



# Energy Act 2004

## 2004 CHAPTER 20

### PART 1

#### THE CIVIL NUCLEAR INDUSTRY

### CHAPTER 3

#### CIVIL NUCLEAR CONSTABULARY

##### *Jurisdiction and powers of Constabulary*

#### **56 Jurisdiction of Constabulary**

- (1) A member of the Constabulary shall have the powers and privileges of a constable—
  - (a) at every place comprised in a relevant nuclear site; and
  - (b) everywhere within 5 kilometres of such a place.
- (2) A member of the Constabulary shall have the powers and privileges of a constable at every trans-shipment site where it appears to him expedient to be in order to safeguard nuclear material while it is at the site.
- (3) A member of the Constabulary shall have the powers and privileges of a constable at every other place where it appears to him expedient to be in order to safeguard nuclear material which is in transit.

[<sup>F1</sup>(3A) A member of the Constabulary has the powers and privileges of a constable at every place where additional police services are being provided under section 55A.]

- (4) A member of the Constabulary shall have the powers and privileges of a constable at every place where it appears to him expedient to be in order to pursue or to detain a person whom he reasonably believes—
  - (a) to have unlawfully removed or interfered with nuclear material being safeguarded by members of the Constabulary; or

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- (b) to have attempted to do so.
- (5) A member of the Constabulary shall have the powers and privileges of a constable throughout Great Britain for purposes connected with—
- (a) a place mentioned in subsections (1) to (4);
  - (b) anything that he or another member of the Constabulary is proposing to do, or has done, at such a place; or
  - (c) anything which he reasonably believes to have been done, or to be likely to be done, by another person at or in relation to such a place.
- (6) This section has effect in United Kingdom waters adjacent to Great Britain as it has effect in Great Britain, but as if references to the powers and privileges of a constable were references to the powers and privileges of a constable in the nearest part of Great Britain.
- (7) In this section—
- “detain”, in relation to a person, includes transferring him to the custody of another or to a place where he may be held in custody;
- “relevant nuclear site” means a licensed nuclear site other than a designated defence site;
- “trans-shipment site” means a place which a member of the Constabulary reasonably believes to be—
- (a) a place where a consignment of nuclear material in transit is trans-shipped or stored; or
  - (b) a place to which a consignment of nuclear material may be brought to be trans-shipped or stored while it is in transit;
- “United Kingdom waters” means waters within the seaward limits of the territorial sea;
- and nuclear material is “in transit” for the purposes of this section if it is being carried (or is being trans-shipped or stored incidentally to carriage) before its delivery at its final destination.
- (8) In subsection (7) “designated defence site” means a site designated by order made by the Secretary of State as a site which appears to him to be used wholly or mainly for defence purposes.
- (9) An order under subsection (8) must be laid before Parliament after being made.
- (10) Where an order designating a site for the purposes of section 76(2) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (jurisdiction of Atomic Energy Authority special constables) is in force immediately before the commencement of this section, that order shall have effect after the commencement of this section as an order made under and for the purposes of subsection (8).

#### Textual Amendments

**F1** S. 56(3A) inserted (26.10.2023) by Energy Act 2023 (c. 52), ss. 307(2), 334(2)(n)

#### Commencement Information

**I1** S. 56 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

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## [<sup>F2</sup>56A Exercise of powers and privileges in Scotland

- (1) Where a member of the Constabulary exercises in Scotland any power or privilege of a constable, Parts 1 and 2 of the Criminal Justice (Scotland) Act 2016 (in this section “the 2016 Act”) apply in relation to the exercise as though the power or privilege were exercised by a constable of the Police Service of Scotland.
- (2) For the purposes of subsection (1)—
  - (a) in section 64 of the 2016 Act (police custody), references to a person arrested by a constable are to be read as including a person arrested by a member of the Constabulary,
  - (b) section 69 of the 2016 Act (publication of information by police) does not apply.]

### Textual Amendments

- F2** S. 56A inserted (25.1.2018) by [The Criminal Justice \(Scotland\) Act 2016 \(Consequential Provisions\) Order 2018 \(S.I. 2018/46\)](#), art. 2(2)(a)(f), [Sch. 2 para. 3](#) (with art. 6)

## [<sup>F3</sup>56B. Exercise of functions in relation to children under the Scottish age of criminal responsibility

- (1) The following apply, in Scotland, in relation to a member of the Constabulary as they apply in relation to a constable of the Police Service of Scotland—
  - (a) Part 4 of the Age of Criminal Responsibility (Scotland) Act 2019 (in this section, “the 2019 Act”),
  - (b) any regulations made or guidance issued under that Part.
- (2) Subsections (3) to (6) make further provision in relation to the application of Part 4 of the 2019 Act to members of the Constabulary.
- (3) References in Part 4 of the 2019 Act (however expressed) to constables of a particular rank are to be read, in relation to action taken or proposed to be taken by a member of the Constabulary, as references to a member of the Constabulary of the rank referred to.
- (4) References in the following sections of the 2019 Act to the chief constable are to be read as including reference to the chief constable of the Constabulary—
  - (a) section 29(2)(a),
  - (b) section 31(3)(a) and (5)(a),
  - (c) section 57(4)(a).
- (5) The reference in section 33(1) of the 2019 Act to an enactment includes reference to an enactment which confers a power of the type described in that section on members of the Constabulary (whether or not the enactment also confers that power on constables of the Police Service of Scotland).
- (6) The reference in section 75(2) of the 2019 Act to a constable is to be read as including reference to a member of the Constabulary.]

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**Textual Amendments**

**F3** S. 56B inserted (17.12.2021) by [The Age of Criminal Responsibility \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2021 \(S.I. 2021/1458\)](#), arts. 1(1), **19**

**<sup>F4</sup>57 Stop and search under Terrorism Act 2000**

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**Textual Amendments**

**F4** S. 57 repealed (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(1)

**Changes to legislation:**

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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\(2\)\(b\)](#)