

## 1968 No. 717 (S.72)

## POLICE

## The Police (Promotion) (Scotland) Regulations 1968

<i>Made</i>	- - -	<i>2nd May 1968</i>
<i>Laid before Parliament</i>		<i>16th May 1968</i>
<i>Coming into Operation</i>		<i>17th May 1968</i>

In exercise of the powers conferred on me by section 26 of the Police (Scotland) Act 1967(a), and having considered the representations made by the Police Advisory Board for Scotland following the submission of a draft of the regulations in accordance with section 26(9) of the said Act, I hereby make the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Police (Promotion) (Scotland) Regulations 1968 and shall come into operation on 17th May 1968.

(2) In these regulations, except where the context otherwise requires:—

“appropriate qualifying examination” means the examination held under arrangements made by the Police (Scotland) Examinations Board in accordance with the provisions of the Schedule hereto for promotion from constable to sergeant or, as the case may be, from sergeant to inspector;

“central police officer” has the like meaning as in the Police Pensions Regulations;

“constable”, which has the like meaning as “regular constable” in the Police (Scotland) Act 1967 and shall include a chief constable, includes a reversionary member of a home police force or a central police officer as though he were a constable of the police force in which he last served, or, if that force is a transferred force, of the new force;

“examination agency” means the Scottish Certificate of Education Examination Board or such other body or persons as may be appointed by the Secretary of State for the purposes of these regulations;

“Police Pensions Regulations” means the regulations from time to time in force under the Police Pensions Act 1948(b);

“reversionary member of a home police force” has the like meaning as in the Police Pensions Regulations;

“service” includes service as a reversionary member of a home police force or as a central police officer but does not include any period of unpaid maternity leave within the meaning of the Police (Scotland) Regulations 1968(c); and

“transferred force” and “new force” have the like meanings as they have for the purposes of Schedule 2 to the Police (Scotland) Act 1967.

(a) 1967 c. 77.

(b) 1948 c. 24.

(c) S.I. 1968/716 (1968 II, p. 2024).

(3) In these regulations, except where the context otherwise requires, a reference to a regulation shall be construed as a reference to a regulation contained 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, the same Schedule and a reference to a sub-paragraph shall be construed as a reference to a sub-paragraph contained in the same paragraph.

(4) In these regulations a reference to any enactment or instrument includes a reference to that enactment or instrument as amended, extended or applied by any other enactment or instrument.

(5) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

#### *Qualification for promotion*

2.—(1) A constable to be qualified for promotion to the rank of sergeant must—

- (a) have, for the 2 years immediately prior to his promotion, been free from punishment other than reprimand or caution; and
- (b) have passed the appropriate qualifying examination:

Provided that for the purposes of sub-paragraph (b) a constable who has passed the advanced qualifying examination in educational subjects shall be deemed to have passed the elementary qualifying examination in those subjects.

(2) A sergeant to be qualified for promotion to the rank of inspector must—

- (a) have completed 2 years' service in the rank of sergeant unless the chief constable is satisfied that he possesses special qualifications for the purpose of the particular duties on which he is to be employed after promotion;
- (b) have, for the 2 years immediately prior to his promotion, been free from punishment other than reprimand or caution; and
- (c) have passed the appropriate qualifying examination:

Provided that a sergeant promoted to that rank by virtue of regulation 6(2) may be promoted to the rank of inspector notwithstanding that the condition specified in sub-paragraph (c) is not satisfied in his case.

#### *Selection for promotion*

3. Subject to regulation 6(1) and (2), promotion from one rank to another rank shall be by selection and the fact that a constable has passed the appropriate qualifying examination shall not entitle him to promotion or to promotion before another constable who has passed the appropriate qualifying examination at a later date.

#### *Period of probation for constable promoted sergeant*

4. A constable who is promoted to the rank of sergeant shall be on probation in that rank for a period of 1 year:

Provided that in calculating the said period of probation there shall be disregarded any period of temporary promotion by virtue of regulation 6(1).

*Temporary promotion*

5.—(1) A constable who is required to perform the duties of a higher rank may be promoted temporarily to that rank, provided that in the case of promotion to the rank of sergeant or inspector, he is qualified therefor under regulation 2.

(2) This regulation shall not apply to a constable required to perform the duties of the chief constable.

*Promotion of constables selected for Scottish Police College special course*

6.—(1) Without prejudice to promotion in accordance with the foregoing regulations, a constable of the rank of constable who has been selected for a course of training at the Scottish Police College designated by the Secretary of State for the purposes of this regulation and who at the commencement of the said course is qualified under regulation 2 for promotion to the rank of sergeant shall be promoted temporarily to the rank of sergeant—

(a) for the period that he is attending the course; and

(b) where he completes the course but no such certificate as is mentioned in paragraph (2) is issued, until it is decided under paragraph (3) whether or not he should be promoted to the rank of sergeant.

(2) Where such a constable as is mentioned in paragraph (1) completes the course and the Commandant or Deputy Commandant of the Scottish Police College issues a certificate that he has passed, he shall forthwith be promoted to the rank of sergeant.

(3) In the case of a constable to whom paragraph (1)(b) applies, the question whether or not he should be promoted to the rank of sergeant shall be considered and he may be so promoted.

(4) A constable shall be promoted by virtue of paragraph (1) or (2), or may be promoted under paragraph (3), notwithstanding that there is no vacancy in the authorised establishment.

(5) If, and so long as, the number of substantive sergeants in a police force exceeds the number for that rank for the time being specified in the authorised establishment, in consequence of any promotion by virtue of paragraph (2) or (3), then no further promotion to that rank shall be made except by virtue of the said paragraph (2) or (3) or with the consent of the Secretary of State.

*No promotion to be made after postponement of retirement*

7. Where the retirement of any constable has been postponed under paragraph (2) of regulation 59 of the Police Pensions Regulations 1962(a), or under paragraph (2) of regulation 66 of the Police Pensions Regulations 1966(b), such constable shall not be promoted on or after the date on which he would have been required to retire under paragraph (1) of the said regulations 59 and 66 had such postponement not taken place.

*Revocations and transitional provisions*

8.—(1) Any appointment made, syllabus prepared, notice given, certificate issued or other thing done for the purposes of any provision of regulations 11, 12, 13, 14, 15, 16, 17, 18, and 18A of and Schedule 1 to the Police (Scotland) Regulations 1956(c) (which are revoked as from the coming into operation of

(a) S.I. 1962/2756 (1962 III p. 3785).

(b) S.I. 1966/1582 (1966 III p. 4894).

(c) S.I. 1956/1999 (1956 II p.1766).

these regulations by the Police (Scotland) Regulations 1968), shall have effect as if it had been made, prepared, given, issued or done for the purposes of the corresponding provision of these regulations.

(2) Without prejudice to the generality of the preceding paragraph, a constable, who—

- (a) has passed a qualifying examination for promotion from constable to sergeant or from sergeant to inspector for the purposes of the regulations mentioned in the preceding paragraph, or
- (b) would, if the regulations mentioned in the preceding paragraph had not been revoked, be deemed to have passed such an examination for the purposes thereof,

shall be deemed to have obtained a pass in the corresponding qualifying examination for promotion from constable to sergeant or, as the case may be, from sergeant to inspector for the purposes of these regulations.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.

2nd May 1968.

Regulation 1 (2)

### SCHEDULE QUALIFYING EXAMINATIONS

1. There shall be held at least once in each year an elementary qualifying examination, consisting of an elementary examination in educational subjects and police subjects respectively, and an advanced qualifying examination, consisting of an advanced examination in each of the said groups of subjects; and both qualifying examinations shall be conducted by means of written papers.

2. A Board, designated the Police (Scotland) Examinations Board and hereinafter referred to as the Board, shall be appointed to conduct the qualifying examinations or such other examination in connection with the promotion or recruitment of constables as may be designated by the Secretary of State after consultation with the Police Advisory Board for Scotland.

3.—(1) The Board shall consist of 2 members to be nominated by the Chief Constables' (Scotland) Association, 2 members to be nominated by the Association of Scottish Police Superintendents, 2 members of the rank of inspector to be nominated by the Joint Central Committee of the Scottish Police Federation, and 3 members having knowledge and experience of education, one of whom shall be chairman of the Board, to be nominated by the Secretary of State. Members of the Board shall hold office for 3 years from the date of their nomination: any casual vacancy in the office of chairman shall be filled by the Secretary of State and any other casual vacancy shall be filled by the body by which the member who ceases to hold office was nominated. The Board may form committees and delegate to such committees all or any of their powers and duties under these regulations.

(2) 3 members of the Board present at any meeting shall form a quorum.

4. The Board shall determine the subjects to be comprised in the qualifying examinations in educational subjects and police subjects respectively.

5. The qualifying examinations shall be conducted upon syllabuses prepared by the Board which may, for this purpose, consult the examination agency or other suitably qualified bodies or persons.

6. The qualifying examinations shall be held on such days and at such centres as the Board may appoint.

7. The Board shall secure that each chief constable is duly notified—

- (a) of the dates on and places at which qualifying examinations are proposed to be held and the general arrangements for such examinations;
- (b) of the subjects to be comprised in the qualifying examinations in educational subjects and police subjects respectively;
- (c) of the closing dates for the submission to them of the names of candidates for those examinations;
- (d) of the results of the examinations in so far as they affect constables of the police force of which he is the chief constable including, in the case of each candidate, whether he has passed or failed:

Provided that the month in which the qualifying examinations are to be held and the subjects to be comprised in the qualifying examinations in educational subjects and police subjects respectively shall be notified to chief constables at least 12 months before the examinations are due to take place.

8. Chief constables shall, on or before the closing date for the submission to the Board of the names of candidates for the examinations notified to them by the Board in accordance with paragraph 7(c), submit to the Board lists of all candidates desirous of presenting themselves for examination.

9. The Board shall secure that each candidate who has failed to pass the qualifying examination in either educational subjects or police subjects shall be informed of the subject or subjects in which he has failed to pass, and failure to pass shall not disqualify him from sitting for a further examination.

10. The examination papers shall be set and marked, in accordance with arrangements made by the Board, by examiners appointed by them. The Board may make such arrangements for the handling of the papers with the examination agency as it sees fit.

11. The Board shall determine—

- (a) the standard to be achieved by candidates in order to obtain a pass in any examination or in any particular paper comprised in that examination; and
- (b) the circumstances in which a candidate may obtain a pass in any examination, notwithstanding that he has not obtained a pass in some paper comprised in that examination, by obtaining a pass in that paper in a subsequent examination.

12. The qualifying examinations shall be conducted, under rules to be made by the Board, by a constable of rank not below inspector or, in special cases with the approval of the Board, by a person who is not a constable.

13. A constable shall be entitled to sit—

- (a) for any of the qualifying examinations referred to in paragraph 1 except the advanced qualifying examination in police subjects at any time after he has completed 2 years' service; and
- (b) for the advanced qualifying examination in police subjects at any time after he has passed the elementary qualifying examination in these subjects.

14. Notwithstanding that a candidate is eligible to take a qualifying examination, the Board may exclude him from that examination or, in an appropriate case, may deem him to have withdrawn from that examination, if—

- (a) his candidature for that examination has not been submitted to the Board as provided in paragraph 8 before the closing date mentioned in paragraph 7, or
- (b) he fails to comply with the general or other arrangements made or approved by the Board.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations consolidate, with amendments, the regulations in the Police (Scotland) Regulations 1956 and the regulations amending those regulations, which relate to promotion and which have been revoked by the Police (Scotland) Regulations 1968.

Regulation 1, which relates to interpretation of the regulations, consolidates the definitions contained in regulation 15(3) of the Police (Scotland) Regulations 1956 except that certain spent provisions have been dropped. It excludes from the definition of "service" any period of unpaid maternity leave: this exclusion is consequent on the introduction of provision for married policewomen to continue to serve after marriage in the Police (Scotland) Regulations 1968.

Regulation 2 consolidates regulation 15(2) of the Police (Scotland) Regulations 1956 but removes the service qualification for promotion to the rank of sergeant. The effect of paragraph 13 of the Schedule, which requires 2 years' service before a constable is eligible to sit the qualifying examination for promotion to sergeant, is, however, when read with regulation 2(1), such that no constable will be qualified for promotion to sergeant until he has completed at least 2 years' service. The proviso to regulation 2(2)(c) also permits a sergeant who has been promoted to that rank following successful completion of the special course at the Scottish Police College to be exempted from the requirement to pass the advanced qualifying examination for promotion to inspector.

Regulation 3 consolidates regulations 14 and 15(1) of the Police (Scotland) Regulations 1956, but makes it clear that promotion is by selection for all ranks and not just for ranks up to inspector.

Regulation 4 consolidates regulation 17 and the proviso to regulation 18A(1) of the Police (Scotland) Regulations 1956.

Regulation 5 consolidates regulation 18 of the Police (Scotland) Regulations 1956 but adds the condition that a constable must be qualified for promotion before he can be promoted temporarily to the ranks of sergeant or inspector.

Regulations 6 and 7 consolidate regulations 18A and 16 of the Police (Scotland) Regulations 1956.

Regulation 8 deals with revocations and transitional provisions.

The Schedule to the regulations covers provisions formerly contained in regulations 11 and 12 and the first schedule of the Police (Scotland) Regulations 1956. (Regulation 13 of the latter regulations is not re-enacted since its provisions are covered by regulation 14(2)(g) of the Police (Scotland) Regulations 1968.) The provisions of Schedule 1 to the Police (Scotland) Regulations 1956 have been cast in a more general form, in order to allow the Police (Scotland) Examinations Board more discretion in arranging for the setting, administration, content and marking of the promotion examinations than formerly and in determining the date on which the examinations shall be held. It also empowers the Board to undertake responsibility for examinations in connection with recruitment. The requirement of 4 years' service before a constable could sit a qualifying examination has been reduced to 2 years.

These regulations come into operation on 17th May 1968.