
Changes to legislation: Energy Act 2004, SCHEDULE 11 is up to date with all changes known to be in force on or before 17 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 11

Section 53

REMOVAL AND SUSPENSION OF SENIOR OFFICERS OF CONSTABULARY

Removal of senior officers by Police Authority

- 1
- (1) The Police Authority may call on a senior officer, in the interests of efficiency or effectiveness, to retire or to resign.
 - (2) The approval of the Secretary of State is required before the Police Authority may call on a senior officer to retire or to resign.
 - (3) Before seeking the approval of the Secretary of State, the Police Authority must—
 - (a) give the senior officer a notice of its intention to call on him to retire or to resign and an explanation of its grounds for doing so;
 - (b) give the senior officer an opportunity of making representations, including an opportunity of making representations in person; and
 - (c) consider any representations made by or on behalf of the senior officer.
 - (4) A senior officer who is called on to retire or to resign must retire or resign with effect from—
 - (a) such date as the Police Authority may specify; or
 - (b) such earlier date as may be agreed between him and the Police Authority.
 - (5) Oral notice is not effective for the purposes of sub-paragraph (3).

Commencement Information

II Sch. 11 para. 1 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Power of Secretary of State to require removal of chief constable

- 2
- (1) The Secretary of State may require the Police Authority to exercise its power under paragraph 1 to call on the chief constable to retire or to resign.
 - (2) Before requiring the Police Authority to exercise that power, the Secretary of State must—
 - (a) give the chief constable a notice of his intention to require the Police Authority to exercise that power and an explanation of his grounds for doing so;
 - (b) give the chief constable an opportunity of making representations, including an opportunity of making representations in person; and
 - (c) consider any representations made by or on behalf of the chief constable.
 - (3) Where the Secretary of State gives a notice under sub-paragraph (2), he must send a copy of the notice to the Police Authority.

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- (4) The Secretary of State must not exercise his power under sub-paragraph (1) unless he has—
 - (a) appointed one or more persons to hold an inquiry and to report to him; and
 - (b) considered the report made to him.
- (5) At least one of the persons appointed under sub-paragraph (4)(a) must be a person who is not any of the following—
 - (a) a constable;
 - (b) an employee of the Police Authority;
 - (c) an officer of a Government department.
- (6) At an inquiry held under sub-paragraph (4)—
 - (a) the chief constable, and
 - (b) the Police Authority,
 must each be given an opportunity of making representations, including (in the case of the chief constable) an opportunity of making representations in person.
- (7) The Police Authority must pay the costs reasonably incurred by the chief constable in respect of an inquiry under this paragraph.
- (8) The amount of those costs is to be assessed in such manner as the Secretary of State may direct.
- (9) If the Secretary of State exercises his power under sub-paragraph (1) in relation to the chief constable, the Police Authority—
 - (a) must call on him to retire or to resign; and
 - (b) is not required to comply with paragraph 1(3) before doing so.
- (10) Oral notice is not effective for the purposes of sub-paragraph (2).

Commencement Information

I2 Sch. 11 para. 2 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Suspension of senior officers by Police Authority pending removal

- 3 (1) This paragraph applies where—
 - (a) the Police Authority has notified a senior officer that it intends to exercise its power under paragraph 1 to call on him to retire or to resign;
 - (b) the Secretary of State has notified the chief constable under paragraph 2 that he intends to require the Police Authority to exercise that power in his case; or
 - (c) the Police Authority has exercised its power under paragraph 1 in the case of a senior officer, or has been required to do so under paragraph 2, but the senior officer has not yet retired or resigned.
- (2) The Police Authority may suspend the senior officer from duty.
- (3) But this power is to be exercisable only where the Police Authority considers that it is necessary to exercise it in order to maintain public confidence in the Constabulary.

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- (4) The approval of the Secretary of State is required for a suspension under this paragraph.

Commencement Information

I3 [Sch. 11 para. 3](#) in force at 1.3.2005 by [S.I. 2005/442, art. 2\(1\)](#), [Sch. 1](#)

Power of Secretary of State to require suspension of chief constable

- 4 (1) This paragraph applies where—
- (a) the Police Authority has notified the chief constable that it intends to exercise its power under paragraph 1 to call on him to retire or to resign;
 - (b) the Secretary of State has notified the chief constable under paragraph 2 that he intends to require the Police Authority to exercise that power in his case; or
 - (c) the Police Authority has exercised that power, or has been required to do so under paragraph 2, but the chief constable has not yet retired or resigned.
- (2) The Secretary of State may require the Police Authority to suspend the chief constable from duty.
- (3) But this power is to be exercisable only where the Secretary of State considers that it is necessary to exercise it in order to maintain public confidence in the Constabulary.
- (4) The Police Authority must comply with a requirement under this paragraph to suspend the chief constable from duty.
- (5) Paragraph 3(3) and (4) do not apply to the suspension of the chief constable in pursuance of a requirement under this paragraph.

Commencement Information

I4 [Sch. 11 para. 4](#) 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\(2\)\(b\)](#)