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STATUTORY INSTRUMENTS

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**1991 No. 1961**

**POLICE**

**The Police (Promotion) (Amendment) Regulations 1991**

*Made - - - - 1st September 1991*

*Laid before Parliament 10th September 1991*

*Coming into force - - 1st October 1991*

In exercise of the powers conferred on me by section 33 of the Police Act 1964(1), and after furnishing a draft of the Regulations to the Police Advisory Board in accordance with section 46(3) of that Act, I hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Police (Promotion) (Amendment) Regulations 1991 and shall come into force on 1st October 1991.

(2) In these Regulations “the principal Regulations” means the Police (Promotion) Regulations 1979(2) and “the Schedule” means the Schedule to those Regulations.

**Definitions in principal Regulations**

2. Regulation 3(1) of the principal Regulations is amended—

- (a) in the definition of “examination agency”, by substituting for the words “Local Government Training Board” the words “Local Government Management Board”;
- (b) in the definition of “qualifying examination for promotion to the rank of sergeant” and “qualifying examination for promotion to the rank of inspector”, by substituting for the words “have the meanings respectively assigned to them by paragraph 1(1)” the words “mean the qualifying examinations for promotion to those ranks described in paragraph 1”; and
- (c) by deleting the definition of “special course”.

**Qualification for promotion**

3. Regulation 4 of the principal Regulations is amended by inserting after paragraph (3)—

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(1) 1964 c. 48; section 46(3) was amended by the Police Act 1969 (c. 63), section 4(6).  
(2) S.I.1979/991; relevant amendments were made by S.I. 1981/919, 1982/1607, 1984/1214.

“(4) Previous service within regulation 12(1)(a) to (d) or (2)(a) to (c) which constituted probationary service in the force or constabulary in question shall count for the purposes of paragraph (1)(c) above.”.

#### **Accelerated promotion courses**

4. The principal Regulations are amended by substituting for regulations 9 to 11–

##### **“Accelerated promotion courses**

9.—(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 the Police Staff College and beginning after 30th September 1991.

(2) A constable who–

- (a) is qualified under regulation 4 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 4(2)(b), but
- (b) to the extent that it is spent in residence at the Police Staff College, does not count as probationary service in that rank for the purposes of regulation 7.

(4) A sergeant who–

- (a) is qualified under regulation 4 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 in the authorised establishment for the rank in question, and
- (b) does not affect any existing or subsequent vacancy unless the person promoted is designated to fill it.”.

#### **Recognition of certain constabulary promotion examinations**

5. Regulation 12(2) of the principal Regulations is amended by substituting for the words after “in question,” the words

“has at any time, including a time before 1st October 1991, obtained a pass in an examination which at that time constituted–

- (i) for the purposes of regulation 4(1)(a), the qualifying examination for promotion to the rank of sergeant, or
- (ii) for the purposes of regulation 4(2)(a), the qualifying examination for promotion to the rank of inspector,

shall be deemed to have obtained a pass in the qualifying examination for promotion to the rank in question for the purposes of these Regulations.”.

## Qualifying examinations

6.—(1) Paragraph 1 of the Schedule is amended by substituting for sub-paragraph (1)–

“(1) The qualifying examinations referred to in this Schedule are examinations in police subjects, held under arrangements approved by the examinations board, on syllabuses prepared by the examinations board in consultation with the examination agency.

(1A) Each of the qualifying examinations comprises–

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

and Part II of a qualifying examination may be taken only if a pass has been obtained in Part I.

(1B) There shall be held in 1991 Part I of the qualifying examination for promotion to the rank of inspector, and in each year after 1991–

- (a) each Part of the qualifying examination for promotion to the rank of inspector, and
- (b) each Part of the qualifying examination for promotion to the rank of sergeant.”.

(2) Paragraph 2 of the Schedule is amended–

- (a) in sub-paragraph (a), by substituting for the words after “obtain a pass” the words “in any Part of a qualifying examination”; and
- (b) in sub-paragraph (b), by substituting for the words after “in which” the words “a person who has failed in Part II of a qualifying examination may attempt it a second time without again obtaining a pass in Part I”.

(3) Paragraph 3 of the Schedule is amended by inserting after the word “papers” the words “and practical tests”.

(4) Paragraph 5 of the Schedule is amended by substituting for sub-paragraphs (1) and (2)–

“(1) Subject to sub-paragraph (2A), a constable who will before 1st December in any year have completed 2 years' service and have either–

- (a) completed his probationary service, or
- (b) completed the required period of probation following a previous appointment in his present or any other police force,

is eligible to take Part I of the qualifying examination for promotion to the rank of sergeant in that year.

(2) Subject to sub-paragraph (2A), 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 8(1), is eligible to take Part I of the qualifying examination for promotion to the rank of inspector in that year.

(2A) A member of a police force who has at any time, including a time before 1st October 1991, obtained a pass in an examination which at that time constituted–

- (a) for the purposes of regulation 4(1)(a), the qualifying examination for promotion to the rank of sergeant, or
- (b) for the purposes of regulation 4(2)(a), the qualifying examination for promotion to the rank of inspector,

is not eligible to take Part I of the qualifying examination for promotion to the rank in question.”.

(5) Paragraph 6 of the Schedule is amended by deleting the words after “agency”.

(6) The Schedule is further amended by deleting paragraph 7.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Transitional provisions**

7. The Schedule to these Regulations has effect with respect to transitional matters in connection with the coming into force of these Regulations.

Home Office

1st September 1991

*Kenneth Baker*  
One of Her Majesty's Principal Secretaries of  
State

## SCHEDULE

Regulation 7

### TRANSITIONAL PROVISIONS

1.—(1) Notwithstanding the replacement by virtue of regulation 6 of these Regulations of qualifying examinations of the kind provided for in the Schedule to the principal Regulations as it had effect immediately before 1st October 1991 (“the old Schedule”), qualifying examinations of that kind (“old-style qualifying examinations”) for promotion to the rank of sergeant shall be held in October in 1991, 1992 and 1993.

(2) In October 1991—

- (a) the old-style qualifying examination may be taken by any constable who, if the old Schedule had continued in force, would have been eligible under paragraph 5(1), and
- (b) in any circumstances determined before 1st October 1991 under paragraph 2(b) of the old Schedule (“the determined circumstances”), a single paper may be taken by any constable who failed to obtain a pass in that paper in the qualifying examination held under the old Schedule in 1989 or in 1990.

(3) In October 1992 no constable may take the whole examination, but a single paper may in the determined circumstances be taken by any constable who failed to obtain a pass in that paper—

- (a) in the qualifying examination held under the old Schedule in 1990, or
- (b) in the old-style qualifying examination held in October 1991.

(4) In October 1993 no constable may take the whole examination, but a single paper may in the determined circumstances be taken by any constable who failed to obtain a pass in that paper in the old-style qualifying examination held in October 1991.

(5) For the purposes of the principal Regulations a constable shall be treated as having obtained a pass in the qualifying examination for promotion to the rank of sergeant if—

- (a) he obtains a pass in the old-style qualifying examination held in October 1991, or
- (b) he obtains a pass in a paper taken as mentioned in sub-paragraph (2)(b), (3) or (4).

2.—(1) This paragraph has effect in relation to persons who began on 9th September 1991 to attend Part II of the special course that was referred to in regulations 9 to 11 of the principal Regulations as they had effect immediately before 1st October 1991 (“the special course provisions”).

(2) Notwithstanding that the special course provisions cease to have effect, Part II of the special course shall continue until the date in 1992 on which it was due to end.

(3) A person successfully completing Part II of the special course is immediately promoted to the rank of inspector, but remains on probation in that rank until he has completed one year’s service in it in the performance of ordinary police duties.

3.—(1) For the purposes of regulation 9(3) of the principal Regulations (course period counting as service but not as probationary service) a period spent attending Part I of the special course in 1990 or 1991 shall be treated as a period spent attending APC(S).

(2) A person who was promoted to the rank of sergeant on 1st September 1991 under regulation 10(1) of the special course provisions (promotion consequent on selection for Part I of special course) is entitled to attend the first APC(S), within the meaning of regulation 9 of the principal Regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Police (Promotion) Regulations 1979 (“the principal Regulations”), principally so as to alter the form of the qualifying examinations for promotion to the ranks of sergeant and inspector and to reflect new arrangements at the Police Staff College.

As respects the qualifying examinations, wholly written examinations are replaced by two-part examinations, the first Part consisting of a written paper and the second of practical tests; in 1991 only Part I of the inspectors' examination, but in subsequent years each Part of each of the examinations, is to be held (regulation 6(1)). Related changes are made in provisions about pass standards and re-taking (regulation 6(2)). New eligibility rules are introduced by regulation 6(4); in particular, a person who is already qualified for promotion by a pass obtained at any time cannot take the examination again. Separate examinations for the metropolitan police force are discontinued (regulation 6(6)).

Regulation 4, which substitutes a new regulation 9 for regulations 9 to 11 of the principal Regulations, reflects the introduction of new training courses at the Police Staff College, replacing the “special course” referred to in those regulations. Promotion to sergeant is now linked to the starting date of the sergeants' course, rather than occurring on a fixed date. Promotion to inspector at the start of the inspectors' course is no longer temporary, though it remains probationary.

Regulation 7, with the Schedule, makes transitional provision in connection with regulations 4 and 6. A sergeants' examination in a wholly written form may be taken in 1991, and single papers may be taken then and in 1992 and 1993, by candidates who would have been eligible to do so under the principal Regulations as in force before the commencement of these Regulations. Provision is also made for the completion of the “special course” Part II begun in September 1991, and for sergeants promoted in September 1991 on selection for Part I of the 1992 “special course” to attend the new sergeants' course starting in 1991.

The amendments made by regulations 2 and 5 are largely consequential. Regulation 3, which is unrelated to the other amendments, corrects an anomaly (for the purpose of qualifying for promotion, although service in other constabularies counts as service probationary service in them did not count as probationary service).