



# CIVIL NUCLEAR POLICE AUTHORITY

c/o Civil Nuclear Constabulary  
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Nigel Dennis  
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Dear Nigel

I feel that I must reiterate to you the position which the Civil Nuclear Police Authority (CNPA) holds about the status of Civil Nuclear Constabulary (CNC) officers.

Recent communications from you lead me to believe that you have failed to understand completely our oft stated position, which you and I have discussed.

Our position is absolutely defined by the Energy Act 2004, The Police Act 1996 and, in relation to our mutual current concerns about pension age, the Public Service Pension Act 2013. I hope that this letter gives you complete clarity on our position.

The CNPA fully respects that all representative bodies have the right to make comments and take any action appropriate to protect their members interests, however, the CNPA is concerned that its position is currently not being correctly represented. Regrettably, there is a risk of this occurring in the context of the Civil Nuclear Police Federation's (CNPF's) stated aim of commencing judicial review proceedings concerning the impact of public sector pension reforms on CNC Officers. As your employer, it is important that the CNPA's interpretation of the status of CNC Officers is clear.

As you are aware, a number of phrases are used to describe the collection of organisations undertaking policing activities. These include, "Territorial Forces", "Home Office Police" "law enforcement agency" and "Special Police". Many of these phrases in common use do not have any statutory meaning.

Territorial Forces is used to describe police forces that cover a police area as defined by the Police Act 1996 and the equivalent legislation in both Scotland and Northern Ireland. The CNC is not a police force within the meaning of the 1996 Act because it is excluded from the definition of what is meant by the term police force for the purpose of this particular legislation.

The CNC can perhaps be best described as statutory police created by the Energy Act 2004 (the Act) to undertake a specific policing activity. The CNC is not defined by any statutory reference within the Act to it being a police force or a police service; it is by definition a Constabulary with the CNPA having the power to employ Members of the Constabulary. CNC Officers have the unique status of holding the Office of Constable as well as being an employee of the CNPA. Within the context of jurisdiction limits imposed by the Act, your employer is firmly of the view that CNC Officers have the same status as police officers undertaking territorial policing activities. They are undertaking a policing role by undertaking policing activities.

The government has introduced wide sweeping pension reforms through the Public Service Pension Act 2013. Section 10(2) of that Act states that for members of a police force the normal pension age must be 60. As a matter for statutory interpretation, the CNPA is of the view that the government's intention was that the CNC should not be defined as a police force for the purpose of the 2013 Act.

That is a distinctly different issue as to whether it is desirable and appropriate for CNC Officers to be allowed to retire at the age of 60 years. As your employer, the CNPA has asserted to government and continues to assert that the lower retirement age afforded to officers undertaking territorial policing activities should be afforded to the CNC. It is disappointing that despite the presumption that you have absolute clarity on the CNPA's position concerning the lower pension retirement age that the CNPF has chosen to focus on legislative drafting over which ultimately your employer has no control.

So for clarity, the position of the CNPA is that members of this constabulary are police officers as defined by the Energy Act 2004 and that as described here and in previous submissions to government we support the principle of a retirement age aligned to that of colleagues within the Home Office Forces.

A handwritten signature in black ink, appearing to read 'P. Trousdell', written over a horizontal line.

Sir Philip Trousdell  
Chairman  
Civil Nuclear Police Authority