



# Energy Act 2004

## 2004 CHAPTER 20

### PART 1

#### THE CIVIL NUCLEAR INDUSTRY

### CHAPTER 3

#### CIVIL NUCLEAR CONSTABULARY

##### *Supplementary provisions of Chapter 3 of Part 1*

#### **68 Application of offences etc. applying to constables**

- (1) The references in section 89(1) and (2) of the Police Act 1996 <sup>F1</sup>... (assaults on constables) to a constable in the execution of his duty shall have effect as if they included references to a member of the Constabulary who—
  - (a) is exercising any of the powers or privileges conferred on him by section 56; or
  - (b) is otherwise performing his duties under the direction and control of the chief constable or as an employee of the Police Authority.
- (2) Section 90 of the Police Act 1996 (impersonation of member of a police force) shall have effect as if the references to a member of a police force included references to a member of the Constabulary.
- (3) In section 91 of the Police Act 1996 (causing disaffection), for subsection (2) substitute—
  - “(2) This section applies in the case of—
    - (a) special constables appointed for a police area,
    - (b) members of the Civil Nuclear Constabulary, and
    - (c) members of the British Transport Police Force,as it applies in the case of members of a police force.”

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F<sup>2</sup>(4) .....

F<sup>2</sup>(5) .....

F<sup>2</sup>(6) .....

(7) In any enactment—

- (a) references to a person's being in the custody of a constable, or to his being detained in the charge of a constable, include references to his being detained by a member of the Constabulary in the exercise of any of the powers or privileges conferred on him by section 56; and
- (b) references to a person's accompanying a constable include references to his accompanying a member of the Constabulary.

#### Textual Amendments

- F1** Words in s. 68(1) omitted (1.4.2013) by virtue of [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(6)**  
**(a)**
- F2** S. 68(4)(5)(6) omitted (1.4.2013) by virtue of [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(6)**  
**(b)**

#### Commencement Information

- I1** S. 68 in force at 1.4.2005 by [S.I. 2005/877](#), art. 2(1), **Sch. 1**

## 69 Minor amendments relating to the Constabulary

- (1) Schedule 14 (which contains minor amendments relating to the Constabulary) has effect.
- (2) The Secretary of State may by order make such modifications of subordinate legislation as appear to him to be appropriate in consequence of any provision of this Chapter.
- (3) Orders under subsection (2) are subject to the negative resolution procedure.

#### Commencement Information

- I2** S. 69(1) in force at 1.3.2005 for specified purposes by [S.I. 2005/442](#), art. 2(1), **Sch. 1**
- I3** S. 69(1) in force at 1.4.2005 for specified purposes by [S.I. 2005/877](#), art. 2(1), **Sch. 1**
- I4** S. 69(2)(3) in force at 1.3.2005 by [S.I. 2005/442](#), art. 2(1), **Sch. 1**

## 70 Nuclear transfer scheme for UKAEA Constabulary

- (1) The Secretary of State must make a nuclear transfer scheme providing for the transfer to the Police Authority of—
  - (a) the employees of the UKAEA who are members of the UKAEA Constabulary;
  - (b) such other persons employed by the UKAEA for purposes connected with that Constabulary as he considers appropriate;

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- (c) such property held by the UKAEA for purposes connected with the activities of members of the UKAEA Constabulary as he considers appropriate; and
  - (d) such rights and liabilities of the UKAEA relating to any of those activities, or to any such property, as he considers appropriate.
- (2) The nuclear transfer scheme that provides for the transfer of members of the UKAEA Constabulary to the Police Authority must provide for the transfer to the Police Authority, at the same time, of everyone who immediately before that time is employed by the UKAEA exclusively for purposes connected with that Constabulary.
- (3) Chapter 2 of this Part shall have effect as if the nuclear transfer scheme required by this section were a scheme authorised by section 39 but did not require the consent of the Police Authority to any of its provisions.
- (4) From the date on which the nuclear transfer scheme required by this section comes into force, the members of the UKAEA Constabulary who are transferred by the scheme shall hold office as members of the Constabulary as if they had—
- (a) been appointed by the Police Authority in accordance with section 55; and
  - (b) on appointment made the declaration required by that section.
- (5) In this section “members of the UKAEA Constabulary”, in relation to a nuclear transfer scheme, means persons who, on the date on which the scheme comes into force, are special constables appointed on the nomination of the UKAEA under section 3 of the Special Constables Act 1923 (c. 11).

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**Commencement Information**

**I5** S. 70 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

## 71 Interpretation of Chapter 3 of Part 1

- (1) In this Chapter—
- [<sup>F3</sup>“additional police services” has the meaning given in section 55A(2);]
  - “chief constable” means the chief constable of the Constabulary;
  - “the Civil Nuclear Police Federation” is to be construed in accordance with section 64(2);
  - “the Constabulary” means the Civil Nuclear Constabulary;
  - “licensed nuclear site” means a site in respect of which a nuclear site licence is or is required to be in force;
  - “nuclear material” means—
    - (a) any fissile material in the form of—
      - (i) uranium metal, alloy or chemical compound; or
      - (ii) plutonium metal, alloy or chemical compound;
    - (b) any other fissile material prescribed by regulations made by the Secretary of State;
  - “the Police Authority” means the Civil Nuclear Police Authority;
  - “rank-related association” is to be construed in accordance with section 65(2);
  - “senior officer” means the chief constable or the deputy chief constable or an assistant chief constable of the Constabulary.

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- (2) References in this Chapter to the functions of the Police Authority include references to securing that the functions of the Constabulary are carried out.
- (3) Any power of the Secretary of State under this Chapter to give directions—
- (a) restricting the exercise by the Police Authority of its powers,
  - (b) requiring functions to be carried out or objectives to be met by the Constabulary or the Police Authority, or
  - (c) imposing obligations on the Police Authority or any of its members or employees,
- includes power to impose restrictions, confer functions, require objectives to be met or impose obligations at or in relation to places outside Great Britain.
- (4) Regulations under subsection (1) are subject to the negative resolution procedure.
- (5) Where regulations under subsection (7) of section 76 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (jurisdiction of Atomic Energy Authority special constables) prescribing material to be treated as nuclear material for the purposes of that section are in force immediately before the commencement of this section, those regulations shall have effect after the commencement of this section as regulations made under and for the purposes of subsection (1).

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**Textual Amendments**

**F3** Words in s. 71(1) inserted (26.10.2023) by Energy Act 2023 (c. 52), ss. 307(3), 334(2)(n)

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**Commencement Information**

**I6** S. 71 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 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\(2\)\(b\)](#)