
**POLICE AND PRISON OFFICERS
(PROMOTION) (AMENDMENT) REGULATIONS 2021**

With the approval of the Administrator, the Chief Constable and Superintendent of Prisons makes the following Regulations in exercise of the powers in section 9 of the Police Ordinance 2007(a) and sections 11 and 15 of the Prisons Ordinance 1971(b).

Short title

1. These Regulations may be cited as the Police and Prison Officers (Promotion) (Amendment) Regulations 2021.

Commencement

2. These Regulations come into force on 21 April 2021.

Amendment to the Police and Prison Officers (Promotion) Regulations 2007

3.—(1) The Police and Prison Officers (Promotion) Regulations 2007(c) are amended as follows.

(2) In Regulation 3 (General Principles)—

(a) for paragraph (2) substitute—

“(2) The criteria for selection will be based on such performance or competency criteria as are approved by the Chief Constable, and applicable to the Service at the time of the promotion process.”; and

(b) in paragraph (4) for “as prescribed in the Training and Personnel Policy Documents” substitute “in the format prescribed when the opportunity for promotion is published”.

(3) In Regulation 4 (Selection Board)—

(a) Ordinance 06/2007, as amended by Ordinances 1/2011, 15/2011, 35/2013, 9/2016 and 22/2020.
(b) Ordinance 11/1971, as amended by Ordinances 2/1985, 14/2005, 16/2011 and 14/2014.
(c) P.I. 28/2007, as amended by P.I. 19/2010 and 11/2014.

- (a) for paragraph (4) substitute—
 - “(4) A representative of the Police and Prison Officers’ Association may observe a promotion interview if a candidate so requests.”,
 - (b) omit paragraph (5); and
 - (c) in paragraph (6) omit “or the Superintendent of Prisons”.
- (4) In Regulation 5 (Confirmation of Rank)—
- (a) in paragraph (1) for “two years” substitute “one year”; and
 - (b) omit paragraphs (2) and (3).
- (5) In Regulation 6 (Constable qualifications for promotion)—
- (a) for paragraph (a) substitute—
 - “(a) not have had a severe reprimand, final written warning, or more serious punishment imposed on them for a disciplinary offence during the two years immediately preceding the date on which their eligibility is being considered;”.
- (6) In Regulation 7 (Sergeant qualifications for promotion)—
- (a) for paragraph (a) substitute—
 - “(a) not have had a severe reprimand, final written warning, or more serious punishment imposed on them for a disciplinary offence during the two years immediately preceding the date on which their eligibility is being considered;”;
 - and
 - (b) in paragraph (d) for “two years” substitute “one year”.
- (7) For Regulation 8 (Chief Inspector or Superintendent qualifications for promotion), substitute—

“Chief Inspector qualifications for promotion

8. To qualify for promotion to the rank of Chief Inspector an officer of the rank of Inspector must—

- (a) not have had a severe reprimand, final written warning, or more serious punishment imposed on them for a disciplinary offence during the two years immediately preceding the date on which their eligibility is being considered;
- (b) to have completed one year in the rank of Inspector; and
- (c) have been recommended by the Board.

Superintendent qualifications for promotion

8A. To qualify for promotion to the rank of Superintendent an officer of the rank of Chief Inspector must—

- (a) not have had a severe reprimand, final written warning, or more serious punishment imposed on them for a disciplinary offence during the two years immediately preceding the date on which their eligibility is being considered;
- (b) have completed one year in the rank of Chief Inspector; and
- (c) have been recommended by the Board.”.

(8) In Regulation 10 (Qualifying examinations)—

- (a) in paragraph (c) omit “as prescribed in the SBA Police Training and Personnel Policy Document”.

(9) In Regulation 11 (Entitlement to sit examinations), for paragraph (3) substitute—

- “(3) A candidate applying to sit a qualifying examination may only withdraw their application in accordance with the Sovereign Base Areas Police Promotions Qualifying Examinations Policy as amended from time to time.”.

(10) In Regulation 13 (Pass marks for qualification), in paragraph (3) for “may apply to take future examinations” substitute “or is deemed to have failed by virtue of failing to attend the examination, may apply to take future examinations subject to conditions specified within the Sovereign Base Areas Police Promotions Qualifying Examinations Policy.”

Dated this 7th day of April 2021.

C. Eyre,
Chief Constable
And Superintendent of Prisons.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. This explanatory note relates to the Police and Prison Officers (Promotion) (Amendment) Regulations 2021 (“the Regulations”). It has been prepared by the office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.
2. This note should be read in conjunction with the Regulations. It is not, and is not intended to be, a comprehensive description of the Regulations.
3. The Regulations amend the Police and Prison Officers (Promotion) Regulations 2007 (“the principal Regulations”), updating the criteria and procedure for the promotion of locally engaged officers in the service of the police and prison services up to and including the rank of Superintendent.
4. The Regulations amend the criteria for selection for promotion to such criteria as are approved by the Chief Constable and are in force at the time of promotion.
5. Regulation 4(4) of the principal Regulations, the requirement for a representative of the Police and Prison Officers’ Association to observe a promotion interview unless the candidate objects, is amended so that the representative may only observe the interview if the candidate so requests.
6. Regulations 6, 7 and 8 of the principal Regulations are amended so that in order to be eligible for promotion to the roles of Sergeant, Inspector, Chief Inspector and Superintendent, a candidate must not have been subject to a severe reprimand, final written warning, or more serious punishment imposed on them for a disciplinary offence in the preceding two years. This reduces the severity of the disciplinary punishment that would exclude a candidate from promotion.
7. Regulation 8 of the principal regulations is revoked and replaced. The effect of this amendment is that an Inspector can no longer bypass the role of Chief Inspector to be promoted directly to the role of Superintendent.
8. Regulations 11 and 13 of the principal Regulations are amended so that candidates wishing to withdraw from an examination or apply to retake an examination may only do so in accordance with the Sovereign Base Area Police Promotions Qualifying Examinations Policy.