



Energy Act 2023

2023 CHAPTER 52

PART 14

CIVIL NUCLEAR SECTOR

CHAPTER 2

CIVIL NUCLEAR CONSTABULARY

307 Provision of additional police services

(1) After section 55 of the Energy Act 2004 insert—

“Additional services

55A Provision of additional police services

- (1) The Constabulary may, with the consent of the Secretary of State, provide additional police services to any person.
- (2) In this Chapter, “additional police services” means services relating to the protection of places, persons or materials.
- (3) In subsection (2), “place” includes—
 - (a) premises, facilities or equipment at a place;
 - (b) any vehicle, vessel, aircraft or hovercraft.
- (4) The Secretary of State must not give consent for the purposes of [subsection \(1\)](#) unless satisfied, on an application made by the Police Authority, that—
 - (a) the provision of the additional police services in question is in the interests of national security,
 - (b) the provision by the Constabulary of those services will not prejudice the carrying out of its primary function under section 52(2), and

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- (c) it is reasonable in all the circumstances for the Constabulary to provide those services.
 - (5) Before giving consent for the purposes of [subsection \(1\)](#), the Secretary of State must consult the chief constable.
 - (6) The chief constable must ensure that the provision by the Constabulary of additional police services does not prejudice the carrying out of its primary function under section 52(2).
 - (7) Consent given for the purposes of [subsection \(1\)](#)—
 - (a) must specify the period of time (not exceeding 5 years) for which it has effect;
 - (b) may, subject to subsections [\(8\)](#) and [\(9\)](#), be withdrawn at any time if the Secretary of State is no longer satisfied of the matters mentioned in [subsection \(4\)](#).
 - (8) Where the Secretary of State proposes to withdraw consent given for the purposes of [subsection \(1\)](#), the Secretary of State must consult the Police Authority.
 - (9) If, following consultation under [subsection \(8\)](#), the Secretary of State decides to withdraw consent given for the purposes of [subsection \(1\)](#), the Secretary of State must give such notice to the Police Authority as is reasonably practicable of the date on which the consent will cease to have effect.
 - (10) The Police Authority may enter into an agreement with any person for the provision of additional police services by the Constabulary under this section.
 - (11) The Police Authority must publish, as soon as is reasonably practicable and in such manner as the Authority considers appropriate—
 - (a) the name of any person or persons to whom additional police services are to be provided under this section, and
 - (b) (subject to subsections [\(12\)](#) and [\(13\)](#)) such information about the place or places at which those services are to be provided as the Police Authority considers may be published without prejudicing the interests of national security.
 - (12) The Police Authority must consult the Secretary of State before publishing the information referred to in [subsection \(11\)\(b\)](#).
 - (13) The Secretary of State may direct the Police Authority not to publish information about the place or places at which additional police services are to be provided where the Secretary of State considers that publication of the information would prejudice the interests of national security.
 - (14) The Police Authority must comply with a direction given by the Secretary of State under [subsection \(13\)](#).”
- (2) In section 56 of that Act (jurisdiction of Constabulary), after [subsection \(3\)](#) insert—
- “(3A) A member of the Constabulary has the powers and privileges of a constable at every place where additional police services are being provided under [section 55A](#).”
- (3) In section 71(1) of that Act (interpretation), at the appropriate place insert—

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““additional police services” has the meaning given in [section 55A\(2\)](#)”.

- (4) The Counter-Terrorism Act 2008 is amended as follows—
- (a) in section 85(2) (costs of policing at gas facilities: England and Wales), after paragraph (a) omit “or” and insert—
 - “(aa) the services of the Civil Nuclear Constabulary provided under [section 55A](#) of the Energy Act 2004, or”;
 - (b) in section 86(2) (costs of policing at gas facilities: Scotland), after paragraph (a) omit “or” and insert—
 - “(aa) the services of the Civil Nuclear Constabulary provided under [section 55A](#) of the Energy Act 2004, or”.

Commencement Information

II S. 307 in force at Royal Assent, see [s. 334\(2\)\(n\)](#)

308 Provision of assistance to other forces

- (1) The Energy Act 2004 is amended as follows.
- (2) After section 55A (inserted by [section 307](#) of this Act) insert—

“55B Provision of assistance to other forces

- (1) The chief constable may, on the application of the chief officer of a relevant force, provide members of the Constabulary or other assistance for the purpose of enabling that force to meet any special demand on its resources.
- (2) The policing body maintaining a relevant force for which assistance is provided under this section must pay to the Police Authority such charges—
- (a) as may be agreed between the policing body and the Police Authority, or
 - (b) in the absence of any such agreement, as may be determined by the Secretary of State.
- (3) The chief constable must ensure that the provision of assistance under this section does not prejudice the carrying out of the primary function of the Constabulary under section 52(2).
- (4) In this section—
- “chief officer” means—
 - (a) a chief officer of police of a police force for a police area in England and Wales;
 - (b) the chief constable of the Police Service of Scotland;
 - (c) the chief constable of the British Transport Police Force; or
 - (d) the chief constable of the Ministry of Defence Police;
 - “policing body” means—
 - (a) in relation to a police force for a police area in England and Wales, the relevant local policing body in the meaning of section 101(1) of the Police Act 1996;

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- (b) in relation to the Police Service of Scotland, the Scottish Police Authority;
 - (c) in relation to the British Transport Police Force, the British Transport Police Authority;
 - (d) in relation to the Ministry of Defence Police, the Secretary of State;
- “relevant force” means—
- (a) a police force for a police area in England and Wales;
 - (b) the Police Service of Scotland;
 - (c) the British Transport Police Force; or
 - (d) the Ministry of Defence Police.”
- (3) In section 59 (members of constabulary serving with other forces), after subsection (3) insert—
- “(3A) For the purposes of this section, a member of the Constabulary who is provided for the assistance of a relevant force under [section 55B](#) is to be treated as serving with that force under arrangements of the kind mentioned in subsection (1).”

Commencement Information

I2 S. 308 in force at Royal Assent, see [s. 334\(2\)\(n\)](#)

309 Cross-border enforcement powers

- (1) Part 10 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement) is amended as follows.
- (2) In section 136 (execution of warrants)—
 - (a) in subsection (1), after “2003” insert “or under section 55 of the Energy Act 2004”;
 - (b) in subsection (2), after “2003” insert “or under section 55 of the Energy Act 2004”.
- (3) In section 137(2A) (cross-border powers of arrest), after “2003” insert “or under section 55 of the Energy Act 2004”.
- (4) In section 137A(5) (additional cross-border powers of arrest: urgent cases), after “2003” insert “or under section 55 of the Energy Act 2004”.
- (5) In section 139 (search powers available on arrest)—
 - (a) in subsection (10A), after “British Transport Police” insert “or a constable appointed as a member of the Civil Nuclear Constabulary”;
 - (b) in subsection (10C), after “British Transport Police” insert “or a constable appointed as a member of the Civil Nuclear Constabulary”.
- (6) In section 140(6A) (reciprocal powers of arrest), after “2003” insert “or under section 55 of the Energy Act 2004”.

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Commencement Information

I3 S. 309 in force at Royal Assent, see [s. 334\(2\)\(n\)](#)

310 Publication of three-year strategy plan

(1) Schedule 12 to the Energy Act 2004 (planning and reports about Constabulary) is amended as follows—

- (a) in paragraph 3(1)—
 - (i) for “financial year” substitute “three-year period”;
 - (ii) for “the three year period beginning with that year” substitute “that period”;
- (b) for paragraph 3(5) substitute—

“(5) In sub-paragraph (1), “three-year period” means—

- (a) the period of three successive financial years beginning with 1 April 2024, and
- (b) each subsequent period of three successive financial years.”

(2) In consequence of the amendments made by [subsection \(1\)](#)—

- (a) in section 54(1)(b) of the Energy Act 2004 (functions of senior officers), omit “most recently”;
- (b) in Schedule 12 to that Act—
 - (i) in paragraph 2(3), omit “most recently”;
 - (ii) in paragraph 7(2)(a), omit “most recently issued”.

Commencement Information

I4 S. 310 not in force at Royal Assent, see [s. 334\(1\)](#)

I5 [S. 310](#) in force at 31.1.2024 by [S.I. 2024/32, reg. 3\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Chapter 2.