



# Energy Act 2004

## 2004 CHAPTER 20

### PART 1

#### THE CIVIL NUCLEAR INDUSTRY

### CHAPTER 3

#### CIVIL NUCLEAR CONSTABULARY

##### *Rights etc. of members of the Constabulary*

#### **64 Civil Nuclear Police Federation**

- (1) The Secretary of State may approve a body (whether corporate or unincorporate) as the body approved to carry out the functions conferred by this section.
- (2) The body approved by the Secretary of State shall be known as the Civil Nuclear Police Federation.
- (3) The function of the Civil Nuclear Police Federation shall be to represent members of the Constabulary (other than senior officers) in all matters affecting their welfare and efficiency.
- (4) Those matters do not include—
  - (a) the promotion in rank of particular individuals; or
  - (b) (except to the extent provided in subsection (5)) discipline matters affecting particular individuals.
- (5) The Civil Nuclear Police Federation may represent a member of the Constabulary (other than a senior officer)—
  - (a) at disciplinary proceedings conducted in accordance with arrangements made by the Police Authority; or

---

*Changes to legislation: Energy Act 2004, Cross Heading: Rights etc. of members of the 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*

---

- (b) on an appeal under any such arrangements from a decision in such proceedings.
- (6) But representation under subsection (5) must comply with any restrictions imposed by section 66.
- (7) Except so far as otherwise authorised by the Secretary of State, the Civil Nuclear Police Federation must be entirely independent of, and unassociated with, bodies and other persons who are without appropriate police connections.
- (8) But it may employ in an administrative or advisory capacity persons who are without appropriate police connections.
- (9) An authorisation for the purposes of subsection (7)—
  - (a) may be given either conditionally or unconditionally; and
  - (b) may be varied or revoked at any time.
- (10) Only the following have appropriate police connections for the purposes of this section—
  - (a) persons within the service of the Constabulary, of the Ministry of Defence Police, of the British Transport Police Force, of a police force for a police area in [<sup>F1</sup>England and Wales, of the Police Service of Scotland] or of the Police Service of Northern Ireland;
  - (b) persons not falling within paragraph (a) who are members of or employed by the Police Authority;
  - (c) a federation referred to in section 59 of the Police Act 1996 (c. 16), section 3 of the Ministry of Defence Police Act 1987 (c. 4) or section 39 of the Railways and Transport Safety Act 2003 (c. 20) (police federations);
  - (d) the Police Association for Northern Ireland;
  - (e) a rank-related association;
  - (f) a body recognised under, and for the purposes specified in, section 64(5) of the Police Act 1996 or section 35(4) of the Police (Northern Ireland) Act 1998 (c. 32) (recognition of other bodies for trade union purposes).

#### Textual Amendments

- F1** Words in s. 64(10)(a) 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\(4\)](#)

#### Commencement Information

- I1** S. 64 in force at 1.4.2005 by [S.I. 2005/877](#), art. 2(1), [Sch. 1](#)

## 65 Rank-related associations

- (1) The Secretary of State may approve one or more bodies (whether corporate or unincorporate) as bodies approved to carry out the functions conferred by this section.
- (2) A body approved by the Secretary of State under this section shall be known as a rank-related association.
- (3) The function of a rank-related association shall be to represent, in all matters affecting their welfare and efficiency, members of the Constabulary who—

---

*Changes to legislation: Energy Act 2004, Cross Heading: Rights etc. of members of the 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*

---

- (a) are not members of the Civil Nuclear Police Federation or of another rank-related association; and
  - (b) hold such ranks as may be specified in the approval given for the purposes of this section by the Secretary of State.
- (4) Those matters do not include—
- (a) the promotion in rank of particular individuals; or
  - (b) (except to the extent provided in subsection (5)) discipline matters affecting particular individuals.
- (5) A rank-related association may represent a member of the association—
- (a) at disciplinary proceedings conducted in accordance with arrangements made by the Police Authority; or
  - (b) on an appeal under any such arrangements from a decision in such proceedings.
- (6) But representation under subsection (5) must comply with any restrictions imposed by section 66.
- (7) Except so far as otherwise authorised by the Secretary of State, a rank-related association must be entirely independent of, and unassociated with, bodies and other persons who are without appropriate police connections.
- (8) But it may employ in an administrative or advisory capacity persons who are without appropriate police connections.
- (9) An authorisation for the purposes of subsection (7)—
- (a) may be given either conditionally or unconditionally; and
  - (b) may be varied or revoked at any time.
- (10) In relation to a rank-related association, only the following have appropriate police connections for the purposes of this section—
- (a) persons within the service of the Constabulary, of the Ministry of Defence Police, of the British Transport Police Force, of a police force for a police area in Great Britain or of the Police Service of Northern Ireland;
  - (b) persons not falling within paragraph (a) who are members of or employed by the Police Authority;
  - (c) the Civil Nuclear Police Federation;
  - (d) another rank-related association;
  - (e) a federation referred to in section 59 of the Police Act 1996 (c. 16), section 3 of the Ministry of Defence Police Act 1987 (c. 4) or section 39 of the Railways and Transport Safety Act 2003 (c. 20) (police federations);
  - (f) the Police Association for Northern Ireland;
  - (g) a body recognised under, and for the purposes specified in, section 64(5) of the Police Act 1996 or section 35(4) of the Police (Northern Ireland) Act 1998 (c. 32) (recognition of other bodies for trade union purposes).

---

**Commencement Information**

**I2** S. 65 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

---

*Changes to legislation: Energy Act 2004, Cross Heading: Rights etc. of members of the 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*

---

## 66 Representation at certain disciplinary proceedings

- (1) This section applies where disciplinary proceedings conducted in accordance with arrangements made by the Police Authority may lead to a member of the Constabulary who is not a senior officer being—
  - (a) dismissed;
  - (b) required to resign; or
  - (c) reduced in rank.
- (2) The member of the Constabulary must be given an opportunity to elect to be legally represented—
  - (a) in those proceedings; and
  - (b) on any appeal under the arrangements.
- (3) If he so elects, he may be represented, at his option, by counsel or by a solicitor.
- (4) The member of the Constabulary, if he is not legally represented, may be represented in the proceedings or on an appeal only by a person who is—
  - (a) a member of the Constabulary;
  - (b) a member of a police force maintained under the Police Act 1996 (c. 16);
  - (c) a constable of [<sup>F2</sup>the Police Service of Scotland];
  - (d) a constable of the British Transport Police Force; or
  - (e) a member of the Ministry of Defence Police.

### Textual Amendments

**F2** Words in s. 66(4)(c) 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\(5\)](#)

### Commencement Information

**I3** S. 66 in force at 1.4.2005 by [S.I. 2005/877](#), art. 2(1), [Sch. 1](#)

## 67 Trade union membership

- (1) A member of the Constabulary must not be a member of—
  - (a) a trade union; or
  - (b) an association whose objects are or include controlling or influencing the pay, pensions or conditions of service of members of the Constabulary.
- (2) Subsection (1) does not prevent a member of the Constabulary—
  - (a) from being a member of the Civil Nuclear Police Federation;
  - (b) from being a member of a rank-related association; or
  - (c) with the consent of the chief constable, from continuing to be a member of a trade union to which he belonged before becoming a member of the Constabulary.
- (3) In this section “trade union” has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).

---

**Changes to legislation:** Energy Act 2004, Cross Heading: Rights etc. of members of the 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](#)

---

---

**Commencement Information**

**I4** [S. 67](#) in force at 1.4.2005 by [S.I. 2005/877](#), art. 2(1), [Sch. 1](#)

**Changes to legislation:**

Energy Act 2004, Cross Heading: Rights etc. of members of the 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.

[View outstanding changes](#)

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