



# 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 [<sup>F1</sup>a relevant sexual offence][<sup>F1</sup>an offence within subsection (3A)][<sup>F2</sup>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—
    - [<sup>F3</sup>(a) a life sentence within the meaning of Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (see section 34(2) of that Act), or]
    - [<sup>F3</sup>(b) a fixed-term sentence within the meaning of Chapter 6 of Part 12 of the Criminal Justice Act 2003 (see section 237 of that Act) of a term of 12 months or more.]
- [<sup>F4</sup>(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);

*Status: Point in time view as at 28/06/2022.*

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- (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” [<sup>F5</sup>means an offence specified in any one or more of—
- [<sup>F5</sup>(a) Schedule 3 to the Sexual Offences Act 2003 (sexual offences attracting notification requirements),]
  - [<sup>F5</sup>(b) Part 2 of Schedule 15 to the Criminal Justice Act 2003 (sexual offences under the law of England and Wales specified for certain purposes),]
  - [<sup>F5</sup>(c) paragraphs 1 to 21 of Schedule 16 to that Act (sexual offences under the law of Scotland specified for certain purposes), as that Schedule had effect immediately before its repeal on 14 July 2008, and]
  - [<sup>F5</sup>(d) Part 2 of Schedule 17 to that Act (sexual offences under the law of Northern Ireland specified for certain purposes), as that Schedule had effect immediately before its repeal on 14 July 2008.]
- [<sup>F6</sup>(4ZA) In determining for the purposes of subsection (4) whether an offence is specified in Schedule 3 to the Sexual Offences Act 2003, any limitation in that Schedule referring to the circumstances of a particular case (including the sentence imposed) is to be disregarded.]
- [<sup>F7</sup>(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) <sup>F8</sup>... or
  - (c) an offence that was determined to have a terrorist connection.
- (4B) In subsection (4A)—
- <sup>F9</sup>(a) .....
  - (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).]
- [<sup>F10</sup>(4C) A sentence in respect of a service offence is to be treated for the purposes of this section as if it were a sentence in respect of the corresponding offence.
- (4D) In subsection (4C)—
- (a) “service offence” means an offence under—
    - (i) section 42 of the Armed Forces Act 2006,
    - (ii) section 70 of the Army Act 1955 or the Air Force Act 1955, or
    - (iii) section 42 of the Naval Discipline Act 1957;
  - (b) “corresponding offence” means—

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- (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;
  - (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
  - (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.
- (4E) Section 48 of the Armed Forces Act 2006 (supplementary provisions relating to ancillary service offences) applies for the purposes of subsection (4D)(b)(i) above as it applies for the purposes of the provisions of that Act referred to in subsection (3) (b) of that section.]
- (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) 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 S. 28(3)(a)(b) substituted for s. 28(3)(a)-(g) (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 146\(a\)](#), [208\(5\)\(p\)](#)
- F4 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\(2\)\)](#)
- F5 Words in s. 28(4)(a)-(d) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 146\(b\)](#), [208\(5\)\(p\)](#)
- F6 S. 28(4ZA) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 146\(c\)](#), [208\(5\)\(p\)](#)
- F7 S. 28(4A)(4B) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 32\(2\)\(b\)](#), [50\(2\)\(q\)](#)
- F8 S. 28(4A)(b) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 146\(d\)](#), [208\(5\)\(p\)](#)
- F9 S. 28(4B)(a) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 146\(e\)](#), [208\(5\)\(p\)](#)
- F10 S. 28(4C)-(4E) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 146\(f\)](#), [208\(5\)\(p\)](#)

#### 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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