



# 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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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 307. (See end of Document for details)*

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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    - (b) may, subject to subsections [\(8\)](#) and [\(9\)](#), be withdrawn at any time if the Secretary of State is no longer satisfied of the matters mentioned in [subsection \(4\)](#).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”.

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**Commencement Information**

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

**Changes to legislation:**

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