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STATUTORY INSTRUMENTS

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**1993 No. 251 (S.18)**

**POLICE**

**The Police (Promotion) (Scotland)  
Amendment Regulations 1993**

<i>Made</i>	- - - -	<i>9th February 1993</i>
<i>Laid before Parliament</i>		<i>15th February 1993</i>
<i>Coming into force</i>	- -	<i>8th March 1993</i>

The Secretary of State, in exercise of the powers conferred on him by section 26(1), (2)(a) and (6) of the Police (Scotland) Act 1967 ((1)), and of all other powers enabling him in that behalf, and having submitted a draft of the regulations to the Police Advisory Board for Scotland and considered representations made by them in accordance with section 26(9) of the said Act, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Police (Promotion) (Scotland) Amendment Regulations 1993 and shall come into force on 8th March 1993.

(2) In these Regulations any reference to the principal Regulations means the Police (Promotion) (Scotland) Regulations 1968((2)).

**Amendment of definitions**

2. Regulation 1(2) of the principal Regulations (interpretation) shall be amended as follows:—

(a) the definition of “appropriate qualifying examination” shall be omitted;

(b) before the definition of “central police officer” there shall be inserted—

““the Board” means the Police (Scotland) Examinations Board appointed in terms of the Schedule to these Regulations;”;

(c) after the definition of “Police Pensions Regulations” there shall be inserted—

““previous qualifying examination” means the examination held prior to 8th March 1993 under arrangements made by the Board for promotion from constable to sergeant or, as the case may be, from sergeant to inspector;

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(1) 1967 c. 77; section 26(9) was amended by section 2(4) of the Police Negotiating Board Act 1980 (c. 10).

(2) S.I.1968/717; the relevant amending instruments are S.I. 1971/344 and 1984/648.

“qualifying examination” means the Police (Scotland) Promotion Examination held after 8th March 1993 under arrangements made by the Board in accordance with the provisions of the Schedule hereto for promotion from one rank to a higher rank;”.

### **Qualification for promotion**

3. In regulation 2 of the principal Regulations (qualification for promotion) the word “appropriate” where it occurs in paragraphs (1) and (2)(b) shall be omitted.

### **Selection for promotion**

4. In regulation 3 of the principal Regulations (selection for promotion) the word “appropriate” in both places where it occurs shall be ommitted.

### **Transitional provisions**

5. For regulation 8 of the principal Regulations, there shall be substituted the following regulation—

#### **“Transitional provisions**

8.—(1) A constable who before 8th March 1993 has passed or was deemed to have passed the previous qualifying examination from constable to sergeant shall be deemed to have obtained a pass in the qualifying examination but only for the purpose of qualification for promotion from constable to sergeant and frfom sergeant to inspector.

(2) A constable who before 8th March 1993 has passed or was deemed to have passed the previous qualifying examination for promotion from sergeant to inspector shall be deemed to have obtained a pass in the qualifying examination for all purposes.

(3) A constable who—

- (a) before 8th March 1993 sat the previous qualifying examination for promotion from constable to sergeant or, as the case may be, from sergeant to inspector; but
- (b) failed to obtain a pass in some paper comprised in that examination;
- (c) after 8th March 1993 obtains a pass in some paper comprised in the qualifying examination; and
- (d) falls within the circumstances determined by the Board under paragraph 11(b) of the Schedule to these regulations,

shall be deemed—

- (i) in the case where the previous qualifying examination was for promotion from constable to sergeant, to have obtained a pass in the qualifying examination but only for the purpose of qualification for promotion from constable to sergeant and from sergeant to inspector; and
- (ii) in the case where the previous qualifying examination was for promotion from sergeant to inspector, to have obtained a pass in the qualifying examination for all purposes.”.

### **Recognition of examinations in certain police forces**

6. In regulation 9(2) of the principal Regulations (recognition of examinations in certain police forces) for the words from “from constable to sergeant” of these regulations there shall be substituted the words—

- (a) “from constable to sergeant and has obtained a pass therein, he shall be deemed for the purpose of these regulations to have obtained a pass in the qualifying examination but only in relation to qualification for promotion from constable to sergeant and from sergeant to inspector; or
- (b) from sergeant to inspector and has obtained a pass therein, he shall be deemed for the purpose of these regulations to have obtained a pass in the qualifying examination for all purposes”.

### **Recognition of examinations in the British Transport Police**

7. In regulation 10 of the principal Regulations (recognition of examinations in the British Transport Police) for the words from “from constable to sergeant” where they first occur to the end there shall be substituted the words

“or the qualifying examination for promotion prescribed by the Police (Promotion) Regulations 1979(**(3)**)—

- (a) from constable to sergeant and has obtained a pass therein, he shall be deemed to have obtained a pass in the qualifying examination for the purpose of these regulations but only in relation to qualification for promotion from constable to sergeant and from sergeant to inspector; or
- (b) from sergeant to inspector and has obtained a pass therein, he shall be deemed to have obtained a pass in the qualifying examination for the purpose of these regulations.”

### **Qualifying examination**

8. The Schedule to the principal Regulations (qualifying examinations) shall be amended as follows:—

- (a) in the heading to the Schedule for the word “EXAMINATIONS” there shall be substituted the word “EXAMINATION”;
- (b) in paragraph 1—
  - (i) for the words “an elementary and an advanced” there shall be substituted the word “a”; and
  - (ii) for the words “and both examinations” there shall be substituted the word “which”;
- (c) in paragraph 2 the words “and hereinafter referred to as the Board” shall be omitted and for the word “examinations” where it last occurs there shall be substituted the word “examination”;
- (d) in paragraphs 4, 5 and 6 for the word “examinations” there shall be substituted the word “examination”;
- (e) in paragraph 7—
  - (i) in sub-paragraph (a) for the words “qualifying examinations are” there shall be substituted the words “the qualifying examination is” and for the words “such examinations” there shall be substituted the words “the examination”;

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(3) S.I. 1979/991; the relevant amending instruments are S.I. 1981/919, 1982/1607 and 1991/1961.

- (ii) in sub-paragraph (b) for the word “examinations” there shall be substituted the word “examination”;
- (iii) in sub-paragraph (c) for the word “dates” there shall be substituted the word “date” and for the words “those examinations” there shall be substituted the words “the examination”;
- (iv) in sub-paragraph (d) for the word “examinations” there shall be substituted the word “examination”; and
- (v) in the proviso to the paragraph for the words “examinations are” where they twice occur there shall be substituted the words “examination is”; the words “and the subjects to be comprised in the examinations” shall be omitted; and after the words “12 months” there shall be inserted the words “, and the subjects to be comprised in the examination shall be notified at least 6 months,”;
- (f) in paragraphs 8 and 12 for the word “examinations” there shall be substituted the word “examination”;
- (g) In paragraph 13 the word “elementary” and the words from “and for the advanced” to the end shall be omitted; and
- (h) in paragraph 14 for the word “a” where it occurs for the second time there shall be substituted the word “the”.

St Andrew’s House,  
Edinburgh  
9th February 1993

*Fraser of Carmyllie*  
Minister of State, Scottish Office

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## EXPLANATORY NOTE

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

These Regulations amend the provisions of the Police (Promotion) (Scotland) Regulations 1968 (“the principal Regulations”) relating to examinations for promotion to the rank of sergeant or inspector in a police force in Scotland.

Arrangements for a single examination are introduced from 8th March 1993 for qualification of a constable for promotion to the rank of sergeant and inspector, in place of the present provision for separate examinations for qualification for promotion from constable to sergeant, and from sergeant to inspector. Regulation 2 amends the definitions in the principal Regulations to provide for the single examination, and to make reference to the examination arrangements held before 8th March 1993 for transitional purposes.

Regulations 3 and 4 make consequential amendments to the provisions of the principal Regulations on qualification and selection for promotion respectively.

Regulation 5 substitutes new transitional provisions for those in the principal Regulations, making provision in relation to a constable who before 8th March 1993 had passed or was deemed to have passed an examination, or had failed to obtain a pass in a paper in an examination but was eligible to sit that paper in a subsequent examination.

Regulations 6 and 7 make consequential amendments to the provisions of the principal Regulations respectively concerning recognition of examinations in certain other police forces and in the British Transport Police.

Regulation 8 makes consequential and minor amendments to the Schedule to the principal Regulations concerning arrangements for the holding and administration of the examination, in particular reducing from 12 months to 6 months the period of notice to be given to chief constables of the subjects to be comprised in the examination.