

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

(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(b) would, if these regulations had not been revoked, be deemed to have passed such an examination for the purposes thereof, shall be deemed to have obtained a pass in the corresponding examination for the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