
Changes to legislation: Energy Act 2004, SCHEDULE 13 is up to date with all changes known to be in force on or before 21 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

SCHEDULES

SCHEDULE 13

Section 63

DIRECTIONS BY SECRETARY OF STATE ABOUT CONSTABULARY

Objectives

- 1 (1) The Secretary of State may give directions to the Police Authority setting out objectives for that Authority for a financial year.
- (2) The objectives may include—
- (a) objectives to be met generally in the carrying out by the Police Authority of its functions;
 - (b) objectives to be met in the carrying out by the Police Authority of particular functions, or in its carrying out of functions, or particular functions, at particular times or places;
 - (c) objectives to be met (whether generally or in relation to particular matters) in the management of the Constabulary;
 - (d) objectives to be met in securing proper accountability by the Police Authority for its own activities and for those of the Constabulary.
- (3) Before giving a direction under this paragraph, the Secretary of State must consult—
- (a) the Police Authority; and
 - (b) the chief constable.

Commencement Information

II Sch. 13 para. 1 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Directions with respect to the Constabulary

- 2 (1) The Secretary of State may give directions to the Police Authority requiring it to secure—
- (a) that such tasks are performed by members of the Constabulary as are set out in the direction, or as are determined under it;
 - (b) that the tasks so set out or determined are performed in the manner so set out or determined;
 - (c) that the financial and other resources available to the Police Authority are allocated and used in such manner as is so set out or determined;
 - (d) that the practices and procedures relating to security that are so set out or determined are adopted and followed by members of the Police Authority;
 - (e) that the practices and procedures (relating to security or any other matter) that are so set out or determined are adopted and followed by and in relation to members of the Constabulary and other employees of the Police Authority, and in relation to their appointment as such;

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- (f) that the practices and procedures (relating to security or any other matter) that are so set out or determined are adopted and followed in relation to agreements between the Police Authority and other persons;
 - (g) that the criteria so set out or determined are applied in assessing the performance of members of the Constabulary and of other employees of the Police Authority, and in determining their operational, training and equipment needs; and
 - (h) that such [^{F1}persons authorised by the Secretary of State] as are so set out or determined are given an entitlement, for the purpose of enabling them to monitor or inspect the activities of the Police Authority and of its employees, to have access to or make use of—
 - (i) premises occupied by or under the control of the Police Authority;
 - (ii) apparatus maintained for use by members or employees of the Police Authority; and
 - (iii) documents and records in the custody or under the control of the Police Authority or of the chief constable.
- (2) The Secretary of State may also give the Police Authority such other general or specific directions as he considers appropriate for securing the efficient and effective operation of the Constabulary.
- (3) Before giving a direction under this paragraph, the Secretary of State must consult—
- (a) the Police Authority; and
 - (b) the chief constable.
- (4) In this paragraph references to adopting and following practices or procedures include references to meeting and complying with standards or guidelines.

Textual Amendments

F1 Words in [Sch. 13 para. 2\(1\)\(h\)](#) substituted (26.1.2009) by [Energy Act 2008 \(c. 32\), s. 110\(2\), Sch. 5 para. 21](#); [S.I. 2009/45, art. 2\(e\)\(iv\)](#)

Commencement Information

I2 [Sch. 13 para. 2](#) in force at 1.3.2005 by [S.I. 2005/442, art. 2\(1\), Sch. 1](#)

Government, administration and conditions of service

- 3 (1) The Secretary of State may give directions to the Police Authority as to the government, administration and conditions of service of the Constabulary and its members.
- (2) The provision that may be required by directions under this paragraph, and that is to be capable of being made in pursuance of any such directions, includes any provision that may be made in relation to police forces under section 50 of the Police Act 1996 (c. 16) (police force regulations).
- [^{F2}(2A) To the extent that sub-paragraph (2) concerns provision that may be made in pursuance of section 50(3A) of the Police Act 1996, the reference in sub-paragraph (1) to members of the Constabulary includes former members.]

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- (3) If a direction under this paragraph relates to a matter which is the subject of regulations under section 50 of the Police Act 1996, the direction may differ from those regulations only so far as necessary to take account of differences relating to the structure and circumstances of the Constabulary.
- (4) Before giving a direction under this paragraph, the Secretary of State must consult—
- (a) the Police Authority;
 - (b) the chief constable;
 - (c) the Civil Nuclear Police Federation; and
 - (d) if the direction affects members of a rank-related association, that association.

Textual Amendments

- F2** Sch. 13 para. 3(2A) 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. 13(2); S.I. 2020/5, reg. 2(o)

Commencement Information

- I3** Sch. 13 para. 3 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Remedial action

- 4 (1) This paragraph applies where the Secretary of State considers that the Police Authority is failing—
- (a) to meet an objective set out by him under this Schedule; or
 - (b) to comply with a direction given under this Schedule.
- (2) This paragraph also applies where a report under section 62 following an inspection states—
- (a) that the Constabulary is, whether generally or in a specified respect, not efficient or not effective; or
 - (b) that the Constabulary is likely, unless remedial action is taken, to cease to be efficient or effective, whether generally or in a specified respect.
- (3) Where this paragraph applies, the Secretary of State may give a direction requiring the Police Authority to take the particular steps specified in the direction for the purpose of remedying—
- (a) the failure to meet the objective or to comply with the direction; or
 - (b) the matters stated in the report under section 62.
- (4) Before giving a direction under this paragraph, the Secretary of State must—
- (a) notify the Police Authority and the chief constable of his intention to give a direction and of his reasons for doing so; and
 - (b) give the Police Authority and the chief constable an opportunity of making representations.

Commencement Information

- I4** Sch. 13 para. 4 in force at 1.3.2005 by S.I. 2005/442, 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\(2\)\(b\)](#)