

2007 No. 528

POLICE

**The Police (Promotion) (Scotland) Amendment
Regulations 2007**

<i>Made</i> - - - -	<i>27th November 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>29th November 2007</i>
<i>Coming into force</i> - -	<i>28th January 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 26 of the Police (Scotland) Act 1967(a) and all other powers enabling them to do so.

In accordance with section 26(9) of that Act, they have submitted a draft of the Regulations to the Police Advisory Board for Scotland and have taken into consideration representations made on the draft by that Board.

Citation and commencement

1. These Regulations may be cited as the Police (Promotion) (Scotland) Amendment Regulations 2007 and come into force on 28th January 2008.

Amendment of Police (Promotion) (Scotland) Regulations 1996

2. The Police (Promotion) (Scotland) Regulations 1996(b) are amended in accordance with regulations 3 to 10.

3. In regulation 1 (citation, commencement and interpretation)–

(a) in paragraph (2)–

(i) in the definition of “constable” after “new force” insert “, but does not include a special constable”;

(ii) after the definition of “previous qualifying examination” insert–

““qualifying diploma” means the Diploma in Police Service Leadership and Management, being a qualification for promotion passed at any time on or after 28th January 2008 in accordance with Schedule 1A to these Regulations;” and

(iii) in the definition of “qualifying examination” for “the qualification” substitute “a qualification”; and

(b) in paragraph (3) after “Schedule 1” insert “or 1A”.

(a) 1967 c.77; section 26(1) was amended by the Police and Magistrates’ Courts Act 1994 (c.29), section 53(1); section 26(1A) and (10) was inserted by the Police and Criminal Evidence Act 1984 (c.60), section 111; section 26(9) was amended by the Police Negotiating Board Act 1980 (c.10), section 2(4) and by the Police Act 1996 (c.16), Schedule 7, paragraph 14(3). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1996/221; amended by S.S.I. 2004/257.

4. In regulation 2 (qualification for promotion)–
- (a) in paragraph (1) after “qualifying examination” insert “or obtained the qualifying diploma”; and
 - (b) after paragraph (2) insert–
 - “(2A) A constable shall only be entitled to commence the qualifying diploma if he–
 - (a) has completed his probationary period; and
 - (b) has successfully applied for a place on the qualifying diploma.”.
5. In regulation 3 (selection for promotion) after “qualifying examination” where it appears in each place insert “or obtained the qualifying diploma”.
6. In regulation 6 (accelerated promotion programme)–
- (a) at the end of paragraph (a) omit “or”; and
 - (b) after paragraph (a) insert–
 - “(aa) obtained the qualifying diploma; or”.
7. In regulation 8 (recognition of service and examinations in certain police forces)–
- (a) in paragraph (1)–
 - (i) for sub-paragraph (a) substitute–
 - “(a) a police force maintained under section 2 of the Police Act 1996(a);
 - (aa) the metropolitan police force;
 - (ab) the City of London police force;”; and
 - (ii) for sub-paragraph (b) substitute–
 - “(b) the Police Service of Northern Ireland; or”; and
 - (b) in paragraph (2)–
 - (i) omit “sub-paragraph (a), (b) or (c) of”;
 - (ii) after “an examination” insert “or course”; and
 - (iii) in sub-paragraphs (a) and (b) after “qualifying examination” insert “or the qualifying diploma”.
8. In regulation 9 (recognition of examinations in the British Transport Police) after “qualifying examination” where it appears in each place insert “or the qualifying diploma”.
9. After regulation 9 insert–

“Determinations

9A.—(1) Before making a determination under any provision of these Regulations, the Scottish Ministers shall supply the Police Advisory Board for Scotland with a draft of that determination and take into consideration any representations made by that Board.

(2) A determination under any provision of these Regulations may make different provision for different cases and circumstances.”.

(a) 1996 c.16.

“SCHEDULE 1A

Regulation 1(2)

QUALIFYING DIPLOMA

1. The course to obtain the qualifying diploma shall be held at least once in each year.

2. The Scottish Ministers shall determine the application process and procedures in relation to the course to obtain the qualifying diploma.

3. The Scottish Ministers may make such other arrangements as they consider appropriate for the purpose of holding the course to obtain the qualifying diploma.

4. The Scottish Ministers shall determine the content and format of the syllabus upon which the course to obtain the qualifying diploma shall be based.

5. Before determining the content and format of the syllabus upon which the course to obtain the qualifying diploma shall be based, the Scottish Ministers shall consult the Joint Central Committee and such bodies or associations as appear to them to be representative of chief constables and superintendents respectively.

6. The Scottish Ministers may in making–

- (a) a determination under paragraph 2 and arrangements under paragraph 3 of this Schedule, confer functions on a chief constable in relation to that determination or those arrangements, as they think fit; and
- (b) a determination under paragraphs 2, 4 and arrangements under paragraph 3 of this Schedule, confer functions on the Scottish Police Services Authority in relation to that determination or those arrangements, as they think fit.

7. The Scottish Ministers shall secure that each chief constable is duly notified of–

- (a) the date on which the course to obtain the qualifying diploma is due to commence and that this information is notified not less than 3 months before each such commencement date;
- (b) any arrangements which have been made for holding the course to obtain the qualifying diploma;
- (c) the application process and procedures for obtaining a place on the course to obtain the qualifying diploma;
- (d) the syllabus upon which the course to obtain the qualifying diploma will be based;
- (e) the results of each constable who undertook the course to obtain the qualifying diploma, in the police force of that chief constable, including whether or not each constable has obtained the qualifying diploma; and
- (f) any change to a matter which has previously been notified to that chief constable under sub-paragraphs (a) to (e).”.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
27th November 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Promotion) (Scotland) Regulations 1996 (“the principal Regulations”).

The main amendment made by these Regulations is to regulation 2 of the principal Regulations to provide that as from 28th January 2008 in order to be eligible for promotion, a constable has to complete the required probationary period for that rank and either obtain the Diploma in Police Service Leadership and Management (“the Diploma”) or pass the Police (Scotland) Promotion Examination.

These Regulations also make amendments to the principal Regulations in consequence of the changes made introducing the Diploma as one of the criteria for promotion.

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