
Changes to legislation: Energy Act 2004, SCHEDULE 10 is up to date with all changes known to be in force on or before 13 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 10

Section 51

THE CIVIL NUCLEAR POLICE AUTHORITY

PART 1

MEMBERSHIP

Appointment

- 1 (1) The Police Authority shall consist of not fewer than seven and not more than thirteen members.
- (2) The members of the Police Authority are to be appointed by the Secretary of State.
- (3) The Secretary of State must appoint one of the members of the Police Authority to be its chairman.

Commencement Information

II Sch. 10 para. 1 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Terms of appointment

- 2 (1) Subject to what follows, each member of the Police Authority is to hold and vacate office as chairman, or otherwise as a member, in accordance with the terms of his appointment.
- (2) Each appointment must state the period for which it is made.
- (3) That period must not exceed five years; but a person is eligible for re-appointment as chairman, or otherwise as a member of the Police Authority, (on any number of occasions) from the end of a term of office.
- (4) A member of the Police Authority may at any time resign his office as the chairman or as a member of the Police Authority (or both) by giving notice to the Secretary of State.
- (5) If the Secretary of State is satisfied that sub-paragraph (6) applies to the chairman or another member of the Police Authority, the Secretary of State may, by giving him notice to that effect, remove him from office.
- (6) This sub-paragraph applies to a person if—
- (a) he is an undischarged bankrupt or has had his estate sequestrated without being discharged [^{F1}or a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986)];

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- (b) he is subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order [^{F2}or a debt relief restrictions order or an interim debt relief restrictions order (under Schedule 4ZB of the Insolvency Act 1986)];
- (c) he has made an arrangement with his creditors, or has entered into a trust deed for creditors, or has made a composition contract with his creditors;
- (d) he has been convicted of an offence;
- (e) he has been absent, on at least three consecutive occasions and without the consent of the Police Authority, from meetings of that Authority; or
- (f) he is for any other reason incapable of carrying out, or unfit to carry out, the functions of his office.

(7) Oral notice is not effective for the purposes of sub-paragraph (4) or (5).

Textual Amendments

- F1** Words in Sch. 10 para. 2(6)(a) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 50(3)(a)** (with art. 5)
- F2** Words in Sch. 10 para. 2(6)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 50(3)(b)** (with arts. 5, 6)

Commencement Information

- I2** Sch. 10 para. 2 in force at 1.3.2005 by [S.I. 2005/442](#), art. 2(1), **Sch. 1**

Remuneration

- 3 The Police Authority may pay to each of its members such remuneration and allowances as the Secretary of State may determine.

Commencement Information

- I3** [Sch. 10 para. 3](#) in force at 1.3.2005 by [S.I. 2005/442](#), art. 2(1), **Sch. 1**

PART 2

PROCEEDINGS

Police Authority to regulate procedure

- 4 (1) The Police Authority may make such arrangements as it thinks fit for regulating its proceedings.
- (2) Those arrangements may include—
- (a) arrangements for quorums and the making of decisions by a majority;
 - (b) the establishment of committees and the regulation of their proceedings;
 - (c) the delegation of functions to committees established by the Police Authority and to its employees.
- (3) The membership of a committee established by the Police Authority may include employees of that Authority and persons who are neither members nor employees of that Authority.

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Commencement Information

I4 Sch. 10 para. 4 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Validity etc.

- 5 The validity of proceedings of the Police Authority shall not be affected by—
- (a) a failure by the Secretary of State to comply with paragraph 1; or
 - (b) any other defect in the appointment of a member of the Police Authority.

Commencement Information

I5 Sch. 10 para. 5 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

PART 3

EMPLOYEES

Employees of the Police Authority

- 6 (1) The Police Authority may employ such persons as it may determine.
- (2) Those persons are to be employed by the Police Authority on such terms and conditions, including terms and conditions as to remuneration, as the Police Authority determines.
- (3) The Police Authority may—
- (a) pay to or in respect of its employees such pensions, allowances or gratuities, or
 - (b) with the approval of the Secretary of State, provide and maintain for them such pension schemes (whether contributory or not),
- as it determines.
- (4) This paragraph is subject to section 58 and any direction to the Police Authority under Schedule 13.

Commencement Information

I6 Sch. 10 para. 6 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

UKAEA pensions for employees of the Police Authority

- 7 (1) A pension scheme maintained by the UKAEA under paragraph 7(2)(b) of Schedule 1 to the Atomic Energy Authority Act 1954 (c. 32) (“a UKAEA pension scheme”) may apply to employees of the Police Authority as it applies to persons to whom it applies apart from this paragraph.
- (2) The Secretary of State may, by direction, require the UKAEA to make such modifications of a UKAEA pension scheme as the Secretary of State considers

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- appropriate in respect of the participation of persons in such a scheme by virtue of this paragraph.
- (3) A direction under sub-paragraph (2) may also require the UKAEA to make such supplemental, consequential and transitional provision modifying a UKAEA pension scheme as the Secretary of State considers appropriate.
 - (4) Before giving a direction under this paragraph, the Secretary of State must consult—
 - (a) the UKAEA;
 - (b) the Police Authority;
 - (c) the Treasury; and
 - (d) such persons as appear to him to represent the employees likely to be affected by the direction.
 - (5) The power of the Secretary of State to give directions under this paragraph—
 - (a) is in addition to the powers of the Secretary of State to give directions to the UKAEA under paragraphs 5 and 6 of Schedule 8 to this Act or section 3 of the Atomic Energy Authority Act 1954; and
 - (b) is to be disregarded in construing those powers.
 - (6) The Police Authority must pay such amounts to the UKAEA in respect of the participation of persons in a pension scheme by virtue of this paragraph as are—
 - (a) agreed between the Police Authority and the UKAEA; or
 - (b) in the absence of such agreement, determined by the Secretary of State.
 - (7) References in this paragraph to the modification of a UKAEA pension scheme include references to the modification of any one or more of the following—
 - (a) the trust deed of the scheme, if there is one;
 - (b) rules of the scheme; or
 - (c) any other instrument relating to the constitution, management or operation of the scheme.

Commencement Information

I7 Sch. 10 para. 7 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

PART 4

FINANCES

Borrowing by the Police Authority

- 8 (1) The Police Authority may borrow money, but only in accordance with this paragraph.
- (2) The approval of the Treasury is required for borrowing by the Police Authority.
- (3) The Police Authority may borrow from the Secretary of State such sums in sterling as it may require for meeting its obligations and for carrying out its functions.
- (4) The Police Authority may, with the consent of the Secretary of State, borrow temporarily by way of overdraft from persons other than the Secretary of State such

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sums in sterling as it may require for meeting its obligations and for carrying out its functions.

- (5) The Police Authority must not borrow if the effect would be—
 - (a) to take the aggregate amount outstanding in respect of the principal of sums it has borrowed over its borrowing limit; or
 - (b) to increase the amount by which the aggregate amount so outstanding exceeds that limit.
- (6) The Police Authority's borrowing limit is £10 million.
- (7) The Secretary of State may by order vary the Police Authority's borrowing limit.
- (8) The approval of the Treasury is required for the making of an order under sub-paragraph (7).
- (9) An order under sub-paragraph (7) is subject to the negative resolution procedure.

Commencement Information

18 Sch. 10 para. 8 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

Guarantees for borrowing by the Police Authority

- 9 (1) The Secretary of State may guarantee—
 - (a) the repayment of the principal of any sum borrowed by the Police Authority;
 - (b) the payment of interest on such a sum; and
 - (c) the discharge of any other financial obligation of the Police Authority in connection with the borrowing of such a sum.
- (2) The Secretary of State may give a guarantee under this paragraph in such manner, and on such terms, as he thinks fit.
- (3) As soon as practicable after giving a guarantee under this paragraph, the Secretary of State must lay a statement of the guarantee before Parliament.
- (4) If sums are paid out by the Secretary of State under a guarantee given under this paragraph, the Police Authority must pay him—
 - (a) such amounts in or towards the repayment to him of those sums as he may direct; and
 - (b) interest, at such rates as he may direct, on amounts outstanding under this sub-paragraph.
- (5) Payments to the Secretary of State under sub-paragraph (4) must be made at such times, and in such manner, as he may from time to time direct.
- (6) Where a sum has been paid out by the Secretary of State under a guarantee given under this paragraph, he must lay a statement relating to that sum before Parliament—
 - (a) as soon as practicable after the end of the financial year in which that sum is paid out; and
 - (b) as soon as practicable after the end of each subsequent relevant financial year.

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- (7) In relation to a sum paid out under a guarantee, a financial year is a relevant financial year for the purposes of sub-paragraph (6) unless—
- (a) before the beginning of that year, the whole of that sum has been repaid to the Secretary of State under sub-paragraph (4); and
 - (b) the Police Authority is not at any time during that year subject to a liability to pay interest on amounts that became due under that sub-paragraph in respect of that sum.
- (8) The consent of the Treasury is required—
- (a) for the giving of a guarantee under this paragraph; and
 - (b) for the giving of a direction under sub-paragraph (4) or (5).

Commencement Information

19 Sch. 10 para. 9 in force at 1.4.2005 by S.I. 2005/877, art. 2(1), Sch. 1

Grants and loans to the Police Authority

- 10 (1) The Secretary of State may—
- (a) make payments by way of grant to the Police Authority; and
 - (b) also make payments to it by way of loan.
- (2) The Secretary of State may make any grants made by him to the Police Authority subject to such conditions as he thinks fit.
- (3) Loans made by the Secretary of State to the Police Authority shall be on such terms, as to repayment and interest and other matters, as the Secretary of State may determine.

Commencement Information

110 Sch. 10 para. 10 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Financial duties

- 11 (1) The Secretary of State may determine the financial duties of the Police Authority.
- (2) Before determining any financial duties under this paragraph, the Secretary of State must consult the Police Authority.
- (3) The approval of the Treasury is required for a determination by the Secretary of State of the Police Authority's financial duties.
- (4) A determination by the Secretary of State of the Police Authority's financial duties may—
- (a) relate to a period beginning before, on or after the date on which it is made;
 - (b) contain supplemental provisions; and
 - (c) be varied by a subsequent determination.
- (5) The Secretary of State may make different determinations for different functions and activities of the Police Authority.

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- (6) The Secretary of State must give the Police Authority notice of every determination by him of its financial duties.

Commencement Information

III Sch. 10 para. 11 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Accounts and audit

- 12 (1) The Police Authority must—
- (a) keep proper accounts and proper accounting records; and
 - (b) prepare, in respect of each of its accounting years, a statement of its accounts.
- (2) A statement of accounts prepared under this paragraph must give a true and fair view of—
- (a) the income and expenditure of the Police Authority for the accounting year in question; and
 - (b) its state of affairs.
- (3) Such a statement of accounts must comply with every requirement which has been notified by the Secretary of State to the Police Authority.
- (4) Those requirements may include, in particular, requirements relating to—
- (a) the information to be contained in the statement;
 - (b) the manner in which that information is to be presented;
 - (c) the methods and principles according to which the statement is to be prepared.
- (5) The approval of the Treasury is required for the imposition of a requirement under sub-paragraph (3).
- (6) The accounts of the Police Authority relating to each of its accounting years, including the statement of accounts prepared for the year under this paragraph, must be audited by the Comptroller and Auditor General.
- (7) The Comptroller and Auditor General must send a copy of his report on what he is required to audit to the Police Authority.
- (8) The Police Authority must send to the Secretary of State, in respect of each of its accounting years—
- (a) a copy of the accounts for that year that are required to be audited under this paragraph; and
 - (b) a copy of the Comptroller and Auditor General’s report on those accounts.
- (9) The Secretary of State must lay a copy of whatever is sent to him under sub-paragraph (8) before Parliament.
- (10) In this paragraph—
- “accounting records” includes all books, papers and other records of the Police Authority relating to—
 - (a) the accounts which it is required to keep; or
 - (b) matters dealt with in those accounts;

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- “accounting year”, in relation to the Police Authority, means—
- (a) the Police Authority’s first accounting year; or
 - (b) a financial year after the end of the Police Authority’s first accounting year;
- “the Police Authority’s first accounting year” means—
- (a) where the Police Authority is established at the beginning of a financial year, that financial year; and
 - (b) in any other case, the period which begins with the day on which the Police Authority is established and ends—
 - (i) if no direction is given under sub-paragraph (ii), with 31st March in the financial year current on that day; and
 - (ii) if the Secretary of State so directs, with 31st March at the end of the following financial year.

Commencement Information

I12 Sch. 10 para. 12 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Receipts and surpluses

- 13 (1) The Secretary of State may give a direction requiring the Police Authority to pay to him an amount equal to—
- (a) the whole or part of a sum which it has received (otherwise than from the Secretary of State); or
 - (b) the whole or part of any surplus which it has for a financial year.
- (2) For the purposes of this paragraph, the Police Authority has a surplus for a financial year if its revenues for that year exceed the sums which it requires for carrying out its functions in that year.
- (3) Before giving a direction under this paragraph, the Secretary of State must consult—
- (a) the Police Authority; and
 - (b) the Treasury.

Commencement Information

I13 Sch. 10 para. 13 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Destination of receipts

- 14 The Secretary of State must pay sums received by him under paragraph 9, 10 or 13 into the Consolidated Fund.

Commencement Information

I14 Sch. 10 para. 14 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

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PART 5

MISCELLANEOUS

Authentication of Police Authority's seal

- 15 (1) The application of the seal of the Police Authority is to be authenticated by the signature of—
- (a) a member of the Police Authority; or
 - (b) any other person who has been authorised by it (whether generally or specifically) for the purpose.
- (2) A document purporting to be—
- (a) duly executed under the Police Authority's seal, or
 - (b) signed on behalf of the Police Authority,
- may be received in evidence and, except so far as the contrary is shown, is to be taken to be duly so executed or signed.
- (3) This paragraph does not extend to Scotland.

Commencement Information

I15 Sch. 10 para. 15 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Status

- 16 (1) The Police Authority is not to be regarded—
- (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Police Authority's property is not to be regarded as property of the Crown, or as held on behalf of the Crown.

Commencement Information

I16 Sch. 10 para. 16 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

Disqualification for House of Commons

- 17 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), at the appropriate place, insert— “The Civil Nuclear Police Authority”.

Commencement Information

I17 Sch. 10 para. 17 in force at 1.3.2005 by S.I. 2005/442, art. 2(1), Sch. 1

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Freedom of information

- 18 In Part 5 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (police bodies to be public authorities for the purposes of that Act), after paragraph 63 insert—
- “63A The Civil Nuclear Police Authority.
- 63B The chief constable of the Civil Nuclear Constabulary.”

Commencement Information

I18 Sch. 10 para. 18 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\(2\)\(b\)](#)