1965 No. 1227 (S. 50)

POLICE

The Police (Scotland) Amendment (No. 2) Regulations 1965

Made - - - -	*3rd June* 1965
Laid before Parliament	*10th June* 1965
Coming into Operation	*11th June* 1965

In exercise of the powers conferred on me by section 11 of the Police (Scotland) Act 1956(a) and of all other powers enabling me in that behalf, and no representations having been made to me in pursuance of section 11(6) of the Police (Scotland) Act 1956, I hereby make the following Regulations:—

PART I

1. These Regulations may be cited as the Police (Scotland) Amendment (No. 2) Regulations 1965 and shall come into operation on 11th June 1965.

2. The Police (Scotland) Regulations 1956(b) (hereinafter referred to as the principal Regulations), as amended(c), shall have effect subject to the amendments specified in Part II of these Regulations.

PART II

3.—(1) In the second paragraph of Regulation 15(3) of the principal Regulations there shall be inserted after the words "member of a home police force" the words ", a central service police officer under section 29B of the Police (Scotland) Act 1956".

(2) In the fourth paragraph of said Regulation 15(3) after the words "" reversionary member of a home police force "" there shall be inserted the words, "", central service police officer under section 29B of the Police (Scotland) Act 1956"" and for the words "Police Pensions (Scotland) Regulations, 1955" there shall be substituted the words "Police Pensions Regulations 1962"(d).

4. After Regulation 18 of the principal Regulations (which relates to temporary promotion) there shall be inserted the following regulation:—

"*Constable promoted sergeant during and after Police College Special Course*

18A—(1) Without prejudice to promotion under Regulation 15 of the Regulations, a member of a police force holding the rank of constable who has been selected for a course of training at the Scottish Police College designated by the Secretary of State for the purpose of this Regulation and who at the commencement of the said course is qualified for promotion to the rank of ser-

(a) 4 & 5 Eliz. 2. c. 26. (b) S.I. 1956/1999 (1956 II, p. 1766).
(c) The relevant amending instrument is S.I. 1964/973 (1964 II, p. 2217).
(d) S.I. 1962/2756 (1962 III, p. 3785).

geant or would be so qualified had he completed 5 years' service shall be promoted temporarily to the rank of sergeant—

(*a*) for the period that he is attending the course; and

(*b*) where he completes the course but no such certificate as is mentioned in paragraph (2) of this Regulation is issued, until it is decided under paragraph (3) of this Regulation whether or not he should be promoted to the rank of sergeant;

Provided that the period of temporary promotion by virtue of this paragraph shall be disregarded in calculating the period of probation mentioned in Regulation 17 of the principal Regulations.

(2) Where such a member of a police force as is mentioned in paragraph (1) of this Regulation 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 to the rank of sergeant.

(3) In the case of a member of a police force to whom paragraph (1)(*b*) of this Regulation applies, the question whether or not he should be promoted to the rank of sergeant shall be considered and he may be so promoted.

(4) A member of a police force shall be promoted by virtue of paragraph (1) or (2), or may be promoted under paragraph (3), of this Regulation notwithstanding that he has not completed 5 years' service and notwithstanding that there is no vacancy in the authorised establishment.

(5) If, and so long as, the number of substantive sergeants in a police force exceeds the number for that rank for the time being specified in the authorised establishment, in consequence of any promotion by virtue of paragraphs (2) and (3) of this Regulation, then no further promotion to that rank shall be made except by virtue of the said paragraphs (2) or (3) or with consent of the Secretary of State."

Rates of Pay

5.—(1) In Regulation 33(2)(*d*) for the words "and any period of service in the Royal Ulster Constabulary," there shall be substituted the words "any period of service in the Royal Ulster Constabulary and any period of certified overseas police service such as is mentioned in the next following paragraph".

(2) After Regulation 33(2) there shall be inserted the following paragraph:—

"(2A) The reference in the preceding paragraph to certified overseas police service is a reference to—

(*a*) continuous service as a member of a police force in any territory or country outside the United Kingdom, being a colony, protectorate or protected state within the meaning of the British Nationality Act 1948(a), or, where appropriate, the territory or country wherein the colony, protectorate and protected state was incorporated after the inception of the service, subject to it being certified by or on behalf of the Minister of Overseas Development that—

(i) the service was, at its inception, pensionable, and

(ii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question; or

(*b*) continuous service for 6 years or more as a member of a police force in

(a) 11 & 12 Geo. 6. c. 56.

any territory or country outside the United Kingdom, subject to it being certified by or on behalf of the Minister of Overseas Development that—

(i) the person concerned so served under a contract of service,

(ii) immediately before he ceased so to serve, the person concerned was, for the purposes of section 1 of the Overseas Service Act 1961(a) a person designated in accordance with such an agreement as is therein mentioned, and

(iii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question;

except that the said reference in the preceding paragraph does not include a reference to service as a reversionary member of a home police force within the meaning of Regulation 88 of the Police Pensions Regulations 1962."

6. In paragraph 3 of Schedule 1 to the principal Regulations (which relates to the appointment of the Police (Scotland) Examinations Board) after the words "the examinations" there shall be added the words "the qualifying examinations or such other examination in connection with the promotion of members of police forces as may be designated by the Secretary of State after consultation with the Police Advisory Board for Scotland".

7. In paragraph 4(1) of the said Schedule (which relates to the constitution of the Police (Scotland) Examinations Board) for the words "a member to be nominated by the Scottish Education Department and a member who shall be chairman to be nominated by the Secretary of State. The present members shall hold office until the 30th June 1964;" there shall be substituted the words "and two members having knowledge and experience of education, one of whom shall be chairman of the Board, to be nominated by the Secretary of State. The Board shall hold office for 3 years from 1st July commencing on 1st July 1964;" and the words "or Department" shall be deleted.

8.—(1) In paragraph 5(1) and (2) of the said Schedule (which relate to the date of the examinations) for the word "February" in each sub-paragraph there shall be substituted the word "October".

(2) In paragraph 7 of the said Schedule for the word "November" there shall be substituted the word "July".

(3) In paragraph 8 of the said Schedule for the word "November" there shall be substituted the word "July".

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
3rd June 1965.

(a) 9 & 10 Eliz. 2. c. 10.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police (Scotland) Regulations 1956.

Regulation 3 is consequential on the introduction of a class of central service officers and makes it clear that the principal regulation dealing with qualifications for promotion applies to them.

Regulation 4 provides for a constable's temporary promotion to the rank of sergeant when he enters the Scottish Police College for a special course and for substantive promotion to sergeant after successfully completing the special course and obtaining a certificate. It also provides that those constables who complete the course but do not obtain a certificate, can be promoted. Any constable can be so promoted notwithstanding that there are no vacancies in the authorised establishments of their respective forces.

Regulation 5 provides for a concession in starting salary to an ex-colonial police officer who is appointed as a constable in a home police force, subject to his overseas police service being certified by the Ministry of Overseas Development.

Regulations 6 to 8 provide for minor constitutional changes in the Police (Scotland) Examinations Board, including the alteration of the date of the statutory promotion examinations from February to October.