



# Crime (Sentences) Act 1997

## 1997 CHAPTER 43

### PART II

#### EFFECT OF CUSTODIAL SENTENCES

#### CHAPTER II

#### LIFE SENTENCES

#### *Release on licence*

#### [<sup>F1</sup>28B Indecent images: prisoner's non-disclosure of information

- (1) The Parole Board must comply with this section when making a public protection decision about a life prisoner if—
  - (a) the prisoner's life sentence was passed for—
    - (i) an offence of taking an indecent photograph of a child, or
    - (ii) a relevant offence of making an indecent pseudo-photograph of a child;
  - (b) the Parole Board does not know the identity of the child who is the subject of the relevant indecent image; and
  - (c) the Parole Board believes that the prisoner has information about the identity of the child who is the subject of the relevant indecent image which the prisoner has not disclosed to the Parole Board (“the prisoner's non-disclosure”).
- (2) When making the public protection decision about the prisoner, the Parole Board must take into account—
  - (a) the prisoner's non-disclosure; and
  - (b) the reasons, in the Parole Board's view, for the prisoner's non-disclosure.

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**Changes to legislation:** *Crime (Sentences) Act 1997, Section 28B is up to date with all changes known to be in force on or before 05 August 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) View outstanding changes*

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- (3) This section does not limit the matters which the Parole Board must or may take into account when making a public protection decision.
- (4) In subsection (1)(a), the reference to a life sentence includes a life sentence passed before the coming into force of section 1 of the Prisoners (Disclosure of Information About Victims) Act 2020.
- (5) For the purposes of this section, an offence is an “offence of taking an indecent photograph of a child” if it is—
- (a) an offence of taking an indecent photograph of a child under section 1(1)(a) of the Protection of Children Act 1978 (the “England and Wales offence”), or
  - (b) an offence of taking an indecent photograph of a child under the law of Scotland, Northern Ireland, any of the Channel Islands, the Isle of Man or any other country or territory that corresponds to the England and Wales offence.
- (6) For the purposes of this section, an offence is a “relevant offence of making an indecent pseudo-photograph of a child” if—
- (a) it is—
    - (i) an offence under section 1(1)(a) of the Protection of Children Act 1978 of making an indecent pseudo-photograph of a child (the “England and Wales offence”), or
    - (ii) an offence of making an indecent pseudo-photograph of a child under the law of Scotland, Northern Ireland, any of the Channel Islands, the Isle of Man or any other country or territory that corresponds to the England and Wales offence, and
  - (b) the Parole Board believes that an image of a real child was or may have been used in the making of the pseudo-photograph;
- and in the application of this section to a relevant offence of making an indecent pseudo-photograph of a child, the references in subsection (1)(b) and (c) to the child who is the subject of the relevant indecent image are references to the real child.
- (7) In this section—
- “public protection decision”, in relation to a prisoner, means the decision, made under section 28(6)(b) for the purposes of section 28(5), as to whether the Parole Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined;
- “relevant indecent image” means—
- (a) the photograph to which an offence of taking an indecent photograph of a child relates, or
  - (b) the pseudo-photograph to which a relevant offence of making an indecent pseudo-photograph of a child relates.]

#### **Textual Amendments**

**F1** Ss. 28A, 28B inserted (4.1.2021) by [Prisoners \(Disclosure of Information About Victims\) Act 2020](#) (c. 19), **ss. 1(1), 3(2)**; S.I. 2020/1537, reg. 2

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**Changes and effects yet to be applied to :**

- s. 28B(1) words inserted by [2024 c. 21 s. 58\(4\)\(a\)](#)
- s. 28B(7) words substituted by [2024 c. 21 s. 58\(4\)\(b\)](#)

**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. 35(5)(c)s. 35(8)(a) by [2000 c. 43 Sch. 7 para. 139\(b\)](#)
- s. 8(5) by [2000 c. 43 Sch. 7 para. 143](#)
- s. 28ZA inserted by [2024 c. 21 s. 58\(2\)](#)
- s. 28ZA power to amend conferred by 2012 c.10, s. 128(3)(aza) (as inserted) by [2024 c. 21 s. 60\(2\)\(a\)](#)
- s. 31(3)(aa) inserted by [2024 c. 21 s. 66\(2\)\(a\)](#)
- s. 31(3)(ab) inserted by [2024 c. 21 s. 63\(2\)](#)
- s. 31(3A) inserted by [2024 c. 21 s. 66\(2\)\(b\)](#)
- s. 31(3B) inserted by [2024 c. 21 s. 63\(3\)](#)
- s. 31A(4D)-(4H) inserted by [2024 c. 21 s. 66\(3\)\(d\)](#)
- s. 31A(6)(7) inserted by [2024 c. 21 s. 66\(3\)\(f\)](#)
- s. 32(1A) inserted by [2024 c. 21 s. 66\(4\)\(a\)](#)
- s. 32(5B)-(5E) inserted by [2024 c. 21 s. 66\(4\)\(b\)](#)
- s. 32ZAA-32ZAC and cross-heading inserted by [2024 c. 21 s. 61\(1\)](#)
- s. 32ZAC(1) power to amend or apply conferred by 2012 c.10, s. 128(3A) (as inserted) by [2024 c. 21 s. 60\(3\)](#)
- s. 32ZZA inserted by [2024 c. 21 s. 66\(5\)](#)
- s. 32ZZA(3A) inserted by [2024 c. 21 s. 58\(5\)](#)
- s. 34A inserted by [2024 c. 21 s. 69](#)