

Sentencing Act 2026 Offence Exclusions

The Sentencing Act Progression model applies only to offenders serving Standard Determinate Sentences. More than 18,000 offenders serving more serious sentences like Life and Extended Determinate Sentences are already not eligible for Progression. Following a review of the policy additional offence-based exclusions have been introduced. Rape, serious child sex and grooming offences were excluded from the changes, as announced on 4 August 2026. Further exclusions have also now been introduced for offences relating to unlawful killing and the offence of indecent assault. The list below sets out these offence-based exclusions in full.

Common Law

- An offence of Manslaughter

Offences Against the Person Act 1861

- An offence under section 4 of the Offences Against the Person Act 1861 (solicitation of murder)

Infant Life (Preservation) Act 1929

- An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Children and Young Persons Act 1933

- An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children under 16)

Infanticide Act 1938

- An offence under section 1 of the Infanticide Act 1938 (infanticide)

Sexual Offences Act 1956

- An offence under section 1 of the Sexual Offences Act 1956 (rape of woman or man)
- An offence under section 5 of the Sexual Offences Act 1956 (intercourse with a girl under thirteen)
- An offence under section 6 of the Sexual Offences Act 1956 (intercourse with girl between thirteen and sixteen)
- An offence under section 10 of the Sexual Offences Act 1956 (incest by a man)
- An offence under section 14 of the Sexual Offences Act 1956 (indecent assault on a woman)
- An offence under section 15 Sexual Offences Act 1956 (indecent assault on a man)

- An offence under section 19 of the Sexual Offences Act 1956 (abduction of unmarried girl under eighteen from parent or guardian)
- An offence under section 20 of the Sexual Offences Act 1956 (abduction of unmarried girl under sixteen from parent or guardian)
- An offence under section 23 of the Sexual Offences Act 1956 (procurement of girl under twenty-one)
- An offence under section 25 of the Sexual Offences Act 1956 (permitting girl under thirteen to use premises for intercourse)
- An offence under section 26 of the Sexual Offences Act 1956 (permitting girl under sixteen to use premises for intercourse)
- An offence under section 28 of the Sexual Offences Act 1956 (Causing or encouraging the prostitution of, intercourse with or indecent assault on girl under sixteen)

Indecency with Children Act 1960

- An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child)

Suicide Act 1961

- An offence under section 2 of the Suicide Act 1961 (complicity in another's suicide)

Criminal Law Act 1977

- An offence under section 54 of the Criminal Law Act 1977 (inciting girl under sixteen to have incestuous sexual intercourse)

Protection of Children Act 1978

- An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children)

Criminal Justice Act 1988

- An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child)

Road Traffic Act 1988

- An offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving)
- An offence under section 2B of the Road Traffic Act 1988 (causing death by careless or inconsiderate driving)
- An offence under section 3ZB of the Road Traffic Act 1988 (causing death by driving: unlicensed or uninsured drivers)
- An offence under section 3ZC of the Road Traffic Act 1988 (causing death by driving: disqualified driver)

- An offence under section 3A of the Road Traffic Act 1988 (causing death by careless driving under influence drink or drugs)
- An offence under section 27A of the Road Traffic Act 1988 (causing death by dangerous cycling)
- An offence under section 28B of the Road Traffic Act 1988 (causing death by careless or inconsiderate cycling)

Dangerous Dogs Act 1991

- An offence under section 3 of the Dangerous Dogs Act 1991 (keeping dogs under proper control)

Aviation and Maritime Security Act 1990

- An offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes)

International Criminal Court Act 2001

- An offence under section 51 of the International Criminal Court Act 2001 (genocide, crimes against humanity and war crimes)

Sexual Offences Act 2003

- An offence under section 1 of the Sexual Offences Act 2003 (rape)
- An offence under section 5 of the Sexual Offences Act 2003 (rape of a child under 13)
- An offence under section 6 of the Sexual Offences Act 2003 (assault of a child under 13 by penetration)
- An offence under section 7 of the Sexual Offences Act 2003 (sexual assault of a child under 13)
- An offence under section 8 of the Sexual Offences Act 2003 (causing or inciting a child under 13 to engage in sexual activity)
- An offence under section 8A of the Sexual Offences Act 2003 (rape of a child under 16)
- An offence under section 8B of the Sexual Offences Act 2003 (assault of a child under 16 by penetration)
- An offence under section 8C of the Sexual Offences Act 2003 (causing or inciting a child under 16 to engage in sexual activity involving penetration)
- An offence under section 9 of the Sexual Offences Act 2003 (sexual activity with a child)
- An offence under section 10 of the Sexual Offences Act 2003 (causing or inciting a child to engage in sexual activity)
- An offence under section 11 of the Sexual Offences Act 2003 (engaging in sexual activity in the presence of a child)
- An offence under section 12 of the Sexual Offences Act 2003 (causing a child to watch a sexual act)

- An offence under section 13 of the Sexual Offences Act 2003 (child sex offences committed by children or young persons)
- An offence under section 14 of the Sexual Offences Act 2003 (arranging or facilitating commission of a child sex offence)
- An offence under section 15 of the Sexual Offences Act 2003 (meeting a child following sexual grooming etc.)
- An offence under section 16 of the Sexual Offences Act 2003 (abuse of position of trust: sexual activity with a child)
- An offence under section 17 of the Sexual Offences Act 2003 (abuse of position of trust: causing or inciting a child to engage in sexual activity)
- An offence under section 18 of the Sexual Offences Act 2003 (abuse of position of trust: sexual activity in the presence of a child)
- An offence under section 19 of the Sexual Offences Act 2003 (abuse of position of trust: causing a child to watch a sexual act)
- An offence under section 25 of the Sexual Offences Act 2003 (sexual activity with a child family member)
- An offence under section 26 of the Sexual Offences Act 2003 (inciting a child family member to engage in sexual activity)
- An offence under section 47 of the Sexual Offences Act 2003 (paying for sexual services of a child)
- An offence under section 48 of the Sexual Offences Act 2003 (causing or inciting sexual exploitation of a child)
- An offence under section 49 of the Sexual Offences Act 2003 (controlling a child in relation to sexual exploitation)
- An offence under section 50 of the Sexual Offences Act 2003 (arranging or facilitating sexual exploitation of a child)

Domestic Violence, Crime and Victims Act 2004

- An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

All inchoate offences of those above, and of the offence of murder:

- An offence of attempting to commit one of these offences
- An offence of conspiracy to commit one of these offences
- An offence of incitement to commit one of these offences
- An offence under Part 2 of the Serious Crime Act 2007 in relation to one of these offences
- An offence of aiding, abetting, counselling or procuring the commission of one of these offences
- Equivalent Services Offences

