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(*b*) would, if these regulations had not been revoked, be deemed to have passed such an examination for the purposes thereof,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