



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 [^{F1}a relevant sexual offence][^{F1}an offence within subsection (3A)][^{F2}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 [^{F3}a term of twelve months or more][^{F3}that is not for a term of less than twelve months] (including such a sentence imposed under section [^{F4}226A or] 227 of the Criminal Justice Act 2003 (c. 44) [^{F5}or under section 279 [^{F6}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) [^{F7}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 [^{F8}, 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 [^{F9}or under section 272 or 275 of the Sentencing Code]; ^{F10} ...

Status: Point in time view as at 05/07/2021. This version of this provision has been superseded.

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- (f) a sentence of detention under section 226 [^{F11}, 226B] or 228 of the Criminal Justice Act 2003 [^{F12} or under section 254 or 258 of the Sentencing Code] [^{F13} or
- (g) a sentence of detention under section 252A of the Sentencing Code.]

[^{F14}(3A) An offence is within this subsection if it is—

- (a) a relevant offence involving domestic abuse (see subsections (3B) and (3C)), or
- (b) a relevant sexual offence (see subsection (4)).

(3B) In this section “relevant offence involving domestic abuse” means—

- (a) an offence listed in subsection (3C) which involved behaviour by the offender amounting to domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act);
- (b) an offence under section 39 of that Act (breach of domestic abuse protection order).

(3C) The offences are—

- (a) murder;
- (b) an offence under section 5 of the Protection from Harassment Act 1997 (breach of a restraining order);
- (c) an offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences);
- (d) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).]

(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).

[^{F15}(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)

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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) substituted (5.7.2021 in relation to specified areas for the specified period) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 76(2)**, 90(6); S.I. 2021/797, regs. 2(1), 3 (with reg. 4(2))
- F2** 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)
- F3** Words in s. 28(3)(a) substituted (5.7.2021 in relation to specified areas for the specified period) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 76(3)**, 90(6); S.I. 2021/797, regs. 2(1), 3 (with reg. 4(2))
- F4** 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)
- F5** 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
- F6** 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**
- F7** 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
- F8** 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
- F9** 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
- F10** 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)**
- F11** 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)
- F12** 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
- F13** 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)**
- F14** S. 28(3A)-(3C) inserted (5.7.2021 in relation to specified areas for the specified period) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 76(4)**, 90(6); S.I. 2021/797, regs. 2(1), 3 (with reg. 4(2))
- F15** 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)**

Status:

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