STATUTORY INSTRUMENTS

1968 No. 1074

POLICE

ENGLAND AND WALES

The Police (Promotion) Regulations 1968

Made - - -	*8th July* 1968
Laid before Parliament	*16th July* 1968
Coming into Operation	*1st August* 1968

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, I hereby make the following Regulations :—

Qualification for promotion

1.—(1) A constable to be qualified for promotion to the rank of sergeant must—

(*a*) have obtained a pass in the constables qualifying examination ; and

(*b*) have completed two years' service.

(2) A sergeant to be qualified for promotion to the rank of inspector must—

(*a*) have obtained a pass in the sergeants qualifying examination ;

(*b*) save for special reasons approved by the Secretary of State, have completed a year's service in the rank of sergeant in the performance of ordinary outside police duty ; and

(*c*) have completed two years' service in the rank of sergeant.

Selection for promotion

2. Subject to Regulations 3 and 6(1), promotion from one rank to another rank shall be by selection.

Promotion in the metropolitan police force

3.—(1) Promotion from constable to sergeant and from sergeant to station sergeant 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 constable in the metropolitan police force who has passed the competitive examination for promotion to sergeant shall be deemed to have obtained a pass in the constables qualifying examination.

(3) A station sergeant in the metropolitan police force shall be deemed to have obtained a pass in the sergeants qualifying examination.

(**a**) 1964 c. 48.

Period of probation for constable promoted sergeant

4. A member of a police force who is promoted to the rank of sergeant or of station 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 6(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

5.—(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 1.

(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 College special course

6.—(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 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 7 or 8.

(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 College special course

7.—(1) A member of a police force holding the rank of constable who is qualified under Regulation 1 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 subparagraph 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.

(**a**) 1919 c. 46.

(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 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 College special course

8.—(1) A member of a police force holding the rank of sergeant (whether promoted thereto under Regulation 7 or otherwise)—

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

(*b*) who has completed such service as is mentioned in Regulation 1(2)(*b*) to the satisfaction of the chief officer of police,

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

(2) In the case of a member of a police force who has, before 14th September 1967, been nominated by the Secretary of State for a course of university study, paragraph (1) shall have effect as if in Regulation 1(2)(*b*) for the words "in the performance of ordinary outside police duty" there were substituted the words "otherwise than on temporary promotion under Regulation 7(1)".

(3) 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 policy duty.

Interpretation

9.—(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;

"constables qualifying examination" and "sergeants qualifying examination" have the meanings respectively assigned to them by paragraph 1(1) of the Schedule hereto;

"examination agency" means the Civil Service Commissioners 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;

"ordinary outside police duty" includes outside detective duty but does not include duty as a reversionary member of a home police force or as a central police officer;

"Police Pensions Regulations" means the regulations from time to time in force under the Police Pensions Act 1948(**a**);

(**a**) 1948 c. 24.

"reversionary member of a home police force" and "overseas service" have the same meanings as in the Police Pensions Regulations;

"sergeant" includes second class sergeant (C.I.D.);

"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 Regulations 1968(a);

"special course" has the meaning assigned to it by Regulation 6(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) Regulation 5(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.

(4) 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.

(5) In these Regulations a reference to any enactment includes a reference to that enactment as amended, extended or applied by any other enactment.

(6) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Revocations and transitional provisions

10.—(1) The Police (Promotion) Regulations 1967(d) and the Police (Promotion) (Amendment) Regulations 1967(e) are hereby revoked.

(2) Any appointment made, syllabus prepared, notice given, certificate issued or other thing done for the purposes of, or having effect for the purposes of, any provision of the said Regulations of 1967 (either as originally made or as amended) shall have effect as if it had been made, prepared, given, issued or done for the purposes of the corresponding provision of these Regulations.

(3) Without prejudice to the generality of the preceding paragraph, 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 1967, or

(a) S.I. 1968/26 (1968 I, p. 38).
(b) 9 & 10 Geo. 6. c. 17.
(c) 1889 c. 63.
(d) S.I. 1967/765 (1967 II, p. 2275).
(e) S.I. 1967/1315 (1967 III, p. 3952).

(*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 constables qualifying examination or, as the case may be, in the sergeants qualifying examination for the purposes of these Regulations.

Citation and commencement

11. These Regulations may be cited as the Police (Promotion) Regulations 1968 and shall come into operation on 1st August 1968.

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
8th July 1968.

Regulation 9(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 constables qualifying examination);

(*b*) for promotion from sergeant to inspector, an examination in police subjects (in these Regulations referred to as the sergeants qualifying examination).

(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) Any constable who has completed not less than two years' service on the date the examination is held shall be eligible to take the constables qualifying examination.

(2) Any constable who has obtained a pass in the constables qualifying examination shall be eligible to take the sergeants qualifying examination.

(3) Any sergeant shall be eligible to take the sergeants qualifying examination.

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, or

(*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.

7.—(1) In relation to a candidate whose police force is the metropolitan police force, the provisions of this Schedule relating to the constables or sergeants qualifying examination 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 Police (Promotion) Regulations 1967 and the Police (Promotion) (Amendment) Regulations 1967. The main changes are mentioned below.

Under Regulation 1(1)(*a*) and (2)(*b*) of the 1967 Regulations a policeman who had received a disciplinary punishment (other than a reprimand or a caution) during the preceding two years was disqualified for promotion to the rank of sergeant or inspector. Under the present Regulation the suitability or otherwise of such a policeman for promotion is left to be considered by the chief officer of police.

Regulation 7(1)(*a*) of the present Regulations provides that a constable selected for the Police College special course shall be temporarily promoted to the rank of sergeant as from the commencement of the next course even though he is not allotted a place on that course.

Paragraph 5(2) of the Schedule to the present Regulations permits a constable who has passed the constables qualifying examination to take the sergeants qualifying examination before he is promoted to the rank of sergeant.