



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.
- (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
 - (b) to have attempted to do so.

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- (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).

57 Stop and search under Terrorism Act 2000

- (1) The Terrorism Act 2000 (c. 11) is amended as follows.
- (2) In section 44 (authorisation to stop and search in connection with terrorism)—
- (a) after subsection (4B) insert—
- “(4BA) In a case in which the specified area or place is a place in which members of the Civil Nuclear Constabulary have the powers and privileges of a constable, an authorisation may also be given by a

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member of that Constabulary who is of at least the rank of assistant chief constable.”;

(b) in subsection (4C), after paragraph (b) insert “or

(c) a member of the Civil Nuclear Constabulary,”.

(3) In section 46 (duration of authorisation), after subsection (2) insert—

“(2A) An authorisation under section 44(4BA) does not have effect except in relation to times when the specified area or place is a place where members of the Civil Nuclear Constabulary have the powers and privileges of a constable.”