



# Offender Management Act 2007

## 2007 CHAPTER 21

### PART 3

#### OTHER PROVISIONS ABOUT THE MANAGEMENT OF OFFENDERS

##### *Polygraph conditions for certain offenders released on licence*

#### **29 Effect of polygraph condition**

- (1) For the purposes of section 28, a polygraph condition is a condition which requires the released person—
  - (a) to participate in polygraph sessions conducted with a view to—
    - (i) monitoring his compliance with the other conditions of his licence; or
    - (ii) improving the way in which he is managed during his release on licence;
  - (b) to participate in those polygraph sessions at such times as may be specified in instructions given by an appropriate officer; and
  - (c) while participating in a polygraph session, to comply with instructions given to him by the person conducting the session (“the polygraph operator”).
- (2) A polygraph session is a session during which the polygraph operator—
  - (a) conducts one or more polygraph examinations of the released person; and
  - (b) interviews the released person in preparation for, or otherwise in connection with, any such examination.
- (3) For the purposes of subsection (2), a polygraph examination is a procedure in which—
  - (a) the polygraph operator questions the released person;
  - (b) the questions and the released person's answers are recorded; and
  - (c) physiological reactions of the released person while being questioned are measured and recorded by means of equipment of a type approved by the Secretary of State.

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**Changes to legislation:** *Offender Management Act 2007, Section 29 is up to date with all changes known to be in force on or before 09 December 2023. 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) View outstanding changes*

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- (4) In subsection (1)(b) “appropriate officer” means an officer of a provider of probation services or an officer of a local probation board.
- (5) An appropriate officer giving instructions as mentioned in subsection (1)(b) must have regard to any guidance issued by the Secretary of State.
- (6) The Secretary of State may make rules relating to the conduct of polygraph sessions.
- (7) The rules may, in particular—
  - (a) require polygraph operators to be persons who satisfy such requirements as to qualifications, experience and other matters as are specified in the rules;
  - (b) make provision about the keeping of records of polygraph sessions; and
  - (c) make provision about the preparation of reports on the results of polygraph sessions.
- [<sup>F1</sup>(7A) Rules under subsection (6) may make—
  - (a) different provision for different purposes or different areas;
  - (b) incidental, supplemental, consequential, saving or transitional provision.]
- (8) The power to make rules under subsection (6) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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#### Textual Amendments

- F1** [S. 29\(7A\)](#) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), **ss. 32(3)**, 50(2) (q)
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#### Commencement Information

- I1** S. 29 in force at 19.1.2009 for specified purposes and with effect in accordance with art. 5 by [S.I. 2009/32](#), **arts. 3(b)**, 4
- I2** S. 29 in force at 6.1.2014 in so far as not already in force by [S.I. 2013/1963](#), **art. 2(2)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)