



Energy Act 2004

2004 CHAPTER 20

PART 1

THE CIVIL NUCLEAR INDUSTRY

CHAPTER 3

CIVIL NUCLEAR CONSTABULARY

Administration of Constabulary

58 Government, administration and conditions of service

(1) Where—

- (a) the Police Authority makes provision about the government, administration or conditions of service of the Constabulary or its members [^{F1}or former members], and
- (b) the provision relates to matters which are the subject of regulations under section 50 of the Police Act 1996 (c. 16) (regulations about the government, administration and conditions of service of police forces),

the provision made by the Police Authority may differ from those regulations only so far as necessary to take account of differences relating to the structure and circumstances of the Constabulary.

(2) Before making provision about the government, administration or conditions of service of the Constabulary or its members, the Police Authority must consult—

- (a) the chief constable;
- (b) the Civil Nuclear Police Federation; and
- (c) if the proposed provision relates to members of a rank-related association, that association.

Changes to legislation: Energy Act 2004, Cross Heading: Administration of Constabulary is up to date with all changes known to be in force on or before 20 April 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

Textual Amendments

- F1** Words in s. 58(1)(a) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 7 para. 12](#); S.I. 2020/5, reg. 2(o)

Commencement Information

- I1** S. 58 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), [Sch. 1](#)

59 Members of Constabulary serving with other forces

- (1) This section applies where a member of the Constabulary serves with a relevant force under arrangements made between the chief officer of that force and the chief constable.
- (2) The member of the Constabulary—
- (a) shall be under the direction and control of the chief officer of the relevant force; and
 - (b) shall have the same powers and privileges as a member of that force.
- (3) In this section—
- “chief officer” means—
- (a) a chief officer of police of a police force for a police area in [^{F2}England and Wales];
 - (aa) [^{F3}the chief constable of the Police Service of Scotland;]
 - (b) the Chief Constable of the Police Service of Northern Ireland;
 - (c) ^{F4}
 - (d) ^{F4}
 - (e) the chief constable of the British Transport Police Force; or
 - (f) the chief constable of the Ministry of Defence Police;
- “relevant force” means—
- (a) a police force for a police area in [^{F5}England and Wales];
 - (aa) [^{F6}the Police Service of Scotland;]
 - (b) the Police Service of Northern Ireland;
 - (c) ^{F7}
 - (d) ^{F7}
 - (e) the British Transport Police Force; or
 - (f) the Ministry of Defence Police.
- [^{F8}(3A) For the purposes of this section, a member of the Constabulary who is provided for the assistance of a relevant force under section 55B is to be treated as serving with that force under arrangements of the kind mentioned in subsection (1).]

Textual Amendments

- F2** Words in s. 59(3) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 44\(2\)\(a\)\(i\)](#)

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- F3** Words in s. 59(3) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 44(2)(a)(ii)**
- F4** Words in s. 59(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 198(a), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(qq)
- F5** Words in s. 59(3) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 44(2)(b)(i)**
- F6** Words in s. 59(3) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 44(2)(b)(ii)**
- F7** Words in s. 59(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 198(b), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(qq)
- F8** S. 59(3A) inserted (26.10.2023) by Energy Act 2023 (c. 52), **ss. 308(3), 334(2)(n)**

Commencement Information

- I2** S. 59 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), **Sch. 1**

[^{F9}59A Constables serving with [^{F10}National Crime Agency]

- (1) A member of the Constabulary serving with the [^{F11}National Crime Agency] under arrangements to which subsection (2) applies shall—
- (a) be under the direction and control of the [^{F12}Director General of the National Crime Agency], and
 - (b) continue to be a constable.
- (2) This subsection applies to arrangements made between the [^{F13}Director General of the National Crime Agency] and the chief constable.]

Textual Amendments

- F9** S. 59A inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 199**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F10** Words in s. 59A heading substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 155(2)**; S.I. 2013/1682, art. 3(v)
- F11** Words in s. 59A(1) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 155(3)(a)**; S.I. 2013/1682, art. 3(v)
- F12** Words in s. 59A(1)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 155(3)(b)**; S.I. 2013/1682, art. 3(v)
- F13** Words in s. 59A(2) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 155(4)**; S.I. 2013/1682, art. 3(v)

60 Charges

- (1) A person falling within subsection (2) must pay to the Police Authority such charges (if any) in respect of services provided by the Constabulary as are—
- (a) agreed between that person and the Police Authority; or
 - (b) in the absence of agreement, determined by the Secretary of State.
- (2) A person falls within this subsection if—

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- (a) he is the owner or occupier of a site in respect of which services are provided by the Constabulary;
 - (b) he is a person with an interest in, or with custody or control of, nuclear material in respect of which services are so provided; or
 - (c) he is a person not falling within paragraph (a) or (b) who is the recipient of services provided by the Constabulary.
- (3) The Secretary of State may pay to the Police Authority such sums as are—
- (a) agreed between him and that Authority, or
 - (b) in the absence of agreement, determined by the Secretary of State,
- in respect of services provided by the Constabulary to such persons as he may determine.
- (4) The services in respect of which charges or sums may be imposed or paid under this section include—
- (a) services which it is the duty of the Constabulary to provide; and
 - (b) services which it is the duty of the person charged to have provided.

Commencement Information

I3 S. 60 in force at 1.4.2005 by [S.I. 2005/877](#), art. 2(1), [Sch. 1](#)

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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. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)