



Offender Management Act 2007

2007 CHAPTER 21

PART 3

OTHER PROVISIONS ABOUT THE MANAGEMENT OF OFFENDERS

Polygraph conditions for certain offenders released on licence

28 Application of polygraph condition

- (1) The Secretary of State may include a polygraph condition in the licence of a person to whom this section applies.
- (2) This section applies to a person serving a relevant custodial sentence in respect of a relevant sexual offence who—
 - (a) is released on licence by the Secretary of State under any enactment; and
 - (b) is not aged under 18 on the day on which he is released.
- (3) In this section “relevant custodial sentence” means—
 - (a) a sentence of imprisonment for a term of twelve months or more (including such a sentence imposed under section [F¹226A or] 227 of the Criminal Justice Act 2003 (c. 44));
 - (b) a sentence of detention in a young offender institution for a term of twelve months or more;
 - (c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6);
 - (d) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 for a period of twelve months or more;
 - (e) a sentence of custody for life under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000; or
 - (f) a sentence of detention under section 226 [F², 226B] or 228 of the Criminal Justice Act 2003.
- (4) In this section “relevant sexual offence” means—

Status: Point in time view as at 03/12/2012. This version of this provision has been superseded.

Changes to legislation: Offender Management Act 2007, Section 28 is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003 (specified sexual offences);
 - (b) an offence specified in paragraphs 1 to 21 of Schedule 16 to that Act (offences under the law of Scotland); or
 - (c) an offence specified in Part 2 of Schedule 17 to that Act (offences under the law of Northern Ireland).
- (5) In section 250(4) of the Criminal Justice Act 2003 (licence conditions for prisoners serving sentences of imprisonment of twelve months or more etc), in paragraph (b)(i) after “Criminal Justice and Court Services Act 2000” there is inserted “ or section 28 of the Offender Management Act 2007 ”.

Textual Amendments

- F1** Words in s. 28(3)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 21 para. 32(2)**; S.I. 2012/2906, art. 2(s)
- F2** Word in s. 28(3)(f) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 21 para. 32(3)**; S.I. 2012/2906, art. 2(s)

Commencement Information

- I1** S. 28 in force at 19.1.2009 for specified purposes and with effect in accordance with art. 5 by [S.I. 2009/32](#), **arts. 3(a)**, 4

Status:

Point in time view as at 03/12/2012. This version of this provision has been superseded.

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