

ENERGY ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 3: Civil Nuclear Constabulary

Section 63 and Schedule 13: Supervision by Secretary of State

201. [Section 63](#) should be read in conjunction with [Schedule 13](#). [Schedule 13](#) gives the Secretary of State the power (amongst other things) to issue to the Police Authority directions setting out objectives for it, directions relating to the activities of the Constabulary, and directions relating to the Constabulary's conditions of service. The main purposes of these powers are:

- to allow the Secretary of State to set strategic and policing objectives for the Police Authority. This is broadly equivalent to the power to set such objectives for Home Office forces in [section 37 of the Police Act 1996 \(c.16\)](#);
- to ensure that the Police Authority and the Constabulary implement the security standards, guidelines and procedures set by the Secretary of State, including:
 - (a) the tasks which the Constabulary is to perform;
 - (b) the nuclear sites which the Constabulary is to protect, and the minimum number of constables which should be deployed there;
 - (c) detailed requirements on protection of information and security vetting;
 - (d) certain qualitative criteria such as training, intelligence matters, special operations and exercises;

This preserves the current arrangements whereby the Secretary of State, through the Office for Civil Nuclear Security, sets the security framework and agrees and monitors the security arrangements for all civil nuclear sites;

- to allow the Secretary of State to ensure that the Police Authority's employment practices retain parity with other police forces. Where directions deal with matters which are dealt with by regulations under [section 50 of the Police Act 1996 \(c.16\)](#) (police force regulations), the direction may differ from those regulations only in so far as is necessary to reflect the circumstances and structure of the Constabulary;
- to allow the Secretary of State to require specific remedial action where he believes the Police Authority is failing to meet objectives he has set or has failed to comply with a direction he has given or where a HMIC report is critical of the Authority's efficiency or effectiveness.