STATUTORY INSTRUMENTS

1971 No. 344 (S.47)

POLICE

The Police (Promotion) (Scotland) Amendment Regulations 1971

Made - - -	*28th February* 1971
Laid before Parliament	*11th March* 1971
Coming into Operation	*12th March* 1971

In exercise of the powers conferred on me by section 26 of the Police (Scotland) Act 1967(**a**), as amended (**b**), and of all other powers enabling me in that behalf, and having considered the representations made by the Police Advisory Board for Scotland following the submission of a draft of the regulations in accordance with section 26(9) of the said Act, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Police (Promotion) (Scotland) Amendment Regulations 1971 and shall come into operation on 12th March 1971.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. In these regulations any reference to the principal regulations is a reference to the Police (Promotion) (Scotland) Regulations 1968(**d**).

3. For regulation 2 of the principal regulations (qualification for promotion) there shall be substituted the following regulation :—

"**2.**—(1) A constable to be qualified for promotion to the rank of sergeant must have passed the appropriate qualifying examination.

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

(*a*) have completed 2 years' service in the rank of sergeant unless the chief constable is satisfied that he possesses special qualifications for the purpose of the particular duties on which he is to be employed after promotion ; and

(*b*) have passed the appropriate qualifying examination:

Provided that a sergeant promoted to that rank by virtue of regulation 6(2) may be promoted to the rank of inspector notwithstanding that the condition specified in sub-paragraph (*b*) is not satisfied in his case."

4. For regulation 4 of the principal regulations (period of probation for constable promoted sergeant) there shall be substituted the following regulation :—

(**a**) 1967 c. 77.
(**b**) 1969 c. 63.
(**c**) 1889 c. 63.
(**d**) S.I. 1968/717 (1968 II, p. 2070).

"4. A constable who is promoted to the rank of sergeant shall be on probation in that rank for a period of 1 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 26 of the Police (Scotland) Act 1967."

5. The schedule to the principal regulations shall have effect subject to the following amendments:—

(*a*) For paragraph 1 there shall be substituted the following paragraph:—

"1. There shall be held at least once in each year an elementary and an advanced qualifying examination and both examinations shall be conducted by means of written papers".

(*b*) In paragraph 3(1) line 4 for the words "3 members" there shall be substituted "2 members".

(*c*) In paragraph 4 the words "in educational subjects and police subjects respectively" shall be deleted.

(*d*) In paragraph 7(*b*) the words "in educational subjects and police subjects respectively" shall be deleted.

(*e*) In the proviso to paragraph 7 for the words "qualifying examinations in educational subjects and police subjects respectively" there shall be substituted the word "examinations".

(*f*) In paragraph 9 the words "in either educational subjects or police subjects" shall be deleted.

(*g*) For paragraph 13 there shall be substituted the following paragraph:

"13. A constable shall be entitled to sit for the elementary qualifying examination at any time after he has completed 2 years' service, and for the advanced qualifying examination at any time after he has passed the elementary examination:

Provided that he shall not be eligible to sit for either examination during the next 2 years following his third unsuccessful attempt to pass that examination."

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
28th February 1971.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Police (Promotion) (Scotland) Regulations 1968.

Regulation 3 changes the qualifications for promotion by leaving the treatment of disciplinary offences to the chief constable's discretion in determining fitness for promotion; and by removing the proviso in respect of educational subjects examinations.

Regulation 4 changes the conditions relating to the period of probation for a constable promoted sergeant to provide that all temporary promotion is excluded from the probationary period.

Regulation 5 changes the provisions in the Schedule relating to Qualifying Examinations and to the composition of the Police (Scotland) Examinations Board :—

(*a*) to exclude all references to the content of the examinations as comprising educational subjects and police subjects ;

(*b*) to reduce the number of educational members on the Examinations Board from 3 to 2 ;

(*c*) to confirm that when educational subjects are excluded from the examinations a constable can not sit for the advanced examination until he has passed the elementary qualifying examination ; and

(*d*) to introduce a restriction on the number of consecutive attempts at an examination by providing for a two-years' interval after a third unsuccessful attempt during which a constable shall not be eligible to sit for the examination.