



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 [^{F1}or a relevant terrorist 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 [^{F2}226A or] 227 of the Criminal Justice Act 2003 (c. 44) [^{F3}or under section 279 [^{F4}or 282A] of the Sentencing Code]);
 - (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) [^{F5}or under section 259 of the Sentencing Code];
 - (d) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 [^{F6}, or under section 250 of the Sentencing Code,] 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 [^{F7}or under section 272 or 275 of the Sentencing Code]; ^{F8}...
 - (f) a sentence of detention under section 226 [^{F9}, 226B] or 228 of the Criminal Justice Act 2003 [^{F10}or under section 254 or 258 of the Sentencing Code][^{F11}or

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(g) a sentence of detention under section 252A of the Sentencing Code.]

(4) In this section “relevant sexual offence” means—

- (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).

[^{F12}(4A) In this section “relevant terrorist offence” means—

- (a) an offence that is specified in Part 1 or 2 of Schedule 19ZA to the Criminal Justice Act 2003 (terrorism offences carrying restricted eligibility for release on licence),
- (b) a service offence as respects which the corresponding civil offence is so specified, or
- (c) an offence that was determined to have a terrorist connection.

(4B) In subsection (4A)—

- (a) in paragraph (b), “service offence” and “corresponding civil offence” have the same meaning as in the Counter-Terrorism Act 2008 (see section 95 of that Act);
- (b) paragraph (c) is to be read in accordance with section 247A(7A) of the Criminal Justice Act 2003 (meaning of offences determined to have a terrorist connection).]

(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(2) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), ss. 32(2)(a), 50(2)(q)
- F2 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)
- F3 Words in s. 28(3)(a) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 263(a) (with Sch. 27); S.I. 2020/1236, reg. 2
- F4 Words in s. 28(3)(a) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), Sch. 13 para. 10
- F5 Words in s. 28(3)(c) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 263(b) (with Sch. 27); S.I. 2020/1236, reg. 2
- F6 Words in s. 28(3)(d) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 263(c) (with Sch. 27); S.I. 2020/1236, reg. 2
- F7 Words in s. 28(3)(e) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 263(d) (with Sch. 27); S.I. 2020/1236, reg. 2
- F8 Word in s. 28(3) omitted (30.4.2021) by virtue of Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 24(a)
- F9 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)

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- F10** Words in s. 28(3)(f) inserted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 263(e)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F11** S. 28(3)(g) and word inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 24(b)**
- F12** S. 28(4A)(4B) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), **ss. 32(2)(b)**, 50(2)(q)

Modifications etc. (not altering text)

- C1** S. 28 applied (29.6.2021) by 1984 c. 47, **Sch. para. 2(3C)** (as inserted by Counter Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(r), **Sch. 11 para. 2**)

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
- I2** S. 28 in force at 6.1.2014 in so far as not already in force by S.I. 2013/1963, **art. 2(1)**

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