1981 No. 19

POLICE

Royal Ulster Constabulary (Promotion) Regulations 1981

Made . . . . . 20th January 1981

Coming into operation . . . 14th February 1981

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority for Northern Ireland and the Police Association for Northern Ireland, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Promotion) Regulations 1981 and shall come into operation on 14th February 1981.

Revocations and transitional provisions

2.—(1) The Royal Ulster Constabulary (Promotion) Regulations 1971(**b**), the Royal Ulster Constabulary (Promotion) (Amendment) Regulations 1976(**c**) and the Royal Ulster Constabulary (Promotion) (Amendment) Regulations 1980(**d**) are hereby revoked.

(2) Without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954(**e**), a member who—

(*a*) has passed a qualifying examination for promotion from constable to sergeant or from sergeant to inspector for the purposes of any regulations in force before the coming into operation of these regulations, or

(*b*) would, if these regulations had not been revoked, be deemed to have passed such an examination for the purposes thereof,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 corresponding examination for the purposes of these regulations.

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:—

"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 Schedule 1;

"qualifying technical examination for promotion to the rank of sergeant" and "qualifying technical examination for promotion to the rank of inspector" have the meanings respectively assigned to them by paragraph 1(1) of Schedule 2;

(**a**) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163
(**b**) S.R. & O. (N.I.) 1971 No. 171
(**c**) S.R. 1976 No. 92
(**d**) S.R. 1980 No. 103
(**e**) 1954 c. 33 (N.I.)

"examination agency" means such body or persons as may be appointed by the Police Authority for the purposes of these regulations;

"examinations board" means the board appointed by the chief constable for the purposes of these regulations;

"the force" means the Royal Ulster Constabulary; "member" means a member of the force; and "special course" has the meaning assigned to it by regulation 8(1).

(2) In reckoning service or a period in any rank for the purposes of these regulations, there shall be disregarded, in the case of a university scholar whose course begins on or after 1st June 1971, his period of study, and for the purposes of this sub-paragraph the expressions "university scholar", "course" and "study" shall have the same meanings as in the Royal Ulster Constabulary Regulations 1973(a).

(3) Subject to paragraph (2) the expression "service" in a rank shall be in accordance with regulations 28, 29, 30, 31 and 32 of the Royal Ulster Constabulary Regulations 1973.

(4) Regulation 7(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.

Qualification for promotion

4.—(1) Save for the provisions of paragraph (2) a constable to be qualified for promotion to the rank of sergeant must—

(*a*) have obtained a pass in the qualifying examination for promotion to the rank of sergeant;

(*b*) have completed not less than two years' service;

(*c*) have completed his probationary service; and

(*d*) attained the age of 20 years and 6 months.

(2) A constable serving in the fingerprint branch of the force shall, on completion of five years' service in that branch, be deemed to be qualified for promotion to sergeant in that branch if—

(*a*) he has obtained a pass in the qualifying technical examination for promotion to the rank of sergeant, based on fingerprint technology and associated subjects, approved by the chief constable; and

(*b*) in the chief constable's opinion he has given satisfactory service and is competent to carry out all the specialist duties of the fingerprint branch in the rank of sergeant.

(3) Save for the provisions of paragraph (4) 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.

(4) A sergeant serving in the fingerprint branch of the force shall, on completion of 3 years' service in that rank in that branch, be deemed to be qualified for promotion to the rank of inspector in that branch if—

(*a*) he has obtained a pass in the qualifying technical examination for promotion to the rank of inspector, based on fingerprint technology and associated subjects, approved by the chief constable; and

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(a) S.R. & O. (N.I.) 1973 No. 31 as amended by S.R. 1974 No. 97, S.R. 1974 No. 322, S.R. 1978 No. 92 and S.R. 1979 No. 406

(*b*) in the chief constable's opinion he has given satisfactory service and is competent to carry out all the specialist duties of the fingerprint branch in the rank of inspector.

(5) Promotion within the fingerprint branch shall be subject to the rank establishment for the branch not being exceeded.

(6) A member of the fingerprint branch holding the rank of sergeant or inspector by virtue of the provisions of paragraphs (2) and (4) respectively, shall, upon being transferred to serve outside the branch, revert to the rank of constable or sergeant respectively; provided that, if the member holds the rank of inspector by virtue of paragraph (4) and previously held the rank of sergeant by virtue of paragraph (2), he shall revert to the rank of constable.

(7) For the purposes of this regulation a pass in a qualifying police promotion examination in Great Britain shall be deemed to be a pass in the corresponding examination in the force.

Selection for promotion

5. Subject to regulation 8(1), promotion from one rank to another rank shall be by selection.

Period of probation for constable promoted sergeant

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

Provided that in calculating the said period of probation there shall be disregarded any period of temporary promotion by virtue of regulation 8(1) or of any corresponding provision contained in regulations from time to time in force under section 25 of the Police Act (Northern Ireland) 1970.

Temporary promotion

7.—(1) A member 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 College special course

8.—(1) Notwithstanding any provision of the foregoing regulations but without prejudice to his promotion in accordance therewith, a member who has been selected for a course of training at a Police College designated by the Secretary of State for the purpose 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 9 or 10.

(2) A member 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

9.—(1) A member 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 has completed the special 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 special 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 as is mentioned in paragraph (1) completes the special 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

10.—(1) A member holding the rank of sergeant (whether promoted thereto under regulation 9 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 to the satisfaction of the chief constable completed a year's service in the rank of sergeant excluding any period before completing the special course,

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

(2) A member 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.

Humphrey Atkins
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
20th January 1981

SCHEDULE 1 Regulation 3(1)

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 functions of the Police Authority and the central government in relation to the administration of the force;

(*e*) police powers and duties and procedure in relation thereto.

2. The examination 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 ensure that the chief constable 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; and

(*c*) of the results of the examinations in so far as they affect members of the force.

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 the 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 boards 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 boards or with the requirements of the examination agency, or

(*c*) in the case of an examination held after 1st January 1982 his total marks in the last corresponding examination were less than 25%.

SCHEDULE 2 Regulation 3(1)

Qualifying Technical Examination in Fingerprint Technology and Associated Subjects

1.—(1) There shall be held, on such occasions as the chief constable may direct, under arrangements approved by the examination board, the following qualifying technical examinations on syllabuses prepared by the examination board in consultation with the examination agency:—

(*a*) for promotion in the fingerprint branch from constable to sergeant an examination in fingerprint technology and associated subjects (in these regulations referred to as "the qualifying technical examination for promotion to the rank of sergeant"); and

(*b*) for promotion in the fingerprint branch from sergeant to inspector an examination in fingerprint technology and associated subjects (in these regulations referred to as "the qualifying technical examination for promotion to the rank of inspector").

(2) In this paragraph the expression "fingerprint technology and associated subjects" means the following subjects:—

(*a*) fingerprints and palm prints;

(*b*) origin and history of fingerprints and palm prints;

(*c*) practical examination of crime scene or articles;

(*d*) application of modern techniques in fingerprint science;

(*e*) classifying fingerprints and palm prints;

(*f*) forensic science as it applies to fingerprint searching examinations, and identification;

(*g*) criminal law as applied to fingerprint and palm print taking and identification;

(*h*) law of evidence and procedure in criminal courts in regard to evidence and production of fingerprints and palm prints;

(*i*) public general statutes and statutory rules and orders and instructions relating to fingerprints and palm prints; and

(*j*) police powers and duties in relation to examination of scenes of crime, fingerprinting and palm printing.

(3) The examinations referred to in paragraph (1) shall include a practical test in fingerprint search identification and classifications, including examination and preparation of photographs for court purposes together with a written report thereof.

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

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

4. The examination board shall ensure that the chief constable 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; and

(*c*) of the results of the examinations in so far as they affect members of the force.

5.—(1) A constable who has completed not less than 5 years' service in the fingerprint branch on the date the examination is held shall be eligible to take the constables qualifying technical examination, based on fingerprint technology and associated subjects.

(2) A sergeant serving in the fingerprint branch of the force shall, on completion of three years' service in that rank in that branch be eligible to take the sergeants qualifying technical examination based on fingerprint technology and associated subjects.

6. Notwithstanding that a candidate is eligible to take a qualifying examination, the examination 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 the examination has not been submitted to the examination 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 examination board or with the requirements of the examination agency.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations consolidate, with amendments, the regulations which govern promotion in the Royal Ulster Constabulary, namely the Royal Ulster Constabulary (Promotion) Regulations 1971 and the amending regulations referred to in regulation 2. The main changes are mentioned below.

Paragraph 5 of Schedule 1 to these regulations requires a member to have completed his probationary service before he is eligible to take the qualifying examination for promotion to the rank of sergeant and requires a member 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%.