

ENERGY ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 3: Civil Nuclear Constabulary

Section 56: Jurisdiction of Constabulary

189. [Section 56](#) sets out the jurisdiction of members of the Constabulary in terms similar to that set out in section 76 of the [Anti-Terrorism, Crime and Security Act 2001 \(c.24\)](#). Whilst the jurisdiction will remain broadly the same as at present, three adjustments are being made. The first of these will remove the Constabulary's jurisdiction on premises which are not nuclear sites but are in the possession or under the control of UKAEA (by virtue of Schedule 3 to the [Atomic Energy Act 1954 \(c.11\)](#)) or of certain nuclear operators (by virtue of paragraph 4 of Schedule 1 to the [Nuclear Installations Act 1965 \(c.11\)](#) or section 19 of the [Atomic Energy Act 1971 \(c.11\)](#)). There is no longer any need for the Constabulary to protect premises which do not hold nuclear material. The second will remove the Constabulary's jurisdiction to exercise police powers in respect of the property of UKAEA or certain nuclear operators within a 15 mile radius of their premises (which the Constabulary has by virtue of section 2 of the [Metropolitan Police Act 1860 \(c.135\)](#), as adapted by the provisions mentioned above). The third extends police powers and privileges to members of the Civil Nuclear Constabulary beyond their 'core jurisdiction' (as set out in section 56(1) to 56(4)) to anywhere else in Great Britain, essentially so long as they are exercising powers and privileges there in connection with their core jurisdiction. The purpose is to ensure that, for example, members of the Constabulary can escort someone who has committed an offence within their core jurisdiction to a police station outside their core jurisdiction, or they can pursue someone outside their core jurisdiction who has committed an offence within their core jurisdiction whether or not that crime relates to the security of nuclear material the Constabulary is safeguarding.
190. Members of the Constabulary have general policing powers within their jurisdiction. Operational arrangements are set out in a national policing protocol and in individual memoranda of understanding between the Constabulary and the Home Office and Scottish forces.