
Changes to legislation: Energy Act 2004, Paragraph 2 is up to date with all changes known to be in force on or before 28 July 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 11

REMOVAL AND SUSPENSION OF SENIOR OFFICERS OF CONSTABULARY

Power of Secretary of State to require removal of chief constable

- 2 (1) The Secretary of State may require the Police Authority to exercise its power under paragraph 1 to call on the chief constable to retire or to resign.
- (2) Before requiring the Police Authority to exercise that power, the Secretary of State must—
- (a) give the chief constable a notice of his intention to require the Police Authority to exercise that power and an explanation of his grounds for doing so;
 - (b) give the chief constable an opportunity of making representations, including an opportunity of making representations in person; and
 - (c) consider any representations made by or on behalf of the chief constable.
- (3) Where the Secretary of State gives a notice under sub-paragraph (2), he must send a copy of the notice to the Police Authority.
- (4) The Secretary of State must not exercise his power under sub-paragraph (1) unless he has—
- (a) appointed one or more persons to hold an inquiry and to report to him; and
 - (b) considered the report made to him.
- (5) At least one of the persons appointed under sub-paragraph (4)(a) must be a person who is not any of the following—
- (a) a constable;
 - (b) an employee of the Police Authority;
 - (c) an officer of a Government department.
- (6) At an inquiry held under sub-paragraph (4)—
- (a) the chief constable, and
 - (b) the Police Authority,
- must each be given an opportunity of making representations, including (in the case of the chief constable) an opportunity of making representations in person.
- (7) The Police Authority must pay the costs reasonably incurred by the chief constable in respect of an inquiry under this paragraph.
- (8) The amount of those costs is to be assessed in such manner as the Secretary of State may direct.
- (9) If the Secretary of State exercises his power under sub-paragraph (1) in relation to the chief constable, the Police Authority—

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- (a) must call on him to retire or to resign; and
 - (b) is not required to comply with paragraph 1(3) before doing so.
- (10) Oral notice is not effective for the purposes of sub-paragraph (2).

Commencement Information

II Sch. 11 para. 2 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. 88(1)(a) words substituted by [S.I. 2024/706 reg. 7\(a\)](#)
- 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\(2\)\(b\)](#)