
STATUTORY INSTRUMENTS

1996 No. 1685

POLICE

The Police (Promotion) Regulations 1996

<i>Made</i>	- - - -	<i>26th June 1996</i>
<i>Laid before Parliament</i>		<i>4th July 1996</i>
<i>Coming into force</i>	- -	<i>1st August 1996</i>

The Secretary of State in exercise of the powers conferred on him by section 33 of the Police Act 1964(1), and after furnishing a draft of the Regulations to the Police Advisory Board for England and Wales in accordance with section 46(3) of that Act(2), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Police (Promotion) Regulations 1996 and shall come into force on 1st August 1996.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires —

“member of a police force” includes such a member who is suspended from membership of his force and the office of constable under regulations made by virtue of section 33(2)(f) of the Police Act 1964;

“probationary service”, in relation to a constable who completed the required period of probation following a previous appointment, does not include any period of probation following his latest appointment;

“Scottish force” means a police force within the meaning of the Police (Scotland) Act 1967;(3) and

“Scottish promotion regulations” means regulations relating to qualification for promotion from time to time in force under that Act.

(2) In these Regulations, unless the context otherwise requires, any reference to a member of a police force includes a reference to a reversionary member, that is to say —

(a) a reversionary member of a home police force, or

(1) 1964 c. 48; section 33 has been amended by the Police and Magistrates' Courts Act 1994 (c. 29) and those amendments (except new section 33(3)) have been brought into force by S.I. 1994/2025.
(2) Section 46(3) has been amended by section 2(4) of the Police Negotiating Board Act 1980 (c. 10).
(3) 1967 c. 77.

(b) a central police officer,
 within the meaning of the Police Pensions Regulations 1987;(4) any reference to service includes a reference to service as a reversionary member; and any reference to a constable or a sergeant includes a reference to a reversionary member entitled under section 53C(3) of the Police Act 1964(5) to revert to a police force in the rank in question.

- (3) In reckoning service or a period in any rank for the purposes of these Regulations —
- (a) any period of unpaid leave shall be disregarded;
 - (b) any period of study as a university scholar within the meaning of the Police Regulations 1995(6) shall be disregarded;
 - (c) in the case of a female member of a police force who has taken one or more periods of maternity leave (within the meaning of regulation 36A(1) of the Police Regulations 1995) —(7)
 - (i) where that leave has been for more than fourteen weeks, the first fourteen weeks whilst on maternity leave shall be treated as if it were service in the police force;
 - (ii) where that leave has been for less than fourteen weeks, any period spent on maternity leave shall be treated as if it were service in the police force.

(4) In these Regulations, unless the context otherwise requires, a reference to a regulation or Schedule shall be construed as a reference to a regulation or Schedule in these Regulations; a reference to a paragraph shall be construed as a reference to a paragraph in the same regulation or, as the case may be, same Schedule; and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

Qualification for promotion

- 3.—(1) A constable is qualified for promotion to the rank of sergeant if he —
- (a) has obtained a pass in the qualifying examination for promotion to the rank of sergeant,
 - (b) has completed 2 years' service, and
 - (c) has completed his probationary service.
- (2) A sergeant is qualified for promotion to the rank of inspector if he —
- (a) has obtained a pass in the qualifying examination for promotion to the rank of inspector, and
 - (b) has completed 2 years' service in the rank of sergeant.
- (3) Previous service in —
- (a) a Scottish force,
 - (b) the Royal Ulster Constabulary,
 - (c) the Isle of Man Constabulary, or
 - (d) the British Airports Authority Constabulary if the service terminated with transfer to a police force by an order under section 30 of the Aviation Security Act 1982(8),

counts for the purposes of paragraph (1)(b), and if it constituted probationary service in the force or constabulary in question, for the purposes of paragraph (1)(c), and such service in the rank of sergeant counts for the purposes of paragraph (2)(b).

(4) S.I. 1987/257; relevant amendments were made by S.I. 1992/1278.

(5) Section 53C was inserted by section 26 of the Police and Magistrates' Courts Act 1994 (c. 29).

(6) S.I. 1995/215.

(7) Regulation 36A(1) was inserted by S.I. 1996/699.

(8) 1982 c. 36.

- (4) Previous service in —
- (a) the Port of Tilbury Constabulary,
 - (b) the Port of Liverpool Constabulary,
 - (c) the States of Jersey Police,
 - (d) the Royal Parks Constabulary,
 - (e) the Ministry of Defence Police,
 - (f) the British Transport Police, or
 - (g) the Dover Harbour Board Police,

which constituted probationary service in the body in question counts for the purposes of paragraph (1)(c).

(5) Subject to paragraph (6), a person who, on or after 1st August 1996, has passed the qualifying examination to the rank in question prescribed by Scottish promotion regulations is qualified —

- (a) for promotion to the rank of sergeant if he has completed —
 - (i) not less than one year's service in that rank in a Scottish force, and
 - (ii) his period of probation in that rank;
- (b) for promotion in the rank of inspector if he has completed one year's service in that rank in a Scottish force.

(6) Service in a rank on temporary promotion to it does not count for the purposes of paragraph (5).

(7) In paragraphs (1) and (2) “qualifying examination” means —

- (a) an examination held in accordance with Schedule 1;
- (b) an examination held in accordance with any previous regulations about promotion which have been made under section 33 of the Police Act 1964 and which were in force at the time of the examination in question; and
- (c) an examination recognised under Schedule 2.

(8) Schedule 1 (qualifying examinations) shall have effect.

(9) Schedule 2 (recognition of certain promotion examinations) shall have effect.

Selection for promotion

4. Subject to regulation 7, promotion from one rank to another rank shall be by selection.

Period of probation for constable promoted to sergeant

5.—(1) Subject to paragraph (2), a member of a police force who —

- (a) is promoted to, or
- (b) is qualified by virtue of regulation 3(5) for promotion to, and has been appointed to the force in, the rank of sergeant shall be on probation in that rank for a period of one year or for such longer period as the chief officer of police may determine in the circumstances of the particular case.

(2) If the chief officer of police considers that a person who is on probation in the rank of sergeant is unlikely to perform the duties of that rank satisfactorily he may reduce him to the rank of constable.

Temporary promotion

6. A member of a police force who is required to perform the duties of a higher rank may, even if there is no vacancy for that rank, be promoted temporarily to it, but in the case of promotion to the rank of sergeant or inspector only if he is qualified for the promotion under regulation 3.

Accelerated promotion courses

7.—(1) In this regulation “APC(S)” means a course for the time being recognised by the Secretary of State for the purposes of this regulation as the accelerated promotion course for sergeants and “APC(I)” means a course so recognised as the accelerated promotion course for inspectors; in this paragraph “course” means a course of training entailing periods of residence at one or more training establishments.

(2) A constable who —

- (a) is qualified under regulation 3 for promotion to the rank of sergeant, and
- (b) is selected to attend APC(S),

shall be promoted to the rank of sergeant on the first day of his attendance.

(3) A period spent attending APC(S) —

- (a) counts as service in the rank of sergeant for the purposes of regulation 3(2)(b), but
- (b) to the extent that it is spent in residence at a training establishment, does not count as probationary service in that rank for the purposes of regulation 5.

(4) A sergeant who —

- (a) is qualified under regulation 3 for promotion to the rank of inspector, and
- (b) is selected to attend APC(I),

shall be promoted to the rank of inspector on the first day of his attendance, but shall be on probation in that rank until he has completed one year’s service in it.

(5) Promotion under paragraph (2) or (4) —

- (a) shall take place whether or not there is a vacancy for the rank in question, and
- (b) does not affect any existing or subsequent vacancy unless the person promoted is designated to fill it.

Revocations

8. The Regulations specified in Schedule 3 are hereby revoked.

Home Office

26th June 1996

David Maclean
Minister of State

SCHEDULE 1

Regulation 3(8)

QUALIFYING EXAMINATIONS

1.—(1) The qualifying examinations for promotion to the ranks of sergeant or inspector are examinations in —

- (a) criminal law,
- (b) evidence and procedure in criminal courts,
- (c) traffic law,
- (d) general police duties, and
- (e) managerial competence,

held under arrangements and on syllabuses approved by or on behalf of the examinations board.

(2) Each of the qualifying examinations referred to in sub-paragraph (1) comprises —

- (a) Part I, consisting of a written paper, and
- (b) Part II, consisting of practical tests.

(3) There shall be held in each year each Part of the qualifying examinations for promotion to the rank of inspector and, as the case may be, sergeant.

2.—(1) There shall continue to be an examinations board (“the examinations board”) appointed by the Secretary of State for the purposes of the qualifying examinations referred to in paragraph 1(1).

(2) The examinations board shall determine —

- (a) the standard to be achieved by a candidate in order to obtain a pass in any Part of such a qualifying examination, and
- (b) the circumstances in which a person who has failed in Part II of such a qualifying examination may attempt it a second time without again obtaining a pass in Part I.

3. The examination papers and practical tests referred to in paragraph 1(2) shall be set and marked in accordance with arrangements approved by the examinations board.

4. The examinations board shall secure that each chief officer of police is notified —

- (a) of the dates on which it is proposed to hold, and the general arrangements for holding, each Part of each of the qualifying examinations referred to in paragraph 1(1),
- (b) of the closing dates for the submission to them of the names of candidates, and
- (c) of the results in so far as they affect members of the police force of which he is the chief officer.

5.—(1) Subject to sub-paragraphs (4) and (5), a constable who will before 1st December in any year have completed 2 years' service and have completed his probationary service is eligible to take Part I of the qualifying examination for promotion to the rank of sergeant in that year.

(2) Previous service, including probationary service, within regulation 3(3) or (4) counts for the purposes of sub-paragraph (1).

(3) Subject to sub-paragraphs (4) and (5), a member of a police force who on 1st July in any year holds the rank of sergeant, otherwise than on temporary promotion under regulation 6, is eligible to take Part I of the qualifying examination for promotion to the rank of inspector in that year.

(4) A member of a police force who has at any time obtained a pass in an examination which at that time constituted, under regulations made under section 33 of the Police Act 1964, the qualifying

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examination for promotion to the rank of either sergeant or inspector is not eligible to take Part I of the qualifying examination for promotion to the rank in question.

(5) A person is not eligible without the leave of the examinations board to take Part I of the qualifying examination for promotion to the rank of sergeant or, as the case may be, inspector in any year if that person took Part I of that examination in the immediately preceding year and failed to obtain a pass in it.

(6) Part II of such a qualifying examination —

- (a) may be taken only if a pass has been obtained in Part I, and
- (b) unless the examinations board or persons acting on their behalf decide that in the circumstances of the particular case it may be taken on a later occasion, must be taken within 12 months after the Part I pass was obtained.

6. Notwithstanding that a candidate for a Part of a qualifying examination referred to in paragraph 1(1) is eligible to take it, the examinations board or persons acting on their behalf may exclude him, or in an appropriate case may treat him as having withdrawn, from taking that Part on a particular occasion if —

- (a) his candidature has not been submitted to the examinations board before the closing date mentioned in paragraph 4(b), or
- (b) he fails to comply with the general or other arrangements made or approved by the examinations board or persons acting on their behalf.

SCHEDULE 2

Regulation 3(9)

RECOGNITION OF CERTAIN PROMOTION EXAMINATIONS

1. A member of a police force who, while serving in a body specified in the first column of the Table in paragraph 4, —

- (a) has obtained a pass in an examination specified in relation to that body in the second column of that Table by means of an abbreviation which is defined in paragraph 2, and
- (b) where a condition specified in the third column of that Table by means of an abbreviation which is defined in paragraph 3 applies, has satisfied that condition,

shall be treated for the purposes of regulation 3 as having obtained a pass in the qualifying examination for promotion to the rank in question while a member of a police force.

2. In the second column of the Table —

Q(1) is the qualifying examination for promotion in the body in question to the rank of sergeant or inspector;

Q(2) is a qualifying examination for promotion to the rank of sergeant or inspector prescribed by Scottish promotion regulations;

Q(3) is an examination which at the time it was taken also constituted, under regulations made under section 33 of the Police Act 1964, the qualifying examination for promotion to the rank of sergeant or inspector in a police force.

3. The conditions in the third column of the Table are —

C(1) the pass must have been obtained after 31st December 1982;

C(2) the pass must have been obtained during service that terminated with transfer to a police force by an order under section 30 of the Aviation Security Act 1982;

C(3) the examination must have comprised a written paper and practical tests; and

C(4) the pass must have been obtained before 1st August 1996.

4. The following Table is that referred to in paragraphs 1 to 3:

<i>Body</i>	<i>Examination</i>	<i>Conditions</i>
1. The Royal Ulster Constabulary	Q(1)	—
2. The Isle of Man Constabulary	Q(1)	C(1)
3. The British Airports Authority Constabulary	Q(1)	C(2)
4. The States of Jersey Police	Q(1)	C(3)
5. A Scottish force	Q(2)	C(4)
	Q(3)	—
6. The British Transport Police	Q(2)	C(4)
	Q(3)	—
7. The Port of Tilbury Constabulary	Q(3)	—
8. The Port of Liverpool Constabulary	Q(3)	—
9. The Royal Parks Constabulary	Q(3)	—
10. The Ministry of Defence Police	Q(3)	—
11. The Dover Harbour Board Police	Q(3)	—

SCHEDULE 3

Regulation 8

REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>
The Police (Promotion) Regulations 1979	S.I.1979/991
The Police (Promotion) (Amendment) Regulations 1981	S.I. 1981/919
The Police (Promotion) (Amendment) Regulations 1982	S.I. 1982/1607
The Police (Promotion) (Amendment) Regulations 1984	S.I. 1984/1214
The Police (Promotion) (Amendment) Regulations 1985	S.I. 1985/1808

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<i>Regulations revoked</i>	<i>References</i>
The Police (Promotion) (Amendment) Regulations 1991	S.I. 1991/1961

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the regulations revoked by regulation 8 and Schedule 3.

Regulation 2(2) has been amended to reflect amendments made by the Police and Magistrates' Courts Act 1994. Regulations 6 and 7(5)(a) have been amended because the Police Regulations 1995 no longer provide for the authorised establishment of a police force. Regulation 2(3) has been amended to add references to maternity leave in reckoning service.

Under regulation 3(4) probationary service in various constabularies counts as probationary service for the purposes of regulation 3(1). This provision has been changed by adding to the constabularies listed.

The drafting of Schedule 1 has been changed to refer to persons acting on behalf of the examinations board (and references to the examination agency accordingly omitted). Paragraph 5(5) of that Schedule imposes a new restriction on the circumstances in which a member of a police force can resit Part I of the qualifying examination.

Schedule 2 to the Regulations is amended to end the recognition of Scottish examinations for promotion to the rank of sergeant or inspector unless the examination had been passed before the coming into force of these Regulations. Schedule 2 has also been amended so that, where a member of the Royal Parks Constabulary, the States of Jersey Police, the Ministry of Defence Police or Dover Harbour Board Police has passed an examination which is the same as the examination for the time being constituting a qualifying examination under these Regulations (or the Regulations revoked by these Regulations), that examination is treated as a pass for the purposes of regulation 3 if that member subsequently becomes a member of a police force (within the meaning of the Police Act 1964).

Regulation 3(5) has been added to allow a person who has passed the Scottish examination after the coming into force of these Regulations and has served no less than a year in the rank in question in a Scottish force to qualify for promotion to that rank in an English force.