EXPLANATORY MEMORANDUM TO

THE CIVIL NUCLEAR CONSTABULARY (BARRED LIST AND ADVISORY LIST) REGULATIONS 2026

2026 No. 786

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Energy Security and Net Zero and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Lord Vallance, Minister for Science, Innovation, Research and Nuclear at the Department for Energy Security and Net Zero confirms that this Explanatory Memorandum meets the required standard.

2.2 Henry Hirsch, Deputy Director for Civil Nuclear Security, at the Department for Energy Security and Net Zero confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Jane Bluff-Higgins at the Department for Energy Security and Net Zero, Telephone: 02922 784468 or email: cnc.sponsorship@energysecurity.gov.uk can be contacted with any queries regarding the instrument**.**

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The instrument makes provision relating to the operation and maintenance of the Civil Nuclear Constabulary (CNC) barred list and advisory list, established by Schedule 25 to the Crime and Policing Act 2026.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales and Scotland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales and Scotland.

5. Policy Context

What is being done and why?

5.1 The Civil Nuclear Police Authority (CNPA) oversees the CNC, the armed police force that protects Great Britain's most sensitive civil nuclear sites, and nuclear material in transit in Great Britain and elsewhere. It is a Non-Departmental Public Body of the Department for Energy Security and Net Zero (DESNZ). The Crime and Policing Act 2026 establishes the statutory framework requiring the CNPA to maintain barred and advisory lists, check other forces' lists, and not hire anyone from the barred list.

5.2 Under the Act, the CNC barred list contains individuals who have been dismissed after disciplinary proceedings. While on the list they are legally barred from being employed by law enforcement employers. The CNC advisory list contains individuals who have resigned or retired before disciplinary proceedings could conclude. It must be consulted by law enforcement employers during pre-employment checks. The CNC barred and advisory lists reduce the risk of dismissed individuals being re-employed by another law enforcement employer, support the re-building of public confidence in policing and minimise the risk of unsuitable individuals being given the power of a constable.

What was the previous policy, how is this different?

5.3 Previously, although the CNPA maintained internal records, there was no statutory duty upon them to maintain a barred or advisory list or check other forces' lists. The Crime and Policing Act 2026 places a statutory duty on the CNPA to maintain these lists, check other forces' lists, and not hire anyone from the barred list. This improves transparency and accountability and aligns statutory duties across England and Wales territorial forces on this matter.

6. Legislative and Legal Context

How has the law changed?

6.1 The Crime and Policing Act 2026 received Royal Assent on 29 April 2026. It places statutory duties on the CNPA to maintain a barred list and an advisory list, to check all barred and advisory lists from other police forces before employing an individual, and not to employ an individual on any barred list.

6.2 This SI is made under powers in section 252(1) of, and Schedule 25 to, the Crime and Policing Act 2026 and makes provisions regarding the operation of the CNC's barred and advisory lists, including the information to be included and published, and circumstances for the removal of individuals.

Why was this approach taken to change the law?

6.3 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 This instrument was not subject to public consultation.

8. Guidance

8.1 Guidance is not required.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it has a very low level of impact on business. Instead, de minimis analysis has been prepared.

9.2 The estimated costs are £10,000 for the initial build of an online case management system to record, share and retain information for the CNC barred and advisory lists. Ongoing costs are approximately £9,400 per year, comprising £5,000 for the licence fee and £4,400 for the additional resource (0.07 FTE) to administer the lists. These

costs will be split between the CNPA's site licence companies. These costs will have an impact on business much less than the £10m De Minimis threshold.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies. It is limited to the customers of the CNPA who will bear the costs of maintaining the lists, as set out above.

9.4 The legislation does not impact small or micro businesses.

9.5 There is no, or no significant, impact on the public sector. It is limited to CNPA employees with responsibility for the management of their barred and advisory lists, and allocation of staff time for the necessary administration and compliance. This is a proportionate and low impact.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause. The statutory duty under the Small Business, Enterprise and Employment Act 2015 to include a review provision does not apply; the instrument is not making or amending regulatory provision in relation to any qualifying activity, rather it makes provision relating to the operation and maintenance of the CNC barred and advisory lists.

10.2 The Department for Energy Security and Net Zero, alongside the CNPA, will keep the operation of this instrument under review, including following subsequent inspections related to this issue undertaken by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services.

10.3

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Article 36(4) of assimilated Regulation (EU) 2016/67933 (United Kingdom General Data Protection Regulation) ("UK GDPR") requires the Secretary of State to consult the Information Commissioner when preparing a legislative measure to be adopted by Parliament. The Information Commissioner was consulted on all of the measures in this instrument. To the extent that Article 36(4) of the UK GDPR required the Secretary of State to consult the Information Commissioner on the measures in this instrument, that obligation has therefore been complied with.

11.2 Article 36(4) is not cited in the preamble to this instrument. Paragraph 3.11.28 of Statutory Instruments Practice states "The preamble should set out the fulfilment of any condition that the enabling Act requires before the SI can be made". The UK GDPR is not the enabling Act for this instrument.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").