



Counter-Terrorism and Sentencing Act 2021

2021 CHAPTER 11

PART 3

PREVENTION AND INVESTIGATION OF TERRORISM

Terrorism prevention and investigation measures

38 TPIMs: polygraph measure

- (1) In Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 (measures), after paragraph 10 insert—

“Polygraph measure

- 10ZA (1) The Secretary of State may impose a requirement for the individual—
- (a) to participate in polygraph sessions conducted with a view to—
 - (i) monitoring the individual’s compliance with other specified measures;
 - (ii) assessing whether any variation of the specified measures is necessary for purposes connected with preventing or restricting the individual’s involvement in terrorism-related activity,
 - (b) to participate in those polygraph sessions at such times as may be specified in instructions given by the Secretary of State, and
 - (c) while participating in a polygraph session, to comply with instructions given to the individual by the polygraph operator.
- (2) The Secretary of State may by regulations made by statutory instrument make provision relating to the conduct of polygraph sessions, which may include in particular—

Status: This is the original version (as it was originally enacted).

- (a) provision requiring polygraph operators to be persons who satisfy such requirements as to qualifications, experience and other matters as are specified in the regulations;
 - (b) provision about the keeping of records of polygraph sessions;
 - (c) provision about the preparation of reports on the results of polygraph sessions.
- (3) The measurement and recording of the physiological reactions of an individual while being questioned in the course of a polygraph examination must be done by means of equipment of a type approved by the Secretary of State.
- (4) The following may not be used in evidence against the individual in any proceedings for an offence—
 - (a) any statement made by the individual while participating in a polygraph session;
 - (b) any physiological reaction of the individual while being questioned in the course of a polygraph examination.
- (5) Regulations under sub-paragraph (2) may make—
 - (a) different provision for different purposes or different areas;
 - (b) incidental, supplemental, consequential, saving or transitional provision.
- (6) A statutory instrument containing regulations under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this paragraph—
 - “polygraph examination” means a procedure in which—
 - (a) the polygraph operator questions the individual,
 - (b) the questions and the individual’s answers are recorded, and
 - (c) physiological reactions of the individual while being questioned are measured and recorded;
 - “polygraph operator” means the person conducting a polygraph session;
 - “polygraph session” means a session during which the polygraph operator—
 - (a) conducts one or more polygraph examinations of the individual, and
 - (b) interviews the individual in preparation for, or otherwise in connection with, any such examination.”
- (2) In section 17 of that Act (jurisdiction in relation to decisions under the Act), in subsection (3), after paragraph (c) insert—
 - “(ca) a decision by a polygraph operator to give an instruction by virtue of paragraph 10ZA(1)(c) of Schedule 1 (polygraph measure);”.