

WHAT'S NEW IN ARCHBOLD 2027

MAIN WORK – REVISED & UPDATED CONTENT

The new edition is as up-to-date and authoritative as ever featuring amendments and regulations made by new legislation, including, most significantly, the Crime & Policing Act 2026, which has reformed the confiscation regime, necessitating a major revision to Chapter 5B. Additional reforms make changes to sexual offences, the criminal exploitation of others, offences against the person, and more.

The Sentencing Act 2026 implements various recommendations made by David Gauke's review on sentencing, including substantial changes to release provisions. The Victims and Courts Act 2026 expands the period during which an Attorney General's reference may be brought for an allegedly unduly lenient sentence. The Border Security, Asylum and Immigration Act 2025 and the National Security (State Threats) Act 2026 make discrete changes relevant to criminal law.

The Criminal Procedure Rules are up-to-date to 5 October 2026 with the coming into force of the Criminal Procedure (Amendment) (No. 2) Rules 2026 (SI 2026/721). The Main Work has been updated to reflect recent amendments and they can be found in their entirety in Appendix 1 of the Supplement. The new Practice Direction on Listing in the Criminal Courts (2026), issued by the Lady Chief Justice, comes into force on 1 October 2026, and is likewise included in Appendix 1.

Important case law includes:

Supreme Court case law

- *ABJ; BDN* [2026] UKSC 8
 - Scope of the new offence under s.12(1A) of the Terrorism Act 2000.
 - Compatibility of that provision with Article 10 ECHR.
- *McCafferty* [2026] UKSC 20
 - Public nuisance.
 - Whether going to private business premises on a private road involved exercising a right enjoyed by the public at large.
- *Sheikh* [2026] UKSC 28

- Reversed the Court of Appeal on the foresight required under s.5(1)(d)(iii) of the Domestic Violence, Crime and Victims Act 2004.
- Concerns causing or allowing the death or serious physical harm of a child or vulnerable adult.

Court of Appeal case law

- *Att.-Gen.'s Reference (Prosper)* [2025] EWCA Crim 1111
 - Whole life orders.
 - “Enhanced exceptionality requirement” for offenders aged 18 to 20 at the time of the offence.
- *BDI* [2025] EWCA Crim 1289
 - Costs awarded to private prosecutors.
- *Shiel* [2026] EWCA Crim 386
 - Scope of res gestae evidence.
- *BXQ* [2025] EWCA Crim 1088
 - Joint participation.
- *How* [2026] EWCA Crim 476
 - Modern slavery.
- *Finch* [2026] EWCA Crim 477
 - Modern slavery.
- *BVA* [2025] EWCA Crim 1359
 - Effect of filming sexual touching on consent.

The Archbold e-update will keep you fully informed on further changes on a weekly basis as they happen.

First Supplement to the 2027 Edition – to follow