

# OFFENDER MANAGEMENT ACT 2007

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## EXPLANATORY NOTES

### THE ACT

7. The Act is in four Parts.

#### **Part 1 – New arrangements for the provision of probation services**

8. [Sections 1 to 15](#) make new arrangements for the provision of probation services. They give to the Secretary of State the responsibility to ensure the provision of probation services and enable him to contract with others to do this. The sections also abolish local probation boards and allow the establishment of probation trusts with whom he may contract.
9. [Section 14](#) makes it clear that the Secretary of State, bodies dealing with offender management and other entities with an interest in offender management may share information in accordance with the framework established by that section. Under the section, information sharing may take place so long as it is necessary or expedient for the purposes of effective management of offenders.
10. [Section 15](#) provides a power to repeal section 4.

#### **Part 2 – Prisons**

11. [Sections 16 to 20](#) remove some of the differences in the ways in which contracted-out prisons operate by giving their directors and prisoner custody officers powers comparable to those which governors and prison officers in directly-managed prisons already possess. These sections also make equivalent provision in Secure Training Centres, where appropriate. Sections 21 to 24 reforms of assisting a prisoner to escape and the existing offence of bringing proscribed articles into a prison, taking proscribed articles out of prison and create a new offence of taking photographic images inside a prison. Section 25 removes the requirement for prisons to have a medical officer. Section 26 Changes the name of “Boards of Visitors” to “Independent Monitoring Boards” and removes the requirement for two magistrates to be members of a Board. Section 27 clarifies who may be authorised to undertake limited searches of prisoners in contracted-out prisons.

#### **Part 3 – Other provisions about the Management of Offenders**

12. [Sections 28 to 30](#) provide for polygraph testing of offenders released on licence from a sentence of imprisonment of 12 months or more which was imposed for a specified sexual offence, describe the conditions under which polygraph testing may take place and prohibit the use of evidence obtained from polygraph testing in criminal proceedings in which the offender is the defendant.
13. [Section 31](#) amends section 202 of the Criminal Justice Act 2003 to allow the Secretary of State to accredit programmes for the purposes of programme requirements.
14. [Section 32](#) amends section 41 of the Crime and Disorder Act 1998 to allow the Secretary of State to ask the Youth Justice Board to assist him in the exercise of certain functions

*These notes refer to the Offender Management Act 2007  
(c.21) which received Royal Assent on 26 July 2007*

and it also provides that the Secretary of State may restrict the way in which the Youth Justice Board exercises certain functions.

15. [Section 33](#) amends the arrangements for early release from the custodial part of the Detention and Training Order.
16. [Section 34](#) widens the category of accommodation in which a period of detention and training may be served.
17. [Section 35](#) extends the provisions of the Criminal Justice and Public Order Act 1994 with regard to the authority for transporting detained young persons between relevant premises.