
STATUTORY INSTRUMENTS

1996 No. 221 (S.15)

POLICE

The Police (Promotion) (Scotland) Regulations 1996

<i>Made</i>	- - - -	<i>2nd February 1996</i>
<i>Laid before Parliament</i>		<i>9th February 1996</i>
<i>Coming into force</i>	- -	<i>1st March 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 26 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 it 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) Regulations 1996 and shall come into force on 1st March 1996.

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

“the 1968 Regulations” means the Police (Promotion) (Scotland) Regulations 1968(2);

“Accelerated Promotion Programme” means a programme for the time being designated by the Secretary of State for the purposes of regulation 6 as an Accelerated Promotion Programme;

“central police officer” has the like meaning as in the Police Pensions Regulations(3);

“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;

“Police Pensions Regulations” means the regulations from time to time in force under or by virtue of the Police Pensions Act 1976(4);

(1) 1967 c. 77; section 26(9) was amended by the Police Negotiating Board Act 1980 (c. 10), section 2(4); section 26(1A) and (10) were inserted by the Police and Criminal Evidence Act 1984 (c. 60), (“the 1984 Act”), section 111 and section 26(7) was amended by the 1984 Act, Schedule 6, paragraph 32; section 26(1) was amended by the Police and Magistrate’s Courts Act 1994 (c. 29) (“the 1994 Act”), section 53(1); section 26(2) was amended by the 1994 Act, section 47(5) and Schedule 9; section 26(2A) to (2C) was inserted by the 1994 Act, section 52(3); section 26(5A) was inserted by the 1994 Act, section 53(1); section 26(7) was repealed by the 1994 Act, section 52(4) and Schedule 9.

(2) S.I. 1968/717, amended by S.I. 1971/344, 1976/1073, 1981/86, 1984/648, 1988/260, 1993/251 and 1994/1953.

(3) See S.I. 1987/257, Schedule A to which there are amendments not relevant to these Regulations.

(4) 1976 c. 35.

“previous qualifying examination” means the examination held prior to 8th March 1993 under arrangements made by the Police (Scotland) Examinations Board appointed in terms of the Schedule to the 1968 Regulations for promotion from constable to sergeant or, as the case may be, from sergeant to inspector;

“qualifying examination” means the Police (Scotland) Promotion Examination, being the qualification for promotion held at any time on and after 1st March 1996 in accordance with Schedule 1 to these Regulations;

“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 1976(5); 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.

(3) Any reference in these Regulations to a numbered regulation means, unless the context otherwise requires, a reference to the regulation bearing that number in these Regulations and any reference in a regulation or in Schedule 1 to these Regulations to a numbered paragraph means, unless the context otherwise requires, a reference to the paragraph bearing that number in that regulation or, as the case may be, in that Schedule.

Qualification for promotion

2.—(1) Subject to regulations 8, 9 and 10, a constable to be qualified for promotion to any rank above the rank of constable must have passed the qualifying examination.

(2) A constable shall be entitled to sit the qualifying examination if he has completed his probationary period.

(3) A sergeant to be qualified for promotion to the rank of inspector must have completed 2 years' service in the rank of sergeant unless the chief constable is satisfied that he possesses exceptional ability or special qualifications for the purpose of the particular duties on which he is to be employed after promotion.

Selection for promotion

3. Promotion from one rank to another rank shall be by selection and the fact that a constable has passed the qualifying examination shall not entitle him to promotion or to promotion before another constable who has passed the qualifying examination at a later date.

Period of probation for constable promoted to the rank of sergeant

4.—(1) A constable who is promoted to the rank of sergeant shall be on probation in that rank for a period of 1 year or if the chief constable, whether at the time of the promotion or at any time during the period of probation, considers it appropriate in the circumstances of a particular case, for a period of up to 2 years.

(2) Any period of temporary promotion by virtue of regulation 5(1) shall be disregarded in calculating the period of probation.

(3) The chief constable may reduce a sergeant to the rank of constable at any time during his period of probation if the chief constable considers that the officer is not likely to perform satisfactorily the duties of a sergeant.

(5) [S.I. 1976/1073](#); see regulation 28.

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.

Accelerated Promotion Programme

6. Without prejudice to promotion in accordance with the foregoing regulations, a constable of the rank of constable who is selected to attend an Accelerated Promotion Programme and who, at the commencement of the Programme, has—

- (a) passed the qualifying examination; or
- (b) passed the previous qualifying examination for the purpose of qualification for promotion up to the rank of inspector,

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

No promotion to be made after postponement of retirement

7. Where the retirement of any constable has been postponed under paragraph (2) of regulation A18 of the Police Pensions Regulations 1987⁽⁶⁾ 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 regulation A18 had such postponement not taken place.

Recognition of service and examinations in certain police forces

8.—(1) Where a constable has previous service in—

- (a) a police force within the meaning of section 62 of the Police Act 1964⁽⁷⁾; or
- (b) the Royal Ulster Constabulary; or
- (c) the Isle of Man Constabulary,

such service in the rank of sergeant shall count for the purposes of regulation 2(3).

(2) Where a constable has during such previous service as is described in sub-paragraph (a), (b) or (c) of paragraph (1) above taken an examination which would qualify him for promotion in the police force or constabulary in question—

- (a) from constable to sergeant and has obtained a pass therein, he shall be deemed to have obtained a pass in the qualifying examination but only in relation to qualification for promotion up to the rank of 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 qualification for promotion to any rank above the rank of constable,

provided that in the case of a constable with previous service in the Isle of Man Constabulary this paragraph shall not apply where the examination in question was taken before 1st January 1983.

⁽⁶⁾ S.I. 1987/257, to which there are amendments not relevant to these Regulations.

⁽⁷⁾ 1964 c. 48; section 62 was substituted by the Police and Magistrates' Courts Act 1994 (c. 29), Schedule 5, paragraph 15.

Recognition of examinations in the British Transport Police

9. Where a constable has previous service in the British Transport Police and has taken an examination which would qualify him for promotion in that force—

- (a) from constable to sergeant and has obtained a pass therein, he shall be deemed to have obtained a pass in the qualifying examination but only in relation to qualification for promotion up to the rank of 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 qualification for promotion to any rank above the rank of constable.

Revocations and transitional provisions

10.—(1) The Regulations specified in column 1 of Schedule 2 to these Regulations are, to the extent specified in relation to those Regulations in column 3 of that Schedule, hereby revoked.

(2) Notwithstanding paragraph (1), a constable who before 8th March 1993 has passed or was deemed to have passed the previous qualifying examination for promotion—

- (a) 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 up to the rank of inspector; and
- (b) from sergeant to inspector, shall be deemed to have obtained a pass in the qualifying examination for the purpose of qualification for promotion to any rank above the rank of constable.

(3) Notwithstanding paragraph (1), a constable who—

- (a) has passed the Police (Scotland) Promotion Examination held after 8th March 1993 but before 1st March 1996 under arrangements made by the Police (Scotland) Examinations Board in accordance with the Schedule to the 1968 Regulations (as amended by the Police (Promotion) (Scotland) Amendment Regulations 1993⁽⁸⁾); or
- (b) was deemed by virtue of any provision of regulation 8, 9(2) or 10 of the 1968 Regulations (as so amended) to have obtained a pass in the Examination specified in sub-paragraph (a) above,

shall be deemed to have obtained a pass in the qualifying examination for the purpose of qualification for promotion to any rank above the rank of constable.

St Andrew's House,
Edinburgh
2nd February 1996

James Douglas-Hamilton
Minister of State, Scottish Office

SCHEDULE 1

Regulation 1(2)

QUALIFYING EXAMINATION

1. The qualifying examination shall be held at least once in each year.
2. The Secretary of State shall make such arrangements as he considers appropriate for the purpose of holding the qualifying examination.
3. The Secretary of State shall determine the syllabuses upon which the qualifying examination shall be held.
4. Before determining the syllabuses upon which the qualifying examination shall be held, the Secretary of State shall consult the Joint Central Committee and such bodies or associations as appear to him to be representative of chief constables and superintendents respectively.
5. The Secretary of State shall determine the subjects to be comprised in the qualifying examination.
6. The Secretary of State shall secure that, in relation to each sitting of the qualifying examination, each chief constable is duly notified—
 - (a) not less than 6 months before the first date on which any subject paper of the qualifying examination is due to be held—
 - (i) of the syllabus to be used in each subject of the qualifying examination;
 - (ii) of the dates on which the subject papers of the qualifying examination are due to be held and the general arrangements for the holding of the qualifying examination; and
 - (iii) of the closing date for the submission to the Secretary of State of the names of candidates for the qualifying examination; and
 - (b) of the results of the qualifying examination 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.

SCHEDULE 2

Regulation 10(1)

REVOCATIONS

<i>Column 1</i> <i>Regulations</i>	<i>Column 2</i> <i>References</i>	<i>Column 3</i> <i>Extent of revocation</i>
The Police (Promotion) (Scotland) Regulations 1968	S.I. 1968/717	The whole Regulations
The Police (Promotion) (Scotland) Amendment Regulations 1971	S.I. 1971/344	The whole Regulations
The Police (Scotland) Regulations 1976	S.I. 1976/1073	Regulation 72(5)
The Police (Promotion) (Scotland) Amendment Regulations 1981	S.I. 1981/86	The whole Regulations

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

<i>Column 1</i> <i>Regulations</i>	<i>Column 2</i> <i>References</i>	<i>Column 3</i> <i>Extent of revocation</i>
The Police (Promotion) (Scotland) Amendment Regulations 1984	S.I. 1984/648	The whole Regulations
The Police (Promotion) (Scotland) Amendment Regulations 1988	S.I. 1988/260	The whole Regulations
The Police (Promotion) (Scotland) Amendment Regulations 1993	S.I. 1993/251	The whole Regulations
The Police (Promotion) (Scotland) Amendment Regulations 1994	S.I. 1994/1953	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact the Police (Promotion) (Scotland) Regulations 1968 with amendments. The principal change made by these Regulations is to terminate the Police (Scotland) Examination Board appointed under the Schedule to the 1968 Regulations. The functions relating to the arrangement and conduct of the qualifying examination for promotion above the rank of constable have been simplified.

The substantive requirement of the Regulations, which remains unchanged, is the requirement that for promotion to the rank of sergeant a constable must have passed the Police (Scotland) Promotion Examination. There are transitional provisions in relation to constables who, prior to 8th March 1993, passed or were deemed to have passed the examination for promotion from constable to sergeant or from sergeant to inspector or who, prior to 1st March 1996, passed or were deemed to have obtained a pass in the Police (Scotland) Promotion Examination.