1995 No. 120

POLICE

Royal Ulster Constabulary (Promotion) Regulations 1995

Made . . . . . 21st March 1995

Coming into operation . . 1st May 1995

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 that Act, the Police Authority and the Police Association, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Promotion) Regulations 1995 and shall come into operation on 1st May 1995.

Revocations and transitional provisions

2.—(1) The Royal Ulster Constabulary (Promotion) Regulations 1981(**b**), the Royal Ulster Constabulary (Promotion) (Amendment) Regulations 1983(**c**), the Royal Ulster Constabulary (Promotion) (Amendment) Regulations 1985(**d**), the Royal Ulster Constabulary (Promotion) (Amendment No. 2) Regulations 1985(**e**), the Royal Ulster Constabulary (Promotion) (Amendment) Regulations 1992(**f**) and the Royal Ulster Constabulary (Promotion) (Amendment) Regulations 1993(**g**) are hereby revoked.

(2) Without prejudice to section 29 of the Interpretation Act (Northern Ireland) 1954(**h**), 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

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(**a**) 1970 c. 9 (N.I.) as amended by 1994 c. 33 and modified by S.I. 1973/2163
(**b**) S.R. 1981/19
(**c**) S.R. 1983/113
(**d**) S.R. 1985/42
(**e**) S.R. 1985/337
(**f**) S.R. 1992/243
(**g**) S.R. 1993/339
(**h**) 1954 c 33 (N.I.)

(*b*) would, if these regulations had not been revoked, be deemed to have passed such an examination for the purposes thereof,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

(3) Notwithstanding the replacement by virtue of Schedule 1 of qualifying examinations of the kind provided for in Schedule 1 to the Royal Ulster Constabulary (Promotion) Regulations 1981 as it had effect immediately before 1st September 1993, eligible constables shall have the opportunity to resit a single paper of the qualifying examinations of that kind for promotion to the rank of sergeant.

(4) Such opportunity shall be provided for the period ending on 31st August 1995—

(*a*) for any eligible constable who failed to obtain a pass in said qualifying examinations held in 1992; and

(*b*) for any eligible constable who failed to obtain a pass in said qualifying examinations held in 1993.

(5) For the purposes of these regulations a constable shall be treated as having obtained a pass in the qualifying examination for promotion to the rank of sergeant if he obtains a pass in a paper taken as mentioned in sub-paragraph 2(*a*) or (*b*).

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:—

"Police Staff College" means the Police Staff College at Bramshill House, near Basingstoke, Hampshire;

"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;

"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; and "member" means a member of the force.

(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 1984(**a**).

(3) Subject to paragraph (2), the expression "service" in a rank shall be in accordance with regulations 29, 31, 32, 33 and 34 of the Royal Ulster Constabulary Regulations 1984.

(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.

Qualifications for promotion

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

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

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

(*c*) 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 shall have—

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

(*b*) 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

(*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.

(**a**) S.R. 1984/62; relevant amending regulations are S.R. 1986 No. 284, S.R. 1988 No. 340 and S.R. 1994 No. 431

(6) A member of the fingerprint branch holding the rank of sergeant or inspector by virtue of the provisions of paragraphs (2) or (4) shall, upon being transferred to serve outside the branch, revert to the rank of constable or sergeant as may be; 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) Previous service within regulation 5(*a*), (*b*) or (*c*) shall count for the purposes of paragraph (1)(*b*) and such service in the rank of sergeant shall count for the purposes of paragraph (3)(*b*) and any previous service in the fingerprint branch of a police force or constabulary specified in regulation 5 shall be treated as service in the fingerprint branch of the force for the purposes of paragraph (2) or where that previous service is in the rank of sergeant as service in that rank in that branch for the purposes of paragraph (4).

(8) Previous service within regulation 5(*a*) to (*c*) which constituted probationary service in the force or constabulary in question shall count for the purposes of paragraph (1)(*c*).

Recognition of qualifying examinations in other police forces

5.—(1) Subject to paragraph (2), a member with—

(*a*) previous service in a police force within the meaning of section 62 of the Police Act 1964(**a**);

(*b*) previous service in a police force within the meaning of the Police (Scotland) Act 1967(**b**); or

(*c*) previous service in the Isle of Man Constabulary;

who has taken the qualifying examination for promotion in that force or constabulary from constable to sergeant or from sergeant to inspector and has obtained a pass therein shall be deemed for the purposes of these regulations to have satisfied the requirement in regulation 4(1)(*a*) or, as the case by be, 4(3)(*a*).

(2) No account shall be taken for the purposes of this regulation of a pass in a qualifying examination for promotion in the Isle of Man Constabulary where the examination was taken before 1st January 1983.

Selection for promotion

6. Subject to regulations 9(2) and (4), promotion from one rank to another rank shall be by selection.

Period of probation for constable promoted sergeant

7.—(1) Subject to paragraph (2), a member who is promoted to the rank of sergeant shall be on probation in that rank for a period of one year or for such longer period as the chief constable may determine in the circumstances of a particular case.

(**a**) 1964 c. 48
(**b**) 1967 c. 77

(2) The chief constable may reduce a sergeant to the rank of constable at any time during his period of probation if the chief constable considers that he is not likely to satisfactorily perform the duties of a sergeant.

Temporary promotion

8.—(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.

Accelerated promotion courses

9.—(1) In this regulation "APC(S)" means a course for the time being recognised by the Secretary of State for the purposes of this regulation as the accelerated promotion course for sergeants and "APC(I)" means a course so recognised as the accelerated promotion course for inspectors; in this paragraph "course" means a course of training entailing periods of residence at the Police Staff College and beginning after 30th June 1992.

(2) A constable who—

(*a*) is qualified under regulation 4 for promotion to the rank of sergeant, and

(*b*) is selected to attend APC(S)

shall be promoted to the rank of sergeant on the first day of his attendance.

(3) A period spent attending APC(S)—

(*a*) counts as service in the rank of sergeant for the purposes of regulation 4(3)(*b*), but

(*b*) to the extent that it is spent in residence at the Police Staff College, does not count as probationary service in that rank for the purposes of regulation 7.

(4) A sergeant who—

(*a*) is qualified under regulation 4 for promotion to the rank of inspector, and

(*b*) is selected to attend APC(I),

shall be promoted to the rank of inspector on the first day of his attendance but shall be on probation in that rank until he has completed one year's service in it.

(5) Promotion under paragraph (2) or (4)—

(*a*) shall take place whether or not there is a vacancy in the authorised establishment for the rank in question, and

(*b*) does not affect any existing or subsequent vacancy unless the person promoted is designated to fill it.

P. B. B. Mayhew
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
21st March 1995

SCHEDULE 1 Regulation 3(1)

Qualifying Examinations

1.—(1) The qualifying examinations referred to in this Schedule are examinations in police subjects, held under arrangements approved by the examinations board, on syllabuses prepared by the examinations board in consultation with the examination agency.

(2) Each of the qualifying examinations shall comprise of—

(*a*) Part I — a written paper, and

(*b*) Part II — practical tests,

and Part II of a qualifying examination may be taken only if a pass has been obtained in Part I.

(3) There shall be held in 1994 and in each year thereafter—

(*a*) each Part of the qualifying examination for promotion to the rank of inspector, and

(*b*) each Part of the qualifying examination for promotion to the rank of sergeant.

(4) 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 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 part of a qualifying examination, and

(*b*) the circumstances in which a member who has failed in Part II of a qualifying examination may attempt it a second time without again obtaining a pass in Part I.

3. The examination papers and practical tests 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) Subject to paragraph (3), a constable who will on the date the examination is held in any year have completed 2 years' service and will have either—

(*a*) completed his probationary service, or

(*b*) completed the required period of probation following a previous appointment in the Royal Ulster Constabulary or a police force or constabulary specified in regulation 5 of the principal regulations,

will be eligible to take Part I of the qualifying examination for promotion to the rank of sergeant in that year.

(2) Subject to paragraph (3), a member or member of any other police force or constabulary specified in regulation 5 who on or before 1st November in the year preceding the year in which the examination is held holds the rank of sergeant, otherwise than on temporary promotion under regulation 8(1) of the principal regulations, is eligible to take Part I of the qualifying examination for promotion to the rank of inspector in that year.

(3) A member or a member of any other police force or constabulary specified in regulation 5 who has at any time, including a time before 1st September 1993, obtained a pass in an examination which at that time constituted—

(*a*) for the purposes of regulation 4(1)(*a*), the qualifying examination for promotion to the rank of sergeant, or

(*b*) for the purposes of regulation 4(3)(*a*), the qualifying examination for promotion to the rank of inspector,

is not eligible to take Part I of the qualifying examination for promotion to the rank in question.

(4) Previous service, including probationary service, within regulation 5(*a*), (*b*) or (*c*) shall count for the purposes of sub-paragraph (1)(*a*) and such service in the rank of sergeant (or in a rank higher than that of sergeant) shall count for the purposes of sub-paragraph (2).

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*), 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.

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, fingerpringing 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 was held shall be eligible to take the qualifying technical examination for promotion to the rank of sergeant, 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 for promotion to the rank of inspector, based on fingerprint technology and associated subjects.

(3) Previous service in the fingerprint branch of a police force or constabulary specified in regulation 5(*a*), (*b*) or (*c*) shall count for the purposes of sub-paragraph (1) and such service in the rank of sergeant (or in a rank higher than that of sergeant) shall count for the purposes of sub-paragraph (2).

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 1981 and the amending regulations referred to in regulation 2.

The main changes reflect new arrangements at the Police Staff College and alter the form of the qualifying examinations for promotion to the ranks of sergeant and inspector.