



Energy Act 2004

2004 CHAPTER 20

PART 1

THE CIVIL NUCLEAR INDUSTRY

CHAPTER 3

CIVIL NUCLEAR CONSTABULARY

Civil Nuclear Constabulary

52 The Civil Nuclear Constabulary

- (1) It shall be the function of the Police Authority to secure the maintenance of an efficient and effective constabulary, to be known as the Civil Nuclear Constabulary (“the Constabulary”).
- (2) The primary function of the Constabulary is—
 - (a) the protection of licensed nuclear sites which are not used wholly or mainly for defence purposes; and
 - (b) safeguarding nuclear material in Great Britain and elsewhere.
- (3) The Police Authority may allocate to the Constabulary the function of carrying on such other activities relating to, or connected with, the security of—
 - (a) nuclear material, or
 - (b) sites where such material is being, has been or is to be used, processed or stored,as the Police Authority thinks fit.
- (4) The Constabulary shall have the function of carrying on such other activities as may be allocated to it by the Police Authority in accordance with directions given to that Authority for the purposes of this section by the Secretary of State.

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- (5) The Secretary of State may give the Police Authority directions restricting the exercise of its powers under subsection (3).
- (6) Subject to the provisions of this Chapter, the Police Authority may do anything which appears to it to be likely to facilitate the carrying out of its functions, or to be incidental to carrying them out.
- (7) Nothing in this section limits what a member of the Constabulary may do in the exercise of the powers and privileges conferred on him by section 56.

Commencement Information

- I1** S. 52(1)(6) in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1
I2 S. 52(2)-(5)(7) in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

53 Chief constable and other senior officers

- (1) The Police Authority—
 - (a) must appoint a chief constable of the Constabulary and a deputy chief constable of the Constabulary; and
 - (b) may appoint one or more assistant chief constables of the Constabulary.
- (2) Before appointing the deputy chief constable or an assistant chief constable, the Police Authority must consult the chief constable.
- (3) The chief constable, the deputy chief constable and every assistant chief constable are to be members of the Constabulary.
- (4) The approval of the Secretary of State is required for the making of an appointment under this section.
- (5) Schedule 11 (which makes provision about the removal and suspension of the chief constable and other senior officers) has effect.

Commencement Information

- I3** S. 53(1)(2)(4)(5) in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1
I4 S. 53(3) in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

54 Functions of senior officers

- (1) In carrying out his functions in any financial year, the chief constable must have regard to—
 - (a) the annual policing plan for that year issued by the Police Authority under paragraph 2 of Schedule 12; and
 - (b) the three-year strategy plan ^{F1}... issued by the Police Authority under paragraph 3 of that Schedule for a period that includes that year.
- (2) The deputy chief constable may perform a function of the chief constable—
 - (a) while the chief constable is unable to act or unavailable;
 - (b) during a vacancy in the office of chief constable; or

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- (c) with the consent of the chief constable.
- (3) A consent for the purposes of subsection (2)(c) may be either general or specific.
- (4) The Police Authority may authorise an assistant chief constable to perform a function of the chief constable—
 - (a) while both the chief constable and the deputy chief constable are unable to act or unavailable; or
 - (b) while the offices of chief constable and deputy chief constable are both vacant.
- (5) At any one time, only one person may be authorised to act under subsection (4).
- (6) No person shall be entitled by virtue of subsection (2)(a) or (b) or an authorisation under subsection (4) to act for a continuous period exceeding three months, except with the consent of the Secretary of State.

Textual Amendments

- F1** Words in s. 54(1)(b) omitted (31.1.2024) by virtue of [Energy Act 2023 \(c. 52\)](#), **ss. 310(2)(a)**, 334(1); [S.I. 2024/32](#), reg. 3(c)

Commencement Information

- I5** [S. 54](#) in force at 1.4.2005 by [S.I. 2005/877](#), art. 2(1), **Sch. 1**

55 Members of the Constabulary

- (1) The Police Authority may appoint persons to be members of the Constabulary.
- (2) Members of the Constabulary are to be employees of the Police Authority and (apart from the chief constable himself) under the direction and control of the chief constable.
- (3) A person appointed as a member of the Constabulary must, on appointment—
 - (a) be attested as a constable by making the required declaration before a justice of the peace in England and Wales; or
 - (b) make the required declaration before a sheriff or a justice of the peace in Scotland.
- (4) The required declaration is—
 - (a) in the case of a declaration before a justice of the peace in England and Wales, the declaration required by section 29 of the Police Act 1996 (c. 16) in the case of a member of a police force maintained under that Act; and
 - (b) in the case of a declaration before a sheriff or a justice of the peace in Scotland, a declaration faithfully to execute the duties of the office of a member of the Civil Nuclear Constabulary.

[^{F2}(5) Subsection (2) is subject to any provision included in a police force collaboration agreement by virtue of section 23(4) of the Police Act 1996.]

Textual Amendments

- F2** [S. 55\(5\)](#) inserted (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), **Sch. 7 para. 11**; [S.I. 2010/507](#), art. 4(c)

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Commencement Information

16 S. 55 in force at 1.4.2005 by [S.I. 2005/877](#), 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\(2\)\(b\)](#)