6) A statutory instrument containing (whether alone or with other provision) regulations under subsection (1) which amend, repeal or revoke primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(7) Any other statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament. 25

(8) In this section “primary legislation” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of Senedd Cymru, or
- (d) Northern Ireland legislation. 30

44 Power to state effect in Sentencing Act 2020 of commencement of amendments made by this Act

The power in section 419(1) of the Sentencing Act 2020 (power to state effect of commencement provisions) applies in relation to any amendment or repeal made by or under this Act of that Act as it applies in relation to an amendment or repeal made by Schedule 22 to that Act. 35

45 Extent

(1) An amendment, repeal or revocation made by this Act has the same extent within the United Kingdom as the provision amended, repealed or revoked, subject to subsection (2)(a). 10

(2) The following provisions of this Act extend to England and Wales, Scotland and Northern Ireland— 5

- (a) section 17;
- (b) section 31(4) and (5);
- (c) section 37(7);
- (d) this Part.

(3) The other provisions of this Act extend to England and Wales only.

(4) Nothing in subsections (1) to (3) limits the extent within the United Kingdom of any provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006. 15

(5) Subsections (1) and (2) of section 384 of the Armed Forces Act 2006 (extent outside the United Kingdom) apply to the armed forces provisions as those subsections apply to the provisions of that Act. 20

(6) The following are “armed forces provisions”—

- (a) a provision made, or inserted, by or under this Act so far as it is applied (by whatever words) by or under the Armed Forces Act 2006;
- (b) an amendment, modification or repeal made by or under this Act of—
 - (i) a provision of or made under the Armed Forces Act 2006,
 - (ii) a provision that amends, modifies or repeals a provision of, or made under, that Act, or
 - (iii) any other provision, so far as the provision is applied (by whatever words) by or under that Act. 25

46 Commencement

(1) Subject to subsections (3) and (4), this Act comes into force on such day as the Secretary of State may by regulations appoint. 30

(2) Different days may be appointed for different purposes or areas.

(3) The following provisions come into force on the day on which this Act is passed—

- (a) sections 22 and 25;
- (b) this Part;
- (c) any other provision of this Act (including provision modifying other legislation) so far as it confers power to make regulations or an order or is otherwise necessary for enabling the exercise of such a power on or after the day on which this Act is passed. 35

- (4) Sections 1, 2, 4, 5, 7 to 9, 18, 19 and 38 to 40 and Schedules 1 and 2 come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (5) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act. 5
- (6) The power to make regulations under subsection (5) includes power to make different provision for different purposes or areas.
- (7) Regulations under this section are to be made by statutory instrument.

47 Short title

This Act may be cited as the Sentencing Act 2025.

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SCHEDULES

SCHEDULE 1

Section 1(4)

PRESUMPTION OF SUSPENDED SENTENCE ORDER: CONSEQUENTIAL PROVISION

Firearms Act 1968

1 In section 21(2C)(b) of the Firearms Act 1968 (ban on possession of firearm by person subject to suspended sentence), after “section 264 or 277 of the Sentencing Code” insert “(including by virtue of section 264A or 277A of that Code)”. 5

Proceeds of Crime Act 2002

2 In section 38(4)(a) of the Proceeds of Crime Act 2002 (provisions about imprisonment or detention: disregard of suspended sentence orders), after “section 264 or 277 of the Sentencing Code” insert “(including by virtue of section 264A or 277A of that Code)”. 10

Armed Forces Act 2006

3 (1) The Armed Forces Act 2006 is amended as follows. 15

(2) In section 200(1) (application of provisions in the Sentencing Code about suspended sentence orders) –

(a) after paragraph (a) insert –

“(aa) section 264A (presumption of suspended sentence order: offender under 21);”;

(b) after paragraph (b) insert –

“(ba) section 277A (presumption of suspended sentence order: person aged 21 or over);”.

(3) Before section 200A insert –

“200ZB Modifications of sections 264A and 277A of the Sentencing Code

(1) Section 264A of the Sentencing Code (presumption of suspended sentence order: offender under 21) has effect in relation to a suspended sentence order made by a relevant service court as if –

(a) in subsection (3), after paragraph (d) there were inserted –

“(da) the offender is deemed to have served the whole custodial period of the sentence for the offence (or in the case of two or more sentences imposed on the same occasion where those sentences are to be served

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consecutively, the aggregate of the custodial periods for each offence) by virtue of section 246 of the Armed Forces Act 2006 (crediting of time in service custody: terms of imprisonment and detention),”⁵

(b) in subsection (5), the reference to section 30 of the Sentencing Code were to section 256 of this Act, and

(c) in subsection (7), before the definition of “order of a court” there were inserted –

““custodial period” means the period of a custodial sentence (within the meaning of the Armed Forces Act 2006: see section 374 of that Act) which the offender is required to serve in custody;”.

(2) Section 277A of the Sentencing Code (presumption of suspended sentence order: person aged 21 or over) has effect in relation to a suspended sentence order made by a relevant service court as if –

(a) in subsection (3), after paragraph (d) there were inserted –

“(da) the offender is deemed to have served the whole custodial period of the sentence for the offence (or in the case of two or more sentences imposed on the same occasion where those sentences are to be served consecutively, the aggregate of the custodial periods for each offence) by virtue of section 246 of the Armed Forces Act 2006 (crediting of time in service custody: terms of imprisonment and detention),”²⁰

(b) in subsection (6), the reference to section 30 of the Sentencing Code were to section 256 of this Act, and

(c) in subsection (8), before the definition of “order of a court” there were inserted –

““custodial period” means the period of a custodial sentence (within the meaning of the Armed Forces Act 2006: see section 374 of that Act) which the offender is required to serve in custody;”²⁵

Sentencing Act 2020

4 In Schedule 22 to the Sentencing Act 2020 (amendments of the Sentencing Code etc), after paragraph 54 insert –

“54A In section 277A (presumption of suspended sentence order: person aged 21 or over) –

(a) in subsection (1)(a), for “21” substitute “18”;

(b) in the heading, for “person aged 21 or over” substitute “adults”.”

SCHEDULE 2

Sections 8(12) and 9(6)

SENTENCE WITH FIXED LICENCE PERIOD IN SCOTLAND OR NORTHERN IRELAND:
CONSEQUENTIAL PROVISION

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PART 1

SCOTLAND

Rehabilitation of Offenders Act 1974

1 In section 5(1)(da) of the Rehabilitation of Offenders Act 1974 as it forms part of the law of Scotland (disclosure periods for particular sentences), for “(terrorism sentence for young offenders or children)” substitute “(sentence with fixed licence period for young offenders or children)”. 10

Prisons (Scotland) Act 1989

2 In section 39(7B)(a) of the Prisons (Scotland) Act 1989 (rules for the management of prisons and other institutions), after “terrorism” insert “or national security-related”. 15

Prisoners and Criminal Proceedings (Scotland) Act 1993

3 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 is amended as follows. 20

(2) In section 1(9) (release of short-term, long-term and life prisoners) –
 (a) the words from “in respect of an offence” to the end of the subsection become paragraph (a);
 (b) at the end of that paragraph insert “, or
 (b) under section 205ZC of the 1995 Act in respect of an offence listed in Part 2 of Schedule 5ZB to that Act (offences involving or connected with a threat to national security).” 25

(3) In section 1AB (restricted eligibility for release on licence of terrorist prisoners) –

(a) in the heading, at the end insert “and other prisoners serving a sentence imposed under section 205ZC of the 1995 Act”;
 (b) after subsection (2A) insert –

“(2B) This section also applies to a prisoner other than a life prisoner who is serving a sentence of imprisonment imposed

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under section 205ZC of the 1995 Act in respect of an offence listed in Part 2 of Schedule 5ZB to that Act (offences involving or connected with a threat to national security).”;

(c) in subsection (3), for “case of a terrorist prisoner” substitute “prisoner’s case”;

(d) in subsections (4) and (5), omit “terrorist”. 5

(4) In section 1B (prisoners serving consecutive sentences including at least one terrorism sentence) –

(a) in the heading, after “terrorism” insert “or national security-related”;

(b) in subsection (1), for paragraph (b) (but not the “and” at the end of that paragraph) substitute – 10

“(b) one or more of the sentences (the “terrorism or national security-related sentence”) was imposed –

(i) in respect of an offence within section 1AB(2), or

(ii) under section 205ZC of the 1995 Act in respect of an offence listed in Part 2 of Schedule 5ZB to that Act (offences involving or connected with a threat to national security).”;

(c) in subsection (2) – 15

(i) after “terrorism”, in both places it occurs, insert “or national security-related”;

(ii) for “imposed in respect of an offence that is not within section 1AB(2) (a “non-terrorism sentence”),” substitute “that is not a terrorism or national security-related sentence.”;

(iii) for “the non-terrorism” substitute “that other”;

(d) in subsection (3) – 20

(i) after “terrorism” insert “or national security-related”;

(ii) for “non-terrorism” substitute “other”;

(e) in subsections (4) to (7), (9), (10) and (13) – 25

(i) after “terrorism”, in each place it occurs, insert “or national security-related”;

(ii) for “non-terrorism”, in each place it occurs, substitute “sentence that is not a terrorism or national security-related”.

(5) In section 2 (duty to release discretionary life prisoners) – 30

(a) in subsection (6), after “(6B)” insert “, (6C)”;

(b) after subsection (6B) insert –

“(6C) No requirement may be made under subsection (6) by a life prisoner who is also serving or liable to serve a sentence of imprisonment imposed under section 205ZC of the 1995 Act in respect of an offence listed in Part 2 of Schedule 5ZB to that Act (offences involving or connected with a threat to 40

national security) before the day on which the Scottish Ministers are required to refer the prisoner's case to the Parole Board under section 1AB(3).”;

(c) in subsection (7), after “(6B)” insert “or (6C)”.

(6) In section 3A (re-release of prisoners serving certain terrorism sentences and extended sentences) – 5

(a) in the heading, for “certain terrorism sentences” substitute “serious terrorism sentences, sentences with a fixed licence period”;

(b) in subsection (1ZA)(b), omit “terrorism”.

(7) In section 3C(6) (prisoners not to be released early by virtue of regulations under section 3C) – 10

(a) after paragraph (c) insert –

“(ca) serving a sentence of imprisonment imposed under section 205ZC of the 1995 Act in respect of an offence listed in Part 2 of Schedule 5ZB to that Act (offences involving or connected with a threat to national security);”;

(b) in paragraph (d), after “terrorism” insert “or national security-related”.

(8) In the italic cross heading before section 26ZA, after “terrorism” insert “and national security-related”. 20

(9) In section 26ZA (terrorism sentences) –

(a) in the heading, after “terrorism” insert “and national security-related”;

(b) for subsection (1) substitute – 25

“(1) This section applies to a person (“the prisoner”) who –

(a) is not a life prisoner, and

(b) is serving a terrorism or national security-related sentence.”;

(c) in subsection (2) –

(i) in the words before paragraph (a), after “terrorism” insert “or national security-related”;

(ii) in paragraph (b), omit “terrorism”;

(d) in subsection (3), after “terrorism”, in both places it occurs, insert “or national security-related”;

(e) in subsections (4) and (5), for “a terrorist” substitute “the”;

(f) in subsection (7) –

(i) for “a terrorist” substitute “the”;

(ii) after “terrorism” insert “or national security-related”;

(g) in subsection (8)(b), omit “terrorism”; 40

(h) in subsection (9) –

(i) for “a terrorist” substitute “the”;
(ii) after “terrorism” insert “or national security-related”;

(i) in subsection (10), after “terrorism”, in both places it occurs, insert “or national security-related”;

(j) in subsection (11), in the definition of “appropriate custodial term”, in the words before paragraph (a) –
(i) after “terrorism” insert “or national security-related”;
(ii) omit “terrorist”;

(k) in subsection (11), in the definition of “extension period”, in paragraphs (a), (b) and (c), omit “terrorist”. 10

(10) In section 27 (interpretation of Part 1) –

(a) in subsection (5), for “subsection (5A)” substitute “subsections (5A) and (5AA)”;

(b) after subsection (5A), insert –
“(5AA) Nor does subsection (5) apply in relation to a sentence (a “national security-related sentence”) imposed on a person under section 205ZC of the 1995 Act in respect of an offence listed in Part 2 of Schedule 5ZB to that Act (offences involving or connected with a threat to national security).”; 15

(c) in subsection (5B) –
(i) for “an offence within section 1AB(2)”, in the first place it appears, substitute “a sentence passed on a person in respect of an offence within section 1AB(2) or a national security-related sentence”;
(ii) after “1AB(2)”, in the second place it appears, insert “or a national security-related sentence”. 20 25

Repatriation of Prisoners Act 1984

4 (1) In the Schedule to the Repatriation of Prisoners Act 1984, paragraph 2 (application of early release provisions) as it applies in relation to prisoners repatriated to Scotland is amended as follows. 30

(2) After sub-paragraph (3D) insert –
“(3E) If sub-paragraph (3F), (3G) or (3H) applies by virtue of an offence in relation to which a determinate sentence is to be served, Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 applies to the prisoner as if the prisoner were serving a sentence imposed under section 205ZC of the Criminal Procedure (Scotland) Act 1995 in respect of an offence specified in Part 2 of Schedule 5ZB to that Act (sentence with a fixed licence period imposed in respect of an offence involving or connected with a threat to national security). 35 40

(3F) This sub-paragraph applies if the warrant specifies that the offence or any of the offences in relation to which a sentence is to be served corresponds to an offence specified in any of paragraphs 9 to 11, or paragraph 13 in a case where the listed offence is an offence specified in any of paragraphs 9 to 11, of Part 2 of Schedule 5ZB to the Criminal Procedure (Scotland) Act 1995 (certain offences under the Official Secrets Acts or the National Security Act 2023). 5

(3G) This sub-paragraph applies if the warrant specifies that— 10

- (a) the offence or any of the offences in relation to which a sentence is to be served (“the overseas offence”) corresponds to an offence under the law of Scotland (“the corresponding offence”), 15
- (b) the overseas offence was committed on or after the day on which section 16 of the National Security Act 2023 came into force, 15
- (c) the corresponding offence—
 - (i) is a “relevant electoral offence” within the meaning of that section, and 20
 - (ii) is punishable on indictment with imprisonment for more than 2 years, and 20
- (d) findings made by the court before which the prisoner was tried or sentenced for the overseas offence would, had the prisoner been tried and sentenced in Scotland for the corresponding offence, have justified a determination under that section that the foreign power condition is met in relation to the conduct that constitutes the offence. 25

(3H) This sub-paragraph applies if the warrant specifies that— 30

- (a) the offence or any of the offences in relation to which a sentence is to be served (“the overseas offence”) corresponds to an offence under the law of Scotland (“the corresponding offence”), 30
- (b) the overseas offence was committed on or after the day on which section 21 of the National Security Act 2023 came into force, 35
- (c) the corresponding offence—
 - (i) is not an offence mentioned in subsection (6) of that section, and 40
 - (ii) is punishable on indictment with imprisonment for more than 2 years, and 40
- (d) findings made by the court before which the prisoner was tried or sentenced for the overseas offence would, had the prisoner been tried and sentenced in Scotland for the corresponding offence, have justified a determination 40

under that section that the foreign power condition is met in relation to the conduct that constitutes the offence.

(3I) The Scottish Ministers may amend a warrant (whether issued before or after sub-paragraph (3E) comes into force and whether or not the transfer it authorises has taken place) so as to specify the matters referred to in sub-paragraph (3F), (3G) or (3H)."
(3) In sub-paragraph (4), for "that Act" substitute "the Prisoners and Criminal Proceedings (Scotland) Act 1993".

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PART 2

NORTHERN IRELAND

10

Criminal Justice (Northern Ireland) Order 2008

5 (1) The Criminal Justice (Northern Ireland) Order 2008 (S.I 2008/1216 (N.I.1)) is amended as follows.

(2) In Article 3(1) (interpretation of Part 2), in the definition of "Article 15A terrorism sentence" omit "terrorism".
(3) In Article 8(1)(a) (setting of custodial period), for "Article 15A terrorism sentence" substitute "Article 15A sentence".
(4) In the heading of Chapter 3 of Part 2, for "other terrorist" substitute "certain other".
(5) In the italic heading before Article 20A, at the end insert "and other prisoners serving an Article 15A sentence".
(6) In Article 20A (restricted eligibility for release on licence of terrorist prisoners) –
(a) in the heading, after "prisoners" insert "and other prisoners serving an Article 15A sentence";
(b) after paragraph (2A) insert –
"“(2AB) This Article also applies to a fixed-term prisoner who is serving an Article 15A sentence imposed in respect of an offence which is specified in Schedule 2B (offences involving or connected with a threat to national security).”;
(c) in paragraphs (3), (4), (5) and (7) omit "terrorist";
(d) in paragraph (8) –
(i) omit "terrorist" in both places it occurs;
(ii) for "Article 15A terrorism sentence" substitute "Article 15A sentence";
(e) in paragraph (9) –
(i) in the definition of "appropriate custodial term", for "Article 15A terrorism sentence" substitute "Article 15A sentence";

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- (ii) in the definition of “relevant part of the sentence”, for “Article 15A terrorism sentence” substitute “Article 15A sentence”.

(7) In Article 33(6) (custodial periods to be aggregated in case of consecutive sentences), in sub-paragraph (a)(i), for “Article 15A terrorism sentence” substitute “Article 15A sentence”. 5

Repatriation of Prisoners Act 1984

6 In paragraph 2A of the Schedule to the Repatriation of Prisoners Act 1984 (application of early release provisions to prisoners repatriated to Northern Ireland), after sub-paragraph (4D) insert – 10

- “(4E) If sub-paragraph (4F), (4G) or (4H) applies by virtue of an offence in relation to which a determinate sentence is to be served, Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 applies to the prisoner as if the prisoner were serving a sentence imposed under Article 15A of the Order in respect of an offence specified in Schedule 2B to the Order (sentence with a fixed licence period imposed in respect of an offence involving or connected with a threat to national security). 15
- (4F) This sub-paragraph applies if the warrant specifies that the offence or any of the offences in relation to which a sentence is to be served corresponds to an offence specified in any of paragraphs 1 to 3, or paragraph 5 in a case where the ancillary offence relates to an offence specified in any of paragraphs 1 to 3, of Schedule 2B to the Criminal Justice (Northern Ireland) Order 2008 (certain offences under the Official Secrets Acts or the National Security Act 2023). 20
- (4G) This sub-paragraph applies if the warrant specifies that –
 - (a) the offence or any of the offences in relation to which a sentence is to be served (“the overseas offence”) corresponds to an offence under the law of Northern Ireland (“the corresponding offence”), 30
 - (b) the overseas offence was committed on or after the day on which section 16 of the National Security Act 2023 came into force,
 - (c) the corresponding offence –
 - (i) is a “relevant electoral offence” within the meaning of that section, and
 - (ii) is punishable on indictment with imprisonment for more than 2 years, and
 - (d) findings made by the court before which the prisoner was tried or sentenced for the overseas offence would, had the prisoner been tried and sentenced in Northern Ireland for35

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the corresponding offence, have justified a determination under that section that the foreign power condition is met in relation to the conduct that constitutes the offence.

(4H) This sub-paragraph applies if the warrant specifies that—

- (a) the offence or any of the offences in relation to which a sentence is to be served (“the overseas offence”) corresponds to an offence under the law of Northern Ireland (“the corresponding offence”), 5
- (b) the overseas offence was committed on or after the day on which section 20 of the National Security Act 2023 came into force, 10
- (c) the corresponding offence—
 - (i) is not an offence mentioned in subsection (2) of that section, and
 - (ii) is punishable on indictment with imprisonment for more than 2 years, and 15
- (d) findings made by the court before which the prisoner was tried or sentenced for the overseas offence would, had the prisoner been tried and sentenced in Northern Ireland for the corresponding offence, have justified a determination under that section that the foreign power condition is met in relation to the conduct that constitutes the offence. 20

(4I) The Department of Justice may amend a warrant (whether issued before or after sub-paragraph (4E) comes into force and whether or not the transfer it authorises has taken place) so as to specify the matters referred to in sub-paragraph (4F), (4G) or (4H).” 25

SCHEDULE 3

Section 10

CORRESPONDING PROVISION ABOUT SENTENCING UNDER SERVICE LAW: SENTENCES FOR OFFENDERS OF PARTICULAR CONCERN

- 1 Section 224A of the Armed Forces Act 2006 (special custodial sentence for offenders of particular concern) is amended in accordance with paragraphs 2 to 9. 30
- 2 In subsection (1)(b) (before its substitution by paragraph 6(a)(ii) of Schedule 8 to the Counter-Terrorism and Sentencing Act 2021), after “listed in” insert “Part 1 or 2 of”. 35
- 3 In subsection (1)(b) (after its substitution by paragraph 6(a)(ii) of Schedule 8 to the Counter-Terrorism and Sentencing Act 2021), in sub-paragraph (i), after “listed in” insert “Part 1 or 2 of”.

4 In subsection (1A) (as inserted by paragraph 8(4) of Schedule 8 to the Counter-Terrorism and Sentencing Act 2021), for the words before paragraph (a), substitute “But nothing in subsection (1) results in this section applying if –”.

5 After subsection (1A) insert –

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“(1B) This section also applies where –

(a) a person aged 18 or over is convicted by the Court Martial of an offence on or after the day on which paragraph 5 of Schedule 3 to the Sentencing Act 2025 comes into force (“the relevant day”),

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(b) the offence –

(i) is an offence under section 42 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is listed in Part 3 of Schedule 13 to the Sentencing Code (offences involving or connected with a threat to national security) (except in paragraph 18 of that Schedule), or

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(ii) is an offence, other than one for which the sentence is fixed by law as life imprisonment, which is punishable on indictment with imprisonment for more than 2 years and where it is determined under section 69A of the Sentencing Code (as applied by section 238(7) of this Act) that the foreign power condition is met in relation to the conduct that constitutes the offence,

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(c) the court does not impose one of the following for the offence –

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(i) a sentence of imprisonment or custody for life, or

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(ii) an extended sentence of detention or imprisonment under section 266 or 279 of the Sentencing Code (as applied by section 219A of this Act), and

(d) if the person was aged under 18 when the offence was committed, the offence was committed on or after the relevant day.”

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6 On the coming into force of paragraph 2 of Schedule 8 to the Counter-Terrorism and Sentencing Act 2021, in subsection (1B) of section 224A (as inserted by paragraph 5 of this Schedule), in paragraph (c) –

(a) omit the “or” at the end of sub-paragraph (i);

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(b) after sub-paragraph (ii) (but before the “and” at the end of it) insert “or

(iii) a serious terrorism sentence of detention or imprisonment under section 268A or 282A of

the Sentencing Code (as applied by section 219ZA of this Act),”.

7 In subsection (3), after “(1)(d),” insert “(1B)(c),”.

8 In subsection (3A) (as inserted by paragraph 41(9)(b) of Schedule 13 to the Counter-Terrorism and Sentencing Act 2021), after “subsection (1A)” insert “or (1B)”. 5

9 If paragraph 6(a)(ii) of Schedule 8 to the Counter-Terrorism and Sentencing Act 2021 comes into force before paragraph 2 of this Schedule comes into force, this Schedule is to be read as if paragraph 2 were omitted.

10 Section 224B of the Armed Forces Act 2006 (as inserted by paragraph 9 of Schedule 8 to the Counter-Terrorism and Sentencing Act 2021) is amended in accordance with paragraphs 11 to 14. 10

11 In the heading, for “terrorist” substitute “certain”.

12 After subsection (1) insert –

“(1A) Subsections (3) and (4) also apply where –

(a) a person aged under 18 is convicted by the Court Martial of an offence committed on or after the day on which paragraph 12 of Schedule 3 to the Sentencing Act 2025 comes into force,

(b) the offence –

(i) is an offence under section 42 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is listed in Part 3 of Schedule 13 to the Sentencing Code (offences involving or connected with a threat to national security) (except in paragraph 18 of that Schedule), or

(ii) is an offence, other than one for which the sentence is fixed by law as life imprisonment, which is punishable on indictment with imprisonment for more than 2 years and where it is determined under section 69A of the Sentencing Code (as applied by section 238(7)) that the foreign power condition is met in relation to the conduct that constitutes the offence,

(c) the court does not impose either of the following for the offence (or for an offence associated with it) –

(i) a sentence of detention for life under section 209, or

(ii) an extended sentence of detention under section 254 of the Sentencing Code (as applied by section 221A of this Act), and

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(d) the court would, apart from this section, impose a custodial sentence (see, in particular, section 260(2)).”

13 In subsection (2), after “subsection (1)(d)” insert “or (1A)(d)”.

14 In subsection (5), after “subsection (1)” insert “or (1A)”.

15 In consequence of the amendments made by paragraphs 10 to 14, in the table in section 177J(5) of the Armed Forces Act 2006 (extension of driving disqualification where custodial sentence or service detention also imposed), in row 2, for “terrorist” substitute “certain”. 5

16 In paragraph 15 of Schedule 26 to the Sentencing Act 2020 (amendment of section 224A of the Armed Forces Act 2006 in relation to prospective abolition of sentences of detention in a young offender institution), after sub-paragraph (a) insert – 10

- “(aa) in subsection (1B)(c)(i) (as inserted by paragraph 5 of Schedule 3 to the Sentencing Act 2025) omit “or custody”;
- (ab) in subsection (1B)(c)(ii) (as inserted by paragraph 5 of Schedule 3 to the Sentencing Act 2025) for “detention or imprisonment under section 266 or 279” substitute “imprisonment under section 279”;
- (ac) in subsection (1B)(c)(iii) (as inserted by paragraph 6 of Schedule 3 to the Sentencing Act 2025), for “detention or imprisonment under section 268A or 282A” substitute “imprisonment under section 282A”.” 15

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SCHEDULE 4

Section 27(4)

OFFENCES WHERE OFFENDER NOT ELIGIBLE FOR AUTOMATIC RELEASE UNDER SECTION 255BA AFTER RECALL

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This is the Schedule to be inserted in the Criminal Justice Act 2003 after Schedule 19ZA –

“SCHEDULE 19ZB

Section 255A(8)(d)

OFFENCES WHERE OFFENDER NOT ELIGIBLE FOR RELEASE AT THE END OF THE SECTION 255BA AUTOMATIC RELEASE PERIOD

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Official Secrets Act 1911

1 An offence under section 7 of the Official Secrets Act 1911 (harbouring spies).

Official Secrets Act 1989

2 An offence under the Official Secrets Act 1989 other than an offence under section 8(1), (4) or (5).

Terrorism Act 2000

3 An offence under any of the following provisions of the Terrorism Act 2000 –

- (a) section 13 (uniform and publication of images);
- (b) section 21D (tipping off: regulated sector);
- (c) section 36(2) (failure to comply with an order, etc of constable in connection with terrorist investigation);
- (d) section 51(2) (failure to move a vehicle when required to do so);
- (e) section 116(3) (failure to stop a vehicle when required to do so);
- (f) section 120B (offences in relation to counter-terrorism financial investigators);
- (g) in Schedule 5 (terrorist investigations: information) –
 - (i) paragraph 3(7) (wilfully obstructing a search of a cordoned area);
 - (ii) paragraph 14 (making a false or misleading statement in connection with a terrorist investigation);
 - (iii) paragraph 15(4) (wilfully obstructing an urgent search);
 - (iv) paragraph 16(3) (failure to comply with an urgent explanation notice: England and Wales and Northern Ireland);
 - (v) paragraph 32(3) (failure to comply with an urgent explanation notice: Scotland);
- (h) in Schedule 5A (terrorist financing investigations: disclosure orders) –
 - (i) paragraph 11 (failure to comply with disclosure order or making false or misleading statement in purported compliance: England and Wales and Northern Ireland);
 - (ii) paragraph 21 (failure to comply with disclosure order or making false or misleading statement in purported compliance: Scotland);
- (i) paragraph 1(3) of Schedule 6 (failure to comply with requirement to provide financial information);
- (j) paragraph 18 of Schedule 7 (port and border controls: failure to comply with duty, etc).

Counter-Terrorism Act 2008

4 An offence under any of the following provisions of the Counter-Terrorism Act 2008 –

- (a) paragraph 15 of Schedule 5 (breach of foreign travel restriction order);
- (b) in Schedule 7 (terrorist financing and money laundering) –
 - (i) paragraph 30 (failure to comply with requirement imposed by direction);
 - (ii) paragraph 30A (circumvention of requirement imposed by direction);
 - (iii) paragraph 31 (offences in connection with licences).

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Counter-Terrorism and Security Act 2015

5 An offence under paragraph 15 of Schedule 1 to the Counter-Terrorism and Security Act 2015 (failure to hand over travel documents or hindering a search).

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Counter-Terrorism and Border Security Act 2019

6 An offence under paragraph 23 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (failure to comply with a duty relating to border security or obstructing a search).

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National Security Act 2023

7 An offence under any of the following provisions of the National Security Act 2023 –

- (a) section 5(1) (unauthorised entry to a prohibited place);
- (b) section 6(4) (failure to comply with instructions of constable around a prohibited place);
- (c) section 11(4) (failure to comply with police cordon);
- (d) section 69(5) (requirement to register foreign influence arrangements);
- (e) section 71(2) or (3) (carrying out political influence activities pursuant to unregistered foreign influence arrangement);
- (f) section 72(6) (failure to register political influence activities of foreign powers);
- (g) section 74(8) committed in relation to a foreign influence arrangement registered under section 69 or a political influence activity registered under section 72 (failure to submit material change in relation to foreign influence arrangement or political influence activity registrations);
- (h) section 75(8) committed in relation to an information notice given under section 75(2) (failure to comply with a requirement to provide information);
- (i) section 77(3) or (4) (providing false information);
- (j) section 78(2) (carrying out activities under arrangements tainted by false information);

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- (k) in Schedule 2 (powers of entry, search and seizure) –
 - (i) paragraph 11(1) (providing false or misleading response to an order requiring explanation of material);
 - (ii) paragraph 12(5) (wilfully obstructing an urgent search);
 - (iii) paragraph 14(3) (failure to comply with an urgent notice);
- (l) in Schedule 3 (disclosure orders) –
 - (i) paragraph 7(1) (failure to comply with a disclosure order);
 - (ii) paragraph 7(3) (making a false or misleading statement in response to a disclosure order);
- (m) paragraph 6(1) of Schedule 4 (failure to comply with a customer information order). 10

Acting for foreign power

- 8 An offence in relation to which, under section 20 of the National Security Act 2023 (aggravating factor where foreign power condition met: Northern Ireland), the foreign power condition has been determined to have been met in relation to the conduct that constituted the offence. 15
- 9 An offence to which section 21 of that Act applies (aggravating factor where foreign power condition met: Scotland).

Inchoate offences

- 10 An attempt to commit an offence specified in a preceding paragraph of this Schedule (“a listed offence”). 20
- 11 Conspiracy to commit a listed offence.
- 12 An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence is the offence (or one of the offences) which the person intended or believed would be committed. 25
- 13 Incitement to commit a listed offence.
- 14 Aiding, abetting, counselling or procuring the commission of a listed offence.

Service offences

- 15 (1) A reference in any of the preceding paragraphs of this Schedule to an offence (“offence A”) includes –
 - (a) a reference to an offence under section 70 of the Army Act 1955 or section 70 of the Air Force Act 1955 as respects which the corresponding civil offence (within the meaning of that Act) is offence A,
 - (b) a reference to an offence under section 42 of the Naval Discipline Act 1957 as respects which the civil offence (within the meaning given by that section) is offence A, and 35

- (c) a reference to an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is offence A.
- (2) Section 48 of the Armed Forces Act 2006 (attempts etc. outside England and Wales) applies for the purposes of paragraph (c) of sub-paragraph (1) as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to that paragraph.”

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SCHEDULE 5

Section 31(3)

REPEAL OF PROVISIONS RELATING TO SUPERVISION AFTER END OF SENTENCE:
 CONSEQUENTIAL PROVISION

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PART 1

AMENDMENTS CONSEQUENTIAL ON REPEALS MADE BY SECTION 31

Crime (Sentences) Act 1997

- 1 Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows. 15
- 2 (1) Paragraph 6 (effect of transfer) is amended as follows.
 - (2) In sub-paragraph (2)(b), for “, possible recall following release and any supervision default order” substitute “and possible recall following release”.
 - (3) In sub-paragraph (2)(c), for “, possible recall and any supervision default order” substitute “and possible recall”. 20
 - (4) In sub-paragraph (3), omit paragraph (c).
 - (5) In sub-paragraph (4), omit the definition of “supervision default order”.
- 3 (1) Paragraph 8 (restricted transfers from England and Wales to Scotland) is amended as follows. 25
 - (2) In sub-paragraph (2)(a) –
 - (a) omit “19A.”;
 - (b) for “, 242 and 247” substitute “and 242”.
 - (3) In sub-paragraph (4)(a) –
 - (a) omit “19A.”;
 - (b) for “sections 242 and 247” substitute “section 242”. 30
 - (4) In sub-paragraph (8) –
 - (a) omit paragraphs (b) and (c) (and the “and” at the end of paragraph (b));

- (b) in the words after paragraph (c), for “paragraphs 8A, 19A and 19B” substitute “paragraph 19A”.
- (5) In sub-paragraph (9) –
 - (a) in paragraph (a), for “256AA to 256E of, and Schedule 19A to,” substitute “256B to 256E of”;
 - (b) omit paragraphs (b) and (c) (and the “and” at the end of paragraph (b)).
- (6) In the Table in sub-paragraph (10), omit the entry for “Young offender institution”.
- (7) Omit sub-paragraphs (11) and (12).

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- 4 Omit paragraph 8A (further provision about supervision default orders) and the italic heading before it.
- 5 (1) Paragraph 9 (restricted transfers from England and Wales to Northern Ireland) is amended as follows.
 - (2) In sub-paragraph (2)(a), for “, 242 and 247” substitute “and 242”.
 - (3) In sub-paragraph (4)(a), for “sections 242 and 247” substitute “section 242”.
 - (4) Omit sub-paragraphs (9) to (12).
- 6 Omit paragraph 19B (electronic monitoring in Scotland of requirements in supervision default order) and the italic heading before it.
- 7 In paragraph 20(1) (interpretation), in the definition of “supervision”, omit paragraph (d) (but not the “or” at the end of it).

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Crime and Disorder Act 1998

- 8 In section 38(4) of the Crime and Disorder Act 1998 (meaning of “youth justice services”) –
 - (a) omit paragraph (ha);
 - (b) omit paragraph (ib).

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Criminal Justice Act 2003

- 9 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 256D (drug testing requirements), in subsections (1) and (2), for “this Chapter” substitute “section 256B”.
- (3) In section 256E (drug appointment requirements), in subsections (1) and (2), for “this Chapter” substitute “section 256B”.
- (4) In section 264 (consecutive terms) –
 - (a) in subsection (3C), omit paragraph (b);
 - (b) omit subsection (3D).
- (5) In section 268 (interpretation) –

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- (a) in subsection (1) –
 - (i) omit the definition of “offender subject to supervision under this Chapter”;
 - (ii) omit the definition of “supervision default order”;
 - (iii) omit the definition of “the supervision period”;
 - (iv) in the definition of “the supervisor”, omit paragraph (a) (and the “and” at the end of that paragraph);
- (b) in subsection (2), omit “256AA(1).”

(6) In section 302 (execution of process between England and Wales and Scotland) –

- (a) omit “section 256AC(1) or (3);”
- (b) omit “paragraph 8(1) or 10(5) of Schedule 19A,” (and the “or” that appears before those words).

(7) In section 330(5)(a) (orders subject to affirmative procedure) –

- (a) omit “section 256AB(4);”
- (b) omit “paragraph 6 of Schedule 19A.”

(8) In Schedule 20B (modifications of Chapter 6 of Part 12 in certain transitional cases) –

- (a) in paragraph 22, omit sub-paragraph (3A);
- (b) in paragraph 33, omit sub-paragraph (4).

Offender Management Act 2007

10 In section 4(3) of the Offender Management Act 2007 (restriction on arrangements for the provision of probation services) –

- (a) at the end of paragraph (a) insert “or”;
- (b) omit paragraph (c) (and the “or” before it).

Sentencing Code

11 (1) The Sentencing Code is amended as follows.

(2) In section 45 (occasions where criminal courts charge duty arises), omit paragraph (c).

(3) In section 46(2) (criminal courts charge duty), in the definition of “relevant failure” –

- (a) at the end of paragraph (a), insert “or”;
- (b) omit paragraph (c) (and the “or” before it).

(4) In section 238(3) (offender subject to more than one order), omit “and 247”.

(5) In section 248(2) (interpretation), for “, 242 and 247” substitute “and 242”.

PART 2**REPEAL OF PROVISION WHICH INSERTS OR AMENDS PROVISION REPEALED BY SECTION
31 OR PART 1 OF THIS SCHEDULE***Offender Rehabilitation Act 2014*

12 (1) The Offender Rehabilitation Act 2014 is amended as follows.	5
(2) In section 2, omit subsections (2) and (4)(a).	
(3) Omit section 3.	
(4) In section 5, omit subsections (6) to (8).	
(5) In Schedule 1, omit Part 1.	
(6) Omit Schedule 2.	10
(7) In Schedule 3, omit –	
(a) paragraph 2(2), (3) and (5);	
(b) paragraph 4;	
(c) paragraph 5(5);	
(d) paragraph 9(2);	15
(e) in paragraph 23(4) –	
(i) the definition of “offender subject to supervision under this Chapter”;	
(ii) the definition of “supervision default order”;	
(iii) the definition of “the supervision period”;	20
(f) paragraph 24(4);	
(g) paragraph 25.	

Criminal Justice and Courts Act 2015

13 (1) The Criminal Justice and Courts Act 2015 is amended as follows.	
(2) In Schedule 1, omit paragraph 18.	25
(3) In Schedule 12, omit paragraph 14.	

Sentencing Act 2020

14 (1) Schedule 24 to the Sentencing Act 2020 is amended as follows.	
(2) In paragraph 149, omit –	
(a) sub-paragraph (3)(d) to (f);	30
(b) sub-paragraph (4)(c);	
(c) sub-paragraph (5)(c).	
(3) In paragraph 154 –	
(a) omit paragraph (c);	

- (b) omit paragraph (e).
- (4) Omit paragraphs 229 to 231.
- (5) Omit paragraph 248.
- (6) In paragraph 262, omit paragraph (c).

Terrorist Offenders (Restriction of Early Release) Act 2020

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- 15 In the Terrorist Offenders (Restriction of Early Release) Act 2020, omit section 7(3).

Police, Crime, Sentencing and Courts Act 2022

- 16 In the Police, Crime, Sentencing and Courts Act 2022, omit section 150(8).

Sentencing Bill

[AS AMENDED IN COMMITTEE]

A

B I L L

TO

Make provision about the sentencing, release and management after sentencing of offenders; to make provision about bail; to make provision about the removal from the United Kingdom of foreign criminals; and for connected purposes.

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