
STATUTORY INSTRUMENTS

1979 No. 991

POLICE

The Police (Promotion) Regulations 1979

<i>Made</i>	— — —	<i>2nd August 1979</i>
<i>Laid before Parliament</i>		<i>10th August 1979</i>
<i>Coming into Operation</i>		<i>1st October 1979</i>

In exercise of the powers conferred on me by section 33 of the Police Act 1964(a), and after consulting the Police Advisory Board for England and Wales in accordance with section 46(3) of that Act as amended by section 4(6) of the Police Act 1969(b), I hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Police (Promotion) Regulations 1979 and shall come into operation on 1st October 1979.

Revocations and transitional provisions

2.—(1) The Police (Promotion) Regulations 1968 (c), the Police (Promotion) (Amendment) Regulations 1971(d) and the Police (Promotion) (Amendment) Regulations 1975 (e) are hereby revoked.

(2) Without prejudice to section 17 of the Interpretation Act 1978(f), a member of a police force who—

(a) has passed a qualifying examination in police subjects for promotion from constable to sergeant or from sergeant to inspector for the purposes of the said Regulations of 1968, or

(b) would, if those Regulations had not been revoked, be deemed to have passed such an examination for the purposes thereof,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 qualifying examination for promotion to the rank of sergeant or, as the case may be, in the qualifying examination for promotion to the rank of inspector for the purposes of these Regulations.

(a) 1964 c. 48.
(c) S.I. 1968/1074.
(e) S.I. 1975/183.

(b) 1969 c. 63.
(d) S.I. 1971/157.
(f) 1978 c. 30.

Interpretation

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- “central police officer” and “central service” have the same meanings as in the Police Pensions Regulations 1973(a);
- “examination agency” means the Local Government Training Board or such other body or persons as may be appointed by the Secretary of State for the purposes of these Regulations;
- “examinations board” means the board appointed by the Secretary of State for the purposes of these Regulations;
- “qualifying examination for promotion to the rank of sergeant” and “qualifying examination for promotion to the rank of inspector” have the meanings respectively assigned to them by paragraph 1(1) of the Schedule hereto;
- “reversionary member of a home police force” and “overseas service” have the same meanings as in the Police Pensions Regulations 1973;
- “sergeant” includes station sergeant and first class sergeant (C.I.D.);
- “service” includes service as a reversionary member of a home police force or as a central police officer;
- “special course” has the meaning assigned to it by Regulation 9(1); and
- “station sergeant” includes a first class sergeant (C.I.D.).

(2) In these Regulations any reference to a member of a police force includes a reference to a reversionary member of a home police force or a central police officer and, in the case of such a person—

- (a) any reference to a constable or sergeant shall be construed as a reference to a person who is, under section 2 of the Police (Overseas Service) Act 1945(b) or section 43(1) of the Police Act 1964, entitled at the end of his period of overseas or central service to revert to his home police force in the rank of constable or, as the case may be, of sergeant, and
- (b) any reference to a police force shall be construed as a reference to the home police force to which he is entitled to revert as aforesaid.

(3) In reckoning service or a period in any rank for the purposes of these Regulations there shall be disregarded—

- (a) any period of unpaid leave, and
- (b) in the case of a university scholar whose course begins on or after 15th February 1971, his period of study;

and, for the purposes hereof, the expressions “university scholar”, “course” and “study” shall have the same meanings as in the Police Regulations 1971(c).

(4) Regulation 8(1) shall be construed as authorising a person’s temporary promotion to a particular rank notwithstanding that there is no vacancy in the authorised establishment for that rank.

(5) 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 and a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation.

(a) S.I. 1973/428.

(b) 1945 c. 17 (9 & 10 Geo. 6)

(c) S.I. 1971/156.

Qualification for promotion

- 4.—(1) A constable to be qualified for promotion to rank of sergeant must—
- (a) have obtained a pass in the qualifying examination for promotion to the rank of sergeant;
 - (b) have completed two years' service; and
 - (c) have completed his probationary service.
- (2) A sergeant to be qualified for promotion to the rank of inspector must—
- (a) have obtained a pass in the qualifying examination for promotion to the rank of inspector; and
 - (b) have completed two years' service in the rank of sergeant.

Selection for promotion

5. Subject to Regulations 6 and 9(1), promotion from one rank to another rank shall be by selection.

Promotion in the metropolitan police force

6.—(1) Promotion from constable to sergeant and from sergeant to inspector in the metropolitan police force may be by competitive examination in accordance with provisions approved by the Secretary of State and published in the general orders of the force, and those provisions may lay down the number of times a candidate may sit for the competitive examination.

(2) A member of the metropolitan police force who has passed the competitive examination for promotion from constable to sergeant or from sergeant to inspector shall be deemed to have obtained a pass in the qualifying examination for promotion to the rank of sergeant, or as the case may be, in the qualifying examination for promotion to the rank of inspector for the purposes of these Regulations.

(3) A station sergeant in the metropolitan police force shall be deemed to have obtained a pass in the qualifying examination for promotion to the rank of inspector.

Period of probation for constable promoted sergeant

7. A member of a police force who is promoted to the rank of sergeant shall be on probation in that rank for a period of a year:

Provided that in calculating the said period of probation there shall be disregarded any period of temporary promotion by virtue of Regulation 9(1) or of any corresponding provision contained in regulations from time to time in force under section 4 of the Police Act 1919(a) or section 33 of the Police Act 1964.

Temporary promotion

8.—(1) A member of a police force who is required to perform the duties of a higher rank may be promoted temporarily thereto, provided that, in the case of promotion to the rank of sergeant or inspector, he is qualified therefor under Regulation 4.

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

Promotion of persons selected for Police Staff College special course

9.—(1) Notwithstanding any provision of the foregoing Regulations but without prejudice to his promotion in accordance therewith, a member of a police force who has been selected for a course of training at the Police Staff College designated by the Secretary of State for the purposes of this Regulation (hereafter in these Regulations referred to as the “special course”) may be or, as the case may be, shall be promoted to the rank of sergeant or inspector in accordance with Regulation 10 or 11.

(2) A member of a police force may be or, as the case may be, shall be promoted as aforesaid whether or not there is a vacancy in the authorised establishment for the rank of sergeant or, as the case may be, inspector and, unless and until a member promoted as aforesaid is designated to fill any such vacancy as may from time to time occur, his promotion shall be without prejudice to the promotion of any other member to fill such a vacancy.

Constable promoted sergeant during and after Police Staff College special course

10.—(1) A member of a police force holding the rank of constable who is qualified under Regulation 4 for promotion to the rank of sergeant shall be promoted temporarily, by virtue of this paragraph, to that rank—

- (a) for the period from the commencement of the special course next held after his selection therefor (whether or not he is allotted a place on that particular course) until he completes the course:

Provided that a member shall not be promoted by virtue of this sub-paragraph or, as the case may be, shall revert to the rank of constable if, on account of ill-health or otherwise, he is not allotted a place on, or does not attend or attend throughout, one or other of the two special courses next held after his selection for the course and (without prejudice to his re-selection on a subsequent occasion) is notified that his selection is cancelled; 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 member of a police force as is mentioned in paragraph (1) completes the course and the Commandant or Deputy Commandant of the Police Staff College issues a certificate that he has passed, he shall forthwith be promoted, by virtue of this paragraph, to the rank of sergeant.

(3) In the case of such a member of a police force 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.

Sergeant promoted inspector after Police Staff College special course

11.—(1) A member of a police force holding the rank of sergeant (whether promoted thereto under Regulation 10 or otherwise)—

- (a) in whose case the Commandant or Deputy Commandant of the Police Staff College has issued a certificate that he has passed the special course; and

- (b) who has, to the satisfaction of the chief officer of police, completed a year's service in the rank of sergeant excluding any period before completing the special course,

shall be promoted by the chief officer of police to the rank of inspector on completing the service so mentioned.

(2) A member of a police force who is promoted under this Regulation to the rank of inspector shall be on probation in that rank until he has completed a year's service in that rank in the performance of ordinary police duty.

Recognition of certain constabulary promotion examinations

12. A member of a police force with—

- (a) previous service in a police force within the meaning of the Police (Scotland) Act 1967(a),
- (b) previous service in the Royal Ulster Constabulary, or
- (c) previous service in the British Airports Authority constabulary which terminated with his transfer to a police force by an order under section 6 of the Policing of Airports Act 1974(b),

who has taken the qualifying examination for promotion in the constabulary in question from constable to sergeant or from sergeant to inspector and has obtained a pass therein shall be deemed to have obtained a pass in the qualifying examination for promotion to the rank of sergeant, or, as the case may be, in the qualifying examination for promotion to the rank of inspector for the purposes of these Regulations.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
2nd August 1979.

Regulation 3(1)

SCHEDULE

QUALIFYING EXAMINATIONS

1.—(1) There shall be held at least once in each year, under arrangements approved by the examinations board, the following qualifying examinations on syllabuses prepared by the examinations board in consultation with the examination agency:—

- (a) for promotion from constable to sergeant, an examination in police subjects (in these Regulations referred to as the qualifying examination for promotion to the rank of sergeant);
- (b) for promotion from sergeant to inspector, an examination in police subjects (in these Regulations referred to as the qualifying examination for promotion to the rank of inspector).

(2) In this paragraph the expression “police subjects” means the following subjects:—

- (a) criminal law;
- (b) evidence and procedure in criminal courts;
- (c) public general statutes and statutory rules, orders and instruments;
- (d) the structure of local and central government in relation to the administration of police forces;
- (e) police powers and duties and procedure in relation thereto.

2. The examinations board shall determine in consultation with the examination agency—

- (a) the standard to be achieved by a candidate in order to obtain a pass in any such examination or in any particular paper comprised in that examination; and
- (b) the circumstances in which a candidate may obtain a pass in any such 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.

3. The examination papers shall be set and marked, in accordance with arrangements made by the examination agency, by examiners appointed by them with the approval of the examinations board.

4. The examinations board shall secure that each chief officer of police is duly notified—

- (a) of the dates on which examinations are proposed to be held and the general arrangements for such examinations;
- (b) of the closing dates for the submission to them of the names of candidates for those examinations;
- (c) of the results of the examinations in so far as they affect members of the police force of which he is the chief officer.

5.—(1) A constable who has—

- (a) completed two years' service; and
- (b) completed his probationary service,

on the date the examination is held shall be eligible to take the qualifying examination for promotion to the rank of sergeant.

(2) A member of a police force who has obtained a pass in the qualifying examination for promotion to the rank of sergeant shall be eligible to take the qualifying examination for promotion to the rank of inspector if he has completed not less than five years' service or one year's service in the rank of sergeant on the date the examination is held.

6. Notwithstanding that a candidate is eligible to take a qualifying examination, the examinations 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 examinations board before the closing date mentioned in paragraph 4(b) of this Schedule,
- (b) he fails to comply with the general or other arrangements made or approved by the examinations board or with the requirements of the examination agency, or
- (c) in the case of an examination held after 1st May 1980, his total marks in the last corresponding examination were less than 25%.

7.—(1) In relation to a candidate whose police force is the metropolitan police force, the provisions of this Schedule relating to the qualifying examination for promotion to the rank of sergeant or inspector shall apply, with the necessary modifications, as if for any reference to the examinations board or the examination agency there were substituted a reference to the Commissioner of Police of the Metropolis.

(2) In the case of any such candidate whose duties in the metropolitan police force are wholly or mainly specialised duties of a technical character, paragraph 1 of this Schedule shall, subject to the approval of the Secretary of State, have effect notwithstanding sub-paragraph (2) thereof as if the expression "police subjects" meant subjects of the appropriate technical character.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Regulations which govern promotion to the rank of sergeant or inspector in a police force in England and Wales, namely the Police (Promotion) Regulations 1968 and the amending Regulations referred to in Regulation 2. The main changes are mentioned below.

Paragraph 5(2) of the Schedule to these Regulations requires a member of a police force to have completed five years' service or one year's service in the rank of sergeant before he is eligible to take the qualifying examination for promotion to the rank of inspector.

Paragraph 6(c) of that Schedule allows a candidate to be excluded from a qualifying examination if in the last such examination he obtained less than 25%.

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