STATUTORY INSTRUMENTS

2002 No. 2934

PROFESSIONAL QUALIFICATIONS

The European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002

Made - - - -	*26th November 2002*
Laid before Parliament	*4th December 2002*
Coming into force - -	*1st January 2003*

The Secretary of State, being a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to recognition of higher-education diplomas or formal qualifications required for the pursuit of professions or other occupations, in exercise of the powers conferred on him by that section, hereby makes the following Regulations:

PART 1

INTRODUCTION

Citation and commencement

1.—(1) These Regulations may be cited as the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002

(2) These Regulations shall come into force on 1st January 2003.

Application

2.—(1) Subject to paragraph (2), these Regulations shall apply to the practice of a regulated profession whether in an employed or a self-employed capacity.

(**1**) S.I. 2002/248. Under section 57 of the Scotland Act 1998 (1998 c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in relation to devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by him as regards Scotland.

(**2**) 1972 c. 68. By virtue of the amendment of section 1(2) of the European Communities Act by section 1 of the European Economic Area Act 1993 (c. 51) regulations may be made under section 2 (2) of the European Communities Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(2) These Regulations shall not apply to—

(a) any profession the mutual recognition of qualifications in which is the subject of one of the directives of the European Community listed in Part 1 of Schedule 1;

(b) any activity the taking up or pursuit of which in a self-employed capacity or, as the case may be, a self-employed or employed capacity is the subject of one or more of the directives listed in Part 2 of Schedule 1; or

(c) any profession the taking up or pursuit of which is regulated pursuant to an instrument listed in Part 3 of Schedule 1.

Interpretation

3.—(1) In these Regulations the following words and phrases have the following meanings (and cognate expressions shall be construed accordingly)—

"adaptation period" has the meaning given to it by Regulation 15(2);

"another relevant State" means a relevant State other than the United Kingdom;

"appeal body" means—

(a) in relation to a profession listed in the first column of the table in paragraph 1 of Schedule 4 to the First General System Regulations, the body, court or person there specified;

(b) in relation to a profession for the time being listed in Column 1 of the table in Schedule 3 to these Regulations, the body, court or person specified in Column 2 of that table;

(c) in any other case, a county court or a sheriff court;

"aptitude test" has the meaning given to it by Regulation 15(3);

"Attestation of Competence" has the meaning given to it by Regulation 7;

"competent authority" has the meaning given to it by Regulation 8;

"Certificate" has the meaning given to it by Regulation 6;

"designated authority" has the meaning given to it by Regulation 9;

"Diploma" means a First or Second General System Diploma;

"evidence of professional experience" has the meaning given to it by Regulation 15(1);

"First General System Diploma" means a Diploma within the meaning of Regulation 2 of First General System Regulations;

"First General System Regulations" means the European Communities (Recognition of Professional Qualifications) Regulations 1991(**3**);

"holder" means a person to whom a competent authority has awarded evidence of education and training;

"home relevant State" means, as the case requires, the relevant State from which a migrant originates or comes or in which the migrant obtained his evidence of education and training or formerly practised;

"migrant" means a person seeking authorisation to practise pursuant to these Regulations who is a national of a relevant State and whose home relevant State in one or more of the senses of that expression, is not the United Kingdom;

"practice", in relation to any regulated professional activity or regulated profession within the meaning of Regulation 4 includes—

(**3**) S.I. 1991/824 amended by S.I. 2000/1960.

(a) the taking up or pursuit of that activity or that profession in a relevant State, whether in a self-employed capacity or as an employed person; and

(b) in the course of such pursuit—

(i) the use of a professional title or designatory letters; and

(ii) the enjoyment of the benefit of the status associated with membership of the profession;

"profession" includes occupation and trade;

"professional association" means an association or organisation, recognised in special form by a relevant State, the purpose of which is, in particular, to promote and maintain a high standard in the professional field with which it is concerned and which, to that end—

(a) prescribes, and enforces respect within its membership for, rules of professional conduct; and

(b) awards evidence of education and training to its members; and

(c) confers on its members the right to use one or more professional titles, or designatory letters or to benefit from a status corresponding to that education and training;

"regulated education and training" has the meaning given to it by Regulation 4(3);

"regulated profession" has the meaning given to it by Regulation 4(1);

"regulated professional activity" has the meaning given to it in Regulation 4(2);

"relevant State" means a member State, Iceland, Norway, Liechtenstein or Switzerland;

"Second General System Diploma" has the meaning given to it by Regulation 5;

"third country" means a country other than a relevant State.

(2) A reference in these Regulations to "the United Kingdom" shall, as the context requires, include a reference to any of the following: England and Wales, Scotland, and Northern Ireland.

(3) In these Regulations, the expressions "UK Diploma", "UK Certificate", "UK Attestation of Competence", "UK attestation of general education" and "UK qualification" mean, respectively, the Diploma, Certificate, Attestation of Competence, attestation of general education or qualification to possession of which the practice of the regulated profession in question is subject in the United Kingdom.

(4) For the purposes of these Regulations, an association or organisation established in the United Kingdom shall be taken to have been recognised in special form if the mode of its establishment was incorporation by Royal Charter.

Regulated Profession, Regulated Professional Activity and Regulated Education and Training

4.—(1) For the purposes of these Regulations, a profession is regulated—

(a) in the United Kingdom—

(i) if it is, or a professional title or designatory letters associated with the pursuit of the profession is or are, listed in Schedule 1 to the First General System Regulations or in Schedule 2 to these Regulations; or

(ii) at any time when it is not so listed, if and in so far as any professional activity or range of such activities which constitutes the profession is regulated within the meaning of paragraph (2);

(b) in another relevant State if and in so far as any professional activity or range of such activities which constitutes the profession is regulated within the meaning of paragraph (2).

(2) For the purposes of these Regulations, a professional activity is regulated in a relevant State if and in so far as—

(a) the practice, or any mode of practice, of that activity in that relevant State is subject, directly or indirectly, by virtue of laws, regulations or administrative provisions, to the possession of evidence of education and training or an Attestation of Competence; or

(b) it is practised under a professional title or designatory letters the use of which is reserved to holders of evidence of education and training or an Attestation of Competence governed by laws, regulations or administrative provisions; or

(c) it relates to health and the remuneration or reimbursement received for the practice of the activity in the relevant State in question is, by virtue of national arrangements for the administration of social security, subject to the possession of evidence of education and training or an Attestation of Competence; or

(d) it is practised by members of a professional association.

(3) For the purposes of these Regulations, education and training is regulated if—

(a) it is listed in Schedule 5; or

(b) it is specifically geared to the pursuit of a given profession in a relevant State, and comprises a course or courses complemented where appropriate by professional training or probationary or professional practice the structure and level of which are determined by the laws, regulations or administrative provisions of that relevant State or which are monitored or approved by the competent authority.

Definition of "Second General System Diploma"

5.—(1) In these Regulations, "Second General System Diploma" means any evidence of education and training received in accordance with paragraph (3), or any set of such evidence, which has been awarded by a competent authority in a relevant State and which shows that the holder has successfully completed either—

(a) a post-secondary course such as is described in paragraph (4) and the professional training which may be required in addition to that course; or

(b) one of the courses listed in Schedule 6

and has the professional qualifications required for the practice of a regulated profession in that relevant State.

(2) Any evidence of education and training, or any set of such evidence, which has been awarded by a competent authority in a relevant State and which—

(a) shows that the holder has successfully completed education and training received in the Community and recognised by a competent authority in that relevant State as being at a level equivalent to education and training satisfying paragraph (1); and

(b) confers the same rights in respect of the practice of the regulated profession in that relevant State

shall, for the purposes of these Regulations, be treated in the same way as a Second General System Diploma.

(3) The education and training referred to in paragraph (1) will have been received wholly or mainly—

(a) in the Community; or

(b) outside the Community at teaching establishments which provide education and training in accordance with the laws, regulations or administrative provisions of a relevant State; or

(c) if neither (a) nor (b) is the case, in a third country, provided that the holder has at least three years' professional experience certified by a relevant State which recognised evidence of education and training from that country.

(4) A post-secondary course of the kind referred to in paragraph (1) will have been one—

(a) which, if pursued full-time, was of at least one year's duration or, if pursued part-time, was of equivalent duration; and

(b) one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education,

but will not have been a course of three or more years' duration if pursued full-time, or of an equivalent duration if pursued part-time, completed at a university or establishment of higher education or another establishment of similar level.

Definition of "Certificate"

6.—(1) In these Regulations, "Certificate" means any evidence of education and training received in accordance with paragraph (3), or any set of such evidence, which has been awarded by a competent authority in a relevant State and which shows that the holder either—

(a) followed a secondary course of a technical or vocational nature of a kind which renders it unnecessary to complete any further course of education and training of the kind described in paragraph (4) or probationary or professional practice; or

(b) in any other case, after having followed a secondary course has completed either—

(i) a course of education and training such as is described in paragraph (4) and, where appropriate, the probationary or professional practice which may be required in addition to that course, or

(ii) the probationary or professional practice required in addition to the secondary course;

and that the holder has the professional qualifications required for the practice of a regulated profession in that relevant State.

(2) The education and training referred to in paragraph (1) will have been received wholly or mainly—

(a) in the Community; or

(b) outside the Community at teaching establishments which provide education and training in accordance with the laws, regulations or administrative provisions of a relevant State, or otherwise; or

(c) in a third country, provided that the holder has at least two years' professional experience certified by a relevant State which recognised evidence of education and training from that country.

(3) A course of education and training of the kind referred to in paragraph (1)(a) or (1)(b) will have been provided either—

(a) at an educational or training establishment; or

(b) on the job; or

(c) in a combination of (a) and (b)

but will not be a post-secondary course of the kind evidenced by a First or a Second General System Diploma.

(4) Any evidence of education and training, or any set of such evidence, which has been awarded by a competent authority in a relevant State and which—

(a) shows that the holder has successfully completed education and training received in the Community and recognised by a competent authority in that relevant State as being of equivalent level to education and training satisfying paragraph (1); and

(b) confers the same rights in respect of the practice of the regulated profession in that relevant State

shall, for the purposes of these Regulations, be treated in the same way as a Certificate.

Definition of "Attestation of Competence"

7.—(1) In these Regulations, an "Attestation of Competence" means any evidence of qualifications either—

(a) attesting to education and training not forming part of a set constituting a First General System Diploma or a Second General System Diploma or a Certificate; or

(b) awarded following an assessment of the holder by reference to the personal qualities, aptitudes or knowledge which a competent authority considers essential for the pursuit of a profession, without proof of prior education and training being required.

PART 2

ADMINISTRATION

Competent Authority

8.—(1) For the purposes of these Regulations, the expression "competent authority" means—

(a) in relation to—

(i) any document (including any evidence of education and training or any set of such evidence), statement, attestation or notification,

(ii) subject to sub-paragraph (b), any function of deciding, recognising, monitoring or approving,

the authority, body or person in the relevant State in question authorised to issue, make, award or give such document, statement, attestation or notification or invested with such function under the laws, regulations or administrative provisions of that State; and

(b) in relation to any profession which is regulated in a relevant State, the person, body or authority in that relevant State invested by any enactment, rule of law, charter, by-law or other rule (however described) governing the conduct of the profession or activity, with the function—

(i) of authorising the practice of the profession in that State, or

(ii) if no person, body or authority has that function in the case in question, of conferring membership of the professional association for the professional field concerned or the right to the use of certain professional titles or designatory letters or other benefits of such membership.

(2) For the purposes of paragraph (1), if in a relevant State a profession is regulated by different persons, bodies or authorities for different parts of the relevant State, the competent authority for that relevant State shall be the person, body or authority which has the function in question for the part of the relevant State in respect of which the identity of the competent authority falls to be determined.

Designated Authorities

9.—(1) For the purposes of these Regulations, the following shall be regarded as the designated authorities for their profession—

(a) in respect of any profession for the time being listed in Schedule 1 to the First General System Regulations, the person, body or authority there specified as the designated authority in relation to that profession;

(b) in respect of any profession for the time being listed in Part 1 of Schedule 2 to these Regulations, the person, body or authority there specified as the designated authority in relation to that profession or activity;

(c) in respect of any professional title or designatory letters listed for the time being in Part 2 of Schedule 2 to these Regulations, the person, body or authority there specified as the designated authority in relation to that title or those letters.

(2) If at any time a profession is regulated within the United Kingdom, or a part of it, but is not listed in one of the ways mentioned in paragraph (1), the designated authority in respect of that profession or, as the case may be, professional activity shall be the competent authority, determined in accordance with Regulation 8(1)(b).

Designated authorities – functions

10.—(1) Without prejudice to its other powers and functions, a designated authority shall have the functions of considering applications and granting authorisations under these Regulations.

(2) If, for purposes other than those of these Regulations, a designated authority has as its function or one of its functions the conferring of a professional title or designatory letters then for the purposes of paragraph (1) as it affects that body the function of authorising the practice of a profession or activity shall include the authorising of the use of that professional title or those designatory letters.

(3) Nothing in this Regulation shall be taken to require a designated authority to authorise the practice of any profession save in so far as it has that function in relation to the holders of the relevant UK qualification.

PART 3

RIGHT TO PRACTISE IN THE UNITED KINGDOM

Right to practise – Diploma

11.—(1) This Regulation applies in any case in which the practice of a profession in the United Kingdom is subject to the possession of a Diploma one of the conditions for the issue of which is the completion of a post-secondary course of four years' duration or less.

(2) Subject to paragraph (3), the designated authority for a profession may not, on the grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as those which apply to holders of the required UK Diploma—

(a) in the case in which the UK Diploma is a First General System Diploma, if any one of paragraphs 1(a) or (b) or 2 of Schedule 4 applies;

(b) in the case in which the UK Diploma is a Second General System Diploma, if any one of paragraphs 1 to 3 of that Schedule applies.

(3) The requirement in paragraph (2) to authorise on the same conditions as those which apply to a holder of the required UK Diploma shall not restrict the right of the designated authority, in the circumstances and on the conditions laid down in Part 4 of these Regulations to require a migrant—

(a) to provide evidence of professional experience; or

(b) successfully to complete an adaptation period; or

(c) to take and pass an aptitude test.

Right to practise – Certificate

12.—(1) This Regulation applies in any case in which the practice of a profession in the United Kingdom is subject to the possession of a Certificate.

(2) Subject to paragraph (3), the designated authority for a profession may not, on the grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as those which apply to holders of the required UK Certificate if any one of paragraphs 1, 4 or 5 of Schedule 4 applies.

(3) The requirement in paragraph (2) to authorise on the same conditions as those which apply to a holder of the required UK Certificate shall not restrict the right of the designated authority, in the circumstances and on the conditions laid down in Part 4 of these Regulations, to require a migrant—

(a) successfully to complete an adaptation period; or

(b) to take and pass an aptitude test.

Right to practise – Attestation of Competence

13.—(1) This Regulation applies in any case in which the practice of a profession in the United Kingdom is subject to the possession of an Attestation of Competence.

(2) Subject to paragraph (3), the designated authority for a profession may not, on the grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as those which apply to holders of the required UK Attestation of Competence—

(a) if the migrant holds at least the Attestation of Competence required in another relevant State for the practice of the same profession; or

(b) if the applicant provides proof of other qualifications obtained in other relevant States.

(3) The designated authority shall be entitled to satisfy itself that the Attestation of Competence or, as the case may be, other qualifications presented by the migrant are the equivalent of the UK Attestation of Competence in terms of the guarantees (in particular in the matter of health, safety, environmental protection and consumer protection) required of those practising the profession in the United Kingdom by laws, regulations or administrative provisions.

(4) In any case in which the designated authority cannot reasonably satisfy itself in the terms of paragraph (3) as to the equivalence of the Attestation of Competence presented by the migrant, the migrant shall be required to comply with such domestic requirements for authorisation as have been laid down for the practice of the profession.

Right to practise – Other cases

14.—(1) This Regulation applies in any case in which the practice of a profession is subject only to the possession of evidence of education attesting to general education at primary or secondary school level.

(2) The designated authority for a profession may not, on the grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as those which apply to holders of evidence of the required UK attestation of general education if the migrant possesses formal qualifications of the corresponding level or higher satisfying the requirements of paragraph (3).

(3) The formal qualifications will satisfy the requirements of this paragraph if they have been awarded by the competent authority in another relevant State.

PART 4

REQUIREMENTS OF EVIDENCE OF PROFESSIONAL EXPERIENCE, ADAPTATION PERIODS AND APTITUDE TESTS

Meaning of evidence of professional experience, adaptation period and aptitude test

15.—(1) Evidence of professional experience means evidence of the actual and lawful pursuit in a relevant State of a profession corresponding to the regulated profession which the migrant seeks to take up or pursue in the United Kingdom.

(2) An adaptation period means, in relation to the regulated profession which the migrant seeks to take up or pursue in the United Kingdom, a period of pursuit of the profession under the supervision of a qualified member of the profession, with or without the undertaking of further education and training with the aim of assessing the ability of the migrant to pursue that profession in the United Kingdom.

(3) An aptitude test means, in relation to the regulated profession which the migrant seeks to take up or pursue in the United Kingdom, a test of the migrant's professional knowledge conducted by the designated authority for the profession with the aim of assessing the ability of the migrant to pursue that profession in the United Kingdom.

Choice of evidence of professional experience, adaptation period or aptitude test

16.—(1) A designated authority may not in any case in which a migrant had made application to take up or pursue a regulated profession require the migrant to comply with more than one of the following requirements, that is to say—

(a) to produce evidence of professional experience;

(b) successfully to complete an adaptation period;

(c) to take and pass an aptitude test.

(2) A designated authority wishing to apply to a migrant a requirement either to complete an adaptation period or to take an aptitude test shall, except in a case provided for as an exception by Regulation 6(2) of, and Schedule 3 to, the First General System Regulations or by paragraph (3), afford the migrant the right to choose between them.

(3) In the case of a profession listed in the first column of the table in Schedule 7 the requirement shall be as specified in the second column of that table.

Circumstances in which evidence of professional experience may be required

17.—(1) Evidence of professional experience may only be required in a case where the duration of education and training adduced by a migrant in support of his application is at least one year less than the duration required of holders of UK Diplomas.

(2) Despite paragraph (1) evidence of professional experience may not be required in a case in which the migrant holds either—

(a) a First General System Diploma; or

(b) a Second General System Diploma evidencing education and training of the kind described in Regulation 5(1)(a)

if the UK Diploma or evidence of education and training required by the designated authority attests to one of the courses of education and training listed in Part 2 of Schedule 6.

Conditions affecting the requirement of evidence of professional experience

18.—(1) The period of professional experience evidence of which may be required of a migrant shall not exceed the shorter of—

(a) in a case in which the shortfall between the duration of the education and training required by the designated authority and the duration of the education and training evidence of which has been adduced by the migrant ("the shortfall") relates to a post-secondary course, or to a period of probationary practice carried out under the supervision of a qualified member of the profession and ending with an examination, or to both, a period twice the duration of the shortfall;

(b) in a case in which the shortfall relates to practice of the profession acquired with the assistance of a qualified member of the profession, a period equal to the shortfall;

(c) four years.

(2) For the purposes of paragraph (1), in a case in which the UK Diploma evidences a course of education and training listed in Part 2 of Schedule 6 and in which the migrant's claim to recognition rests on paragraph 9 of Schedule 4, the duration of the education and training of which evidence has adduced by the migrant shall be taken to be the duration of the post-secondary education and training of which it is the recognised equivalent.

(3) In a case in which, during the previous ten years, the migrant has pursued the profession either full-time for at least two years or part-time for an equivalent period in another relevant State which does not regulate the profession, the period of professional experience of which evidence may be required under paragraph (1) shall be reduced by the duration of that pursuit.

Circumstances in which an adaptation period or an aptitude test may be required – Diploma

19.—(1) In a case falling within Regulation 11 other than one in which a migrant's claim for recognition depends upon his ability to meet the requirements of paragraph 1(c) of Schedule 4, a designated authority may only (and subject to paragraph (2)) apply to the migrant a requirement to complete an adaptation period or to take an aptitude test if either—

(a) although the fields of activity of the profession in the relevant State in which the migrant obtained his qualification and in the United Kingdom are broadly comparable, the education and training relating to theoretical, or practical, or theoretical and practical matters received by the migrant differs substantially in coverage from that which is evidenced by the required UK Diploma; or

(b) in a case in which the migrant meets the requirements of paragraph 1(a) or (b) of Schedule 4, one or more of the regulated professional activities which form the profession in the United Kingdom is or are not included in the regulated profession in the relevant State in which the migrant obtained his qualification and the omission is reflected in substantial differences in education and training in relation to theoretical, or practical, or theoretical and practical matters evidenced by the Diploma held by the migrant on the one hand and the required UK Diploma on the other; or

(c) in any other case, one or more of the regulated professional activities which form the profession in the United Kingdom is or are not included in the profession in the relevant State in which the migrant obtained his qualification and the omission is reflected in substantial differences in education and training in relation to theoretical, or practical, or theoretical and practical matters of which evidence is held by the migrant on the one hand and evidenced by the required UK Diploma on the other.

(2) If a designated authority intends to require the migrant to complete an adaptation period or take an aptitude test in circumstances mentioned in paragraph (1) it must first examine whether the knowledge acquired by the migrant in the course of his professional experience is such that it fully or partly covers the substantial differences referred to in—

(a) paragraph 1(a) or 1(b); or

(b) paragraph 1(a) or 1(c),

as the case may be.

(3) In a case falling within Regulation 11 and in which a migrant's claim to recognition of his right to practise depends upon his ability to meet the requirements of paragraph 1(c) of Schedule 4, a designated authority may (subject to paragraph (4)) apply to the migrant a requirement to complete an adaptation period or to take an aptitude test.

(4) If a designated authority intends to require the migrant to complete an adaptation period or take an aptitude test in circumstances mentioned in paragraph (3) it must first examine whether the knowledge acquired by the migrant in the course of his professional experience is such that it fully or partly covers the substantial difference between the Second General System Diploma and the Certificate.

Circumstances in which an adaptation period or an aptitude test may be required – Certificate

20.—(1) In a case falling within Regulation 12 and in which a migrant's claim to recognition of his right to practice depends upon his ability to meet the requirements of paragraph 1 or 4 of Schedule 4, a designated authority may only (and subject to paragraph (2)) apply to the migrant a requirement to complete an adaptation period or to take an aptitude test if either—

(a) although the fields of activity of the profession in the relevant State in which the migrant obtained his qualification and in the United Kingdom are broadly comparable, the education and training which the migrant received in relation to theoretical or practical matters, taken as a whole, differs substantially in coverage from that which is evidenced by the UK Certificate; or

(b) the fields of activity of the profession in the relevant State in which the migrant obtained his qualification and in the United Kingdom differ and those differences are reflected in substantial differences in education and training in relation to theoretical or practical matters.

(2) If a designated authority intends to require the migrant to complete an adaptation period or take an aptitude test it must first examine whether the knowledge acquired by the migrant in the course of his professional experience is such that it fully or partly covers the substantial difference referred to in paragraph (1).

(3) In a case falling within Regulation 12 and in which a migrant's claim to recognition of his right to practise depends upon his ability to meet the requirements of paragraph 5 of Schedule 4, a designated authority may apply to the migrant a requirement to complete an adaptation period or to take an aptitude test.

Conditions affecting the requirement to complete an adaptation period

21.—(1) The adaptation period shall be the subject of an assessment.

(2) Subject to paragraph (3), the designated authority shall lay down the detailed rules governing—

(a) the length of the period; and

(b) the form of the assessment

and in any case in which the choice between an adaptation period and an aptitude test rests with the migrant shall notify the migrant of the rules in advance of the migrant's exercise of that choice.

(3) The adaptation period shall not exceed—

(a) 3 years in duration, in a case falling within Regulation 19; or

(b) 2 years in duration, in a case falling within Regulation 20.

Conditions affecting the requirement to take an aptitude test

22.—(1) A designated authority wishing to apply to a migrant the requirement to take an aptitude test shall draw up a list of subjects which, on the basis of a comparison between the education and training required for the practice of the profession by a holder of a UK Diploma or, as the case may be, UK Certificate and the education and training received by the migrant have not been covered by the education and training evidence of which has been produced by the migrant and in any case in which the choice between an adaptation period and an aptitude test rests with the migrant shall notify the migrant of the contents of the list in advance of his exercise of his choice.

(2) The subjects listed pursuant to paragraph (1) may cover theoretical knowledge and practical skills required for the pursuit of the profession.

(3) Subject to paragraphs (4) and (5), the detailed application of the aptitude test shall be determined by the designated authority and in any case in which the choice between an adaptation period and an aptitude test rests with the migrant shall be notified to the migrant in advance of his exercise of his choice.

(4) The aptitude test shall only consist of—

(a) subjects selected from the list drawn up pursuant to paragraph (1), knowledge of which is essential to the pursuit of the profession within the United Kingdom; and

(b) if required, a test of the migrant's knowledge of the professional rules applicable to the activities in question in the United Kingdom.

(5) In setting the aptitude test the designated authority shall take appropriate account of the migrant's status as a qualified professional in the home relevant State.

PART 5

ANCILLARY PROVISIONS

Evidence from competent authorities

23.—(1) A designated authority shall, in connection with any matter requiring to be established pursuant to Parts 3 and 4, accept as sufficient evidence thereof the documents duly issued by a competent authority of the appropriate relevant State for the purpose of attesting such matters.

(2) A designated authority which—

(a) requires of an applicant for authorisation to practice proof that he is of good character or repute, or that he has not been declared or adjudged bankrupt, or had a bankruptcy or similar order made against him or in relation to his estate; or

(b) suspends or prohibits practice in the event of serious professional misconduct or the commission of a criminal offence;

shall, in respect of a migrant, accept as sufficient evidence in relation to the foregoing the documents duly issued by the competent authorities of the home relevant State showing, in the case of (a), that the relevant conditions are met, or, in the case of (b), that the migrant has committed no such misconduct or offence.

(3) In any case in which the competent authorities do not issue such documents as may be required under paragraph (2), the designated authority shall, subject to paragraph (4), accept in the place of such documents a declaration or oath or solemn declaration to the required effect, made by the migrant before a competent judicial or administrative authority or (where appropriate) a notary or duly qualified professional body of the home relevant State.

(4) A declaration for the purposes of paragraph (3) shall only be required to be accepted if it is accompanied by written confirmation of its authenticity issued by the authority, notary or body.

(5) A designated authority which requires of persons wishing to practise a statement of physical or mental health, shall accept as sufficient evidence thereof the documents required for such a purpose in the home relevant State.

(6) In any case in which the competent authority of the migrant's home relevant State does not impose the requirement referred to in paragraph (5), the designated authority shall accept a statement issued by a competent authority there which corresponds to the statement issued for that purpose in the United Kingdom.

(7) A designated authority may require any document, statement or certificate referred to in paragraph (2), (3), (5) or (6) to be presented no more than three months after the date of its issue.

(8) Where a designated authority requires applicants to take an oath or make a solemn declaration, the form of which is such that it cannot be taken or made by nationals of another relevant State, it shall ensure that an appropriate equivalent form of oath or declaration is available for those nationals.

(9) A designated authority which requires of an applicant for authorisation to practise proof of financial standing shall, in respect of a migrant, regard certificates issued by banks in the home relevant State as equivalent to those issued by banks in the United Kingdom.

(10) Subject to paragraph (11) a designated authority which requires proof that an applicant for authorisation to practise is insured against the financial risks arising from the applicant's professional liability shall in respect of a migrant accept certificates issued by insurance undertakings of other relevant States as equivalent to those issued by insurance undertakings in the United Kingdom.

(11) Any certificate referred to in paragraph (10) shall state that the insurer has complied with the laws and regulations in force in the United Kingdom regarding the terms and extent of cover and shall be presented no more than three months after the date of issue.

Use of professional title

24.—(1) A migrant who has been granted authorisation to practise a regulated profession pursuant to these Regulations shall have the right to use—

(a) the professional title and designatory letters applicable to that profession in the United Kingdom; and

(b) the lawful academic title (and where appropriate the abbreviation thereof) acquired by him in the relevant State in which he qualified and in the language of that State.

(2) Where the migrant makes use of the possibility provided for in sub-paragraph (1)(b), the designated authority may require that the title shall be followed by the name and location of the establishment or examining board which awarded it.

(3) Where the migrant makes use of the possibility provided for in sub-paragraph (1)(a) of this Regulation, and either—

(a) the professional title or designatory letters appear in Part 2 of Schedule 1 to the First General System Regulations or Part 2 of Schedule 2 to these Regulations; or

(b) they do not so appear but the profession is regulated by a professional association

he shall only be entitled to use the professional title or designatory letters on proof of membership of the professional association.

(4) Where membership of a professional association is subject to any qualification requirements, such requirements may be applied to a migrant whose evidence of education and training satisfies the relevant provisions of Schedule 4 only so far as they are consistent with the provisions of these Regulations.

Decisions of designated authorities and appeals

25.—(1) The designated authority to which a migrant applies for authorisation to practise shall consider the migrant's application as soon as is reasonably practicable, and shall notify him of its decision together with the reasons upon which it is based within four months of receipt of all the relevant documents.

(2) The migrant may appeal—

(a) against the decision of the designated authority referred to in paragraph (1); or

(b) in a case in which the period of four months mentioned in paragraph (1) has expired without the notification referred to, in respect of the failure of such authority to make a decision

to the appeal body for the profession provided that such appeal is lodged within three months of the notification to him of the designated authority's decision, or of the expiry, without a decision being notified to him, of the period laid down in paragraph (1) or thereafter with leave of the appeal body.

(3) A migrant who has a right of appeal under this Regulation and, in respect of the same issue, a right of appeal under any law, regulation or administrative provision or, as the case may be, rules governing a profession or professional association may not exercise the two rights separately but may take advantage of whichever right of appeal is, in any respect, the more favourable to him.

(4) The appeal body for a profession may, for the purpose of determining any appeal under these Regulations against the decision of a designated authority—

(a) give any authorisation to practise and impose any condition which the designated authority could give or impose in relation to that profession; or

(b) remit the matter to the designated authority with such directions as the appeal body sees fit.

(5) Without prejudice to any powers of the Court of Session in Scotland to regulate the proceedings of itself and those of the sheriff courts but subject always to paragraph (6), an appeal body in England and Wales or Northern Ireland may make rules of procedure governing the hearing and determination of any appeal under these Regulations against the decision of a designated authority. Such rules may make different provision for different cases.

(6) In the case of a migrant exercising the composite right described in paragraph (3), the rules of procedure governing the hearing and determination of the appeal shall apply subject to any modification necessary to give effect to the more favourable provision.

Information from designated authorities and competent authorities

26.—(1) Designated authorities shall provide the Secretary of State with such information (including statistical information) as he may require concerning applications made and decisions taken under these Regulations.

(2) Any authority, body or person who is the competent authority in respect of information or evidence sought by the holder of a UK qualification in support of his application to practise a profession in another relevant State which regulates that profession shall, as soon as is reasonably practicable following the request of the holder, produce to the holder such information and evidence as the holder reasonably requires to that end.

Revocation

27. The following Regulations are hereby revoked—

(a) the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996(**4**);

(b) the European Communities (Recognition of Professional Qualifications) (Second General System) (Amendment) Regulations 1999(**5**); and

(c) the European Communities (Recognition of Professional Qualifications) (Second General System) (Amendment) Regulations 2001(**6**).

Margaret Hodge
Minister of State,
Department for Education and Skills

26th November 2002

(**4**) S.I. 1996/2374.
(**5**) S.I. 1999/67.
(**6**) S.I. 2001/200.

SCHEDULE 1 Regulation 2

SCOPE OF THE REGULATIONS

In the tables forming Parts 1 and 2 of this Schedule, in respect of each Council Directive listed, the first column refers to the legislative act number, the second column gives the title and the third column gives the publication reference in the Official Journal of the Communities.

PART 1

DIRECTIVES ESTABLISHING ARRANGEMENTS FOR MUTUAL RECOGNITION OF DIPLOMAS, CERTIFICATES AND OTHER EVIDENCE OF FORMAL QUALIFICATIONS IN SPECIFIC PROFESSIONS AND PROFESSIONAL ACTIVITIES

Column 1	*Column 2*	*Column 3*
77/452/EEC(**7**)	Council Directive of 27 June 1977 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications of nurses responsible for general care measures to facilitate the effective exercise of this right of establishment and freedom to provide services	O.J. No. L176, 15.7.1977, p. 1.
78/686/EEC(**8**)	Council Directive of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services	O.J. No. L233, 24.8.1978, p. 1.
78/1026/EEC(**9**)	Council Directive of 18 December 1978 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary	O.J. No. L362, 23.12.1978, p. 1.

(**7**) Supplemented by Council Directive 81/1057/EEC, O.J. No. L385, 31.12.1981, p.25, and amended by Council Directive 89/594/EEC, O.J. No. L341, 23.11.1989, p.19 and Directive 2001/19/EC of the European Parliament and of the Council, O.J. No. L206, 31.7.01, p.1.

(**8**) Supplemented by Council Directive 81/1057/EEC, O.J. No. L385, 31.12.1981, p.25, and amended by Council Directive 89/594/EEC, O.J. No. L341, 23.11.89, p.19 and Directive 2001/19/EC of the European Parliament and of the Council, O.J. No. L206, 31.7.01, p.1.

(**9**) Supplemented by Council Directive 81/1057/EEC, O.J. No. L385, 31.12.81, p.25, and amended by Council Directive 89/594/EEC, O.J. No. L341, 23.11.1989, p.19 and Directive 2001/19/EC of the European Parliament and of the Council, O.J. No. L206, 31.7.01, p.1.

Column 1	*Column 2*	*Column 3*
	medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services	
80/154/EEC(**10**)	Council Directive of 21 January 1980 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery and including measures to facilitate the effective exercise of the right of establishment and freedom to provide services	O.J. No. L33, 11.2.1980, p. 1.
85/384/EEC(**11**)	Council Directive of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services	O.J. No. L223, 21.8.1985, p. 15.
85/433/EEC(**12**)	Council Directive of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of this right of establishment relating to certain activities in the field of pharmacy	O.J. No. L253, 24.9.1985, p. 37.
87/540/EEC	Council Directive of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation	O.J. No. L322, 12.11.1987, p. 20.

(**10**) Amended by Council Directive 89/594/EEC. O.J. No L341, 23.11.1989, p.19 and Directive 2001/19/EC of the European Parliament and of the Council, O.J. No. L206, 31.7.01, p.1.
(**11**) Amended by Directive 2001/19/EC of the European Parliament and of the Council, O.J. No. L206, 31.7.01, p.1.
(**12**) Amended by Directive 2001/19/EC of the European Parliament and of the Council, O.J. No. L206, 31.7.01, p.1.

Column 1	*Column 2*	*Column 3*
91/670/EEC	Council Directive of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation	O.J. No. L373, 31.12.1991, p.21.
93/16/EEC(**13**)	Council Directive of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications	O.J. No. L165, 7.7.1993, p. 1.
96/26/EC	Council Directive of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations	O.J. No. L124, 23.5.1996, p.1.

PART 2

DIRECTIVES CONCERNING FREEDOM OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES OR TRANSITIONAL MEASURES IN RESPECT OF ACTIVITIES

Column 1	*Column 2*	*Column 3*
74/557/EEC	Council Directive of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products	O.J. No. L307, 18.11.1974, p.5.
74/556/EEC	Council Directive of 4 June 1974 laying down detailed provisions concerning transitional measures relating	O.J. No. L307, 18.11.1974, p.1.

(**13**) Amended by Directive 2001/19 EC of the European Parliament and of the Council, O.J. No. L206, 31.7.01, p.1.

Column 1	*Column 2*	*Column 3*
	to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries	
77/92/EEC	Council Directive of 13 December 1976 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of the activities of insurance agents and brokers (ex ISIC Group 630) and, in particular, transitional measures in respect of those activities	O.J. No. L26, 31.1.1977, p.14.
1999/42/EC	Directive of the European Parliament and of the Council of 7 June 1999 establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications	O.J. No. L201, 31.7.1999, p.77.

PART 3

INSTRUMENTS PURSUANT TO WHICH THE TAKING UP AND PURSUIT OF PROFESSIONS IS REGULATED IN THE UNITED KINGDOM

Chapter/SI Number	*Short Title/Title*
S.I.1984/1115(**14**)	The Fishing Vessels (Certification of Deck Officers and Engineers) Regulations 1984
S.I. 1997/348(**15**)	The Merchant Shipping (Training and Certification) Regulations 1997
S.I. 1993/1213	The Merchant Shipping (Local Passenger Vessels) (Masters' Licences and Hours, Manning and Training) Regulations 1993
S.I. 1992/1675	The Road Works (Qualifications of Supervisors and Operatives) (Scotland) Regulations 1992

(**14**) Amended by S.I. 1995/1428.
(**15**) Amended by S.I. 1997/1911 and 2000/836.

Chapter/SI Number	*Short Title/Title*
S.I. 1992/1687	The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992
S.R.(N.I.)1998/20	The Street Works (Qualifications of Supervisors and Operatives) Regulations (Northern Ireland) 1998

SCHEDULE 2 Regulation 4

REGULATED PROFESSIONS

PART 1

PROFESSIONS REGULATED BY LAW OR PUBLIC AUTHORITY

Profession	*Designated Authority*
Air Traffic Controller	Civil Aviation Authority
Aircraft Maintenance Engineer	Civil Aviation Authority
Airport Fire Officer	Civil Aviation Authority
Airport Firefighter	Civil Aviation Authority
Licensed Boatmaster	Secretary of State
Licensed Cab Driver (London)	Transport for London
Licensed Conveyancer	The Council for Licensed Conveyancers
Qualified Conveyancer (Scotland)	The Scottish Conveyancing and Executry Services Board
Dental Hygienist	General Dental Council
Dental Therapist	General Dental Council
Dispensing Optician	General Optical Council
Registered Dispenser of Hearing Aids	Hearing Aid Council
Diver	Health and Safety Executive
Department of Transport Approved Driving Instructor (Great Britain)	The Registrar for the purposes of Part V of the Road Traffic Act 1988(**16**)
Department of the Environment Approved Driving Instructor	The Registrar within the meaning of the Motor Cars (Driving Instruction)Regulations (Northern Ireland) 1991(**17**)
Executry Practitioner	The Scottish Conveyancing and Executry Services Board

(**16**) 1988 c. 52. Relevant amendments were made by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c. 31).
(**17**) S.R. (N.I.) 1991 No. 373.

Profession	*Designated Authority*
Registered Gas Installer	The Council for Registered Gas Installers
Insolvency Practitioner	Secretary of State The Insolvency Practitioners Association The Association of Chartered Certified Accountants, The Institute of Chartered Accountants in England and Wales, The Institute of Chartered Accountants in Ireland, The Institute of Chartered Accountants of Scotland, The Law Society, The Law Society of Northern Ireland, The Law Society of Scotland
Inspector of Weights and Measures	Secretary of State Department of Enterprise, Trade and Investment in Northern Ireland
Certified Instructor (Motor Bicycles) (in Great Britain)	Secretary of State
Licensed Lighterman	Port of London Authority
Nurse admitted to any of the following parts of the register— Part 2 — Second level nurse trained in general nursing (England and Wales); Part 4 — Second level nurse trained in the nursing of persons suffering from mental illness (England and Wales); Part 6 — Second level nurse trained in the nursing of persons suffering from learning disabilities (England and Wales); Part 7 — Second level nurse (Scotland and Northern Ireland)	Nursing and Midwifery Council(**18**)
State Registered Paramedic	Health Professions Council(**19**)
Teacher at an institution in England or Wales within the further education sector (within the	Secretary of State

(**18**) See the Nursing and Midwifery Order 2001, S.I. 2002/253, and the Nursing and Midwifery Order 2001 (Consequential Amendments) Order 2002, S.I. 2002/881.
(**19**) See the Health Professions Order 2001, S.I. 2002/254 and the Health Professions Order 2001 (Consequential Amendments) Order 2002, S.I. 2002/880.

Profession	*Designated Authority*
meaning of the Further and Higher Education Act 1992)(**20**)	
Certified Technically Competent Person	Waste Management Industry Training and Advisory Board
Registered Trade Mark Agent	The Institute of Trade Mark Attorneys
Licensed Trainee Driving Instructor	The Registrar for the purposes of Part V of the Road Traffic Act 1988
Listed Veterinary Nurse	The Royal College of Veterinary Surgeons
Licensed Waterman	Port of London Authority

PART 2

PROFESSIONS REGULATED BY PROFESSIONAL ASSOCIATIONS

Professional title	*Designatory letters*	*Designated Authority*
Associate of the Chartered Institute of Arbitrators	ACIArb	Chartered Institute of Arbitrators
Associate of the Chartered Institute of Building	ACIOB	Chartered Institute of Building
Associate Member of The Chartered Institute of Marketing	ACIM	The Chartered Institute of Marketing
Associate of the Royal Academy of Dance	A.R.A.D.	The Royal Academy of Dance
Associate of the Royal College of Organists	ARCO	The Royal College of Organists
Choir Master	(CHM)	The Royal College of Organists
Engineering Technician	EngTech	The Engineering Council (UK)(**21**)
Fellow of the Royal College of Organists	FRCO	The Royal College of Organists
Housing Practitioner		The Chartered Institute of Housing
Licentiate of the Institute of Mathematics and its Applications		The Institute of Mathematics and its Applications
Licentiate of the Royal Academy of Dance	L.R.A.D.	The Royal Academy of Dance

(**20**) 1992 c. 13. See also the Further Education Teachers' Qualifications (England) Regulations 2001 (S.I. 2001/1209) and the Further Education Teachers' Qualifications (Wales) Regulations 2002 (S.I. 2002/1663).
(**21**) Amended by Supplemental Charter granted on 22.3.02.

Professional title	*Designatory letters*	*Designated Authority*
Licentiate of The Society of Dyers and Colourists	LSDC	The Society of Dyers and Colourists
Licentiate of the Textile Institute	LTI	The Textile Institute
Member of the Chartered Institute of Arbitrators	MCIArb	Chartered Institute of Arbitrators
Technical Member of The Royal Institution of Chartered Surveyors	TechRICS	The Royal Institution of Chartered Surveyors

SCHEDULE 3 Regulation 3(1)

APPEAL BODIES

Profession	*Appeal Body*
Executry Practitioner	Court of Session
Licensed Cab Driver (London)	The magistrates' court
Qualified Conveyancer (Scotland)	Court of Session
Registered Trade Mark Agent	The Comptroller-General of Patents, Designs and Trade Marks
Approved Driving Instructor (Great Britain)	Transport Tribunal

SCHEDULE 4 Regulations 11, 12, 18, 19, 20

CIRCUMSTANCES IN WHICH DESIGNATED AUTHORITIES ARE REQUIRED NOT TO REFUSE TO AUTHORISE THE TAKING UP OR PURSUIT OF A PROFESSION

PART 1

CONDITIONS FOR THE AUTHORISATION OR THE PRACTICE OF A PROFESSION REGULATED IN THE UNITED KINGDOM AT THE LEVEL OF A DIPLOMA OR A CERTIFICATE

1. This paragraph applies if the migrant holds either—

(a) a First General System Diploma; or

(b) a Second General System Diploma; or

(c) a Certificate

being the Diploma or Certificate required in another relevant State for the practice of the profession within the territory of that State.

2. This paragraph applies if the migrant—

(a) possesses evidence of education and training which satisfies—

(i) paragraph 6, and

(ii) the evidential requirements of either paragraph 7 or paragraph 8 or, where it applies, paragraph 9; and

(b) in a case in which the requirement of professional experience is permissible under paragraph 17 and is imposed by the designated authority, meets the practising requirements of paragraph 16.

3. This paragraph applies if the migrant—

(a) possesses evidence of education and training which satisfies—

(i) paragraph 6, and

(ii) the evidential requirements of paragraph 11; and

(b) in a case in which the requirement of professional experience is permissible under paragraph 17 and is imposed by the designated authority, meets the practising requirements of paragraph 16.

4. This paragraph applies if the migrant—

(a) possesses evidence of education and training which satisfies

(i) paragraph 6, and

(ii) the evidential requirements of either paragraph 7 or paragraph 11 or, where it applies, paragraph 12; and

(b) in a case in which the requirement of professional experience is permissible under paragraph 17 and is imposed by the designated authority, meets the practising requirements of paragraph 16.

5. This paragraph applies if, during the previous ten years, the migrant has pursued the profession either full-time for at least three consecutive years or part-time for an equivalent period in another relevant State which does not regulate the profession.

PART 2

EVIDENCE OF EDUCATION AND TRAINING

6. The education and training of which the holder possesses evidence must, in every case to which this paragraph applies, have been such as to have prepared the holder for the pursuit of the profession.

7. Evidence of education and training satisfies this paragraph if it has been awarded by a competent authority in a relevant State and it shows that the holder has successfully completed a post-secondary course of the kind described in paragraph 14.

8. Evidence of education and training satisfies this paragraph if it has been awarded by a competent authority in a relevant State and it attests to one of the courses of regulated education and training listed in Schedule 5.

9. Subject to paragraph 10, evidence of education and training satisfies this paragraph if—

(a) it has been awarded by a competent authority in a relevant State on the completion of education and training in the Community; and

(b) it is recognised in that relevant State as being of an equivalent level to evidence of education and training constituting either a First General System Diploma or a Second General System Diploma or which satisfies paragraph 7 or 8.

10. Paragraph 9 only applies if the recognition given to the evidence of education and training by the relevant State has been notified to the other relevant States and to the European Commission.

11. Evidence of education and training satisfies this paragraph if it has been awarded by a competent authority in a relevant State and either—

(a) it shows that the holder, having followed a secondary course of a technical or vocational nature has, where necessary, completed either—

(i) a course of education and training such as is described in paragraph 15, or

(ii) the probationary or professional practice which is integral to the secondary course; or

(b) it shows that the holder, having followed a secondary course other than a course of a technical or vocational nature has completed either—

(i) a course of education and training such as is described in paragraph 15 and, where appropriate, the professional training which may be required in addition to that course, or

(ii) has completed the probationary or professional practice which is integral to the secondary course.

12. Subject to paragraph 13, evidence of education and training satisfies this paragraph if—

(a) it has been awarded by a competent authority in a relevant State on the completion of education and training in the Community; and

(b) it is recognised in that relevant State as being of an equivalent level to evidence of education and training which satisfies paragraph 11.

13. Paragraph 12 only applies if the recognition given to the evidence of education and training by the relevant State has been notified to the other relevant States and to the European Commission.

14. A post-secondary course of the kind referred to in paragraph 7 will be one—

(a) which, if pursued full-time, is of at least one year's duration or, if pursued part-time, is of equivalent duration; and

(b) one of the conditions of entry of which is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education,

but will not be a course of three or more years' duration if pursued full-time, or of an equivalent duration if pursued part-time, completed at a university or establishment of higher education or another establishment of similar level.

15. A course of education and training of the kind referred to in paragraph 11 will be provided either—

(a) at an educational or training establishment; or

(b) on the job; or

(c) in a combination of (a) and (b)

but will not be a course of the kind evidenced by a First or Second General System Diploma.

PART 3

REQUIREMENTS OF PROFESSIONAL EXPERIENCE

16. The practising requirements referred to in this Schedule are that during the previous ten years, the migrant has pursued the profession either full-time for at least two years or part-time for an equivalent period in another relevant State which does not regulate the profession.

17. The practising requirements of paragraph 16 are permissible only in the case in which the evidence of education and training held by the migrant relates to education and training other than regulated education and training.

SCHEDULE 5

Regulation 4(3); Schedule 4

LIST OF COURSES OF REGULATED EDUCATION AND TRAINING

In Germany

The following regulated courses:

— Regulated courses preparatory to the pursuit of the professions of technical assistant ("technisch(r) Assistent(in)"), commercial assistant ("kaufmännisch(r) Assistent(in)"), social professions ("soziale Berufe") and the profession of State-certified respiration and elocution instructor ("staatlich geprüfte(r) Atem-, Sprech- und Stimmlehrer(in)"), of a total duration of at least 13 years, which require successful completion of the secondary course of education ("mittlerer Bildungsabschluß") and which comprise:

  (i) at least three years of vocational training at a specialised school ("Fachschule") culminating in an examination and, where applicable, supplemented by a one-year or two-year specialisation course also culminating in an examination,

  (ii) or at least two and a half years at a specialised school ("Fachschule") culminating in an examination and supplemented by work experience of a duration of not less than six months or a traineeship of not less than six months in an approved establishment,

  (iii) or at least two years at a specialised school ("Fachschule") culminating in an examination and supplemented by work experience of a duration of not less than one year or a traineeship of not less than one year in an approved establishment.

— Regulated courses for the professions of State-certified ("staatlich geprüfte(r)") technician ("Techniker(in)"), business economist ("Betriebswirt(in)"), designer ("Gestalter(in)") and family assistant ("Familiepfleger(in)"), of a total duration not less than 16 years, a prerequisite of which is successful completion of compulsory schooling or equivalent education and training (of a duration of not less than nine years) and successful completion of a course at a trade school ("Berufsschule") of a duration of not less than three years and comprising, upon completion of at least two years of work experience, full-time education and training of a duration of not less than two years or part-time education and training of equivalent duration.

— Regulated courses and regulated in-service training, of a total duration of not less than 15 years, a prerequisite of which is, generally speaking, successful completion of compulsory schooling (of a duration not less than nine years) and of vocational training (normally three years) and which generally comprise at least two years of work experience (three years in most cases) and an examination in the context of in-service training preparation for which generally comprises a training course which is either concurrent with the work experience (at least 1,000 hours) or is attended on a full-time basis (at least one year).

In the Netherlands:

— Regulated training courses of a total duration of not less than 15 years, a prerequisite of which is successful completion of eight years of primary education plus four years of either intermediate general secondary education ("MAVO") or Preparatory Vocational Education ("VBO") or general secondary education of a higher level, and which require the completion of a three year

or four year course at a college for intermediate vocational training ("MBO"), culminating in an examination.

— Regulated training courses of a total duration not less than 16 years, a prerequisite of which is successful completion of eight years of primary education plus four years of at least preparatory vocational education ("VBO") or a higher level of general secondary education, and which require the completion of at least four years of vocational training in the apprenticeship system, comprising at least one day of theoretical instruction at a college each week and on the other days practical training in a practical training centre or in a firm, and culminating in a secondary or tertiary level examination.

In Austria:

— Courses at higher vocational schools ("Berufsbildende Höhere Schulen") and higher education establishments for agriculture and forestry ("Höhere Land- und Forstwirtschaftliche Lehranstalten"), including special types ("einschließlich der Sonderformen"), the structure and level of which are determined by law, Regulations and administrative provisions.

These courses have a total length of not less than 13 years and comprise five years of vocational training which culminate in a final examination, the passing of which is proof of professional competence.

— Courses at master schools ("Meisterschulen"), master classes ("Meisterklassen"), industrial master schools ("Werkmeisterschulen") or building craftsmen schools ("Bauandwerkerschulen"), the structure and level of which are determined by law, regulations and administrative provisions.

These courses have a total length of not less than 13 years, comprising nine years of compulsory education, followed by either at least three years of vocational training at a specialised school or at least three years of training in a firm and in parallel at a vocational training school ("Berufsschule"), both of which culminate in an examination, and are supplemented by successful completion of at least a one year training course at a master school ("Meisterschule"), master classes ("Meisterklassen"), industrial master school ("Werkmeisterschule") or a building craftsmen school ("Bauhandwerkerschule"). In most cases the total duration is at least 15 years, comprising periods of work experience, which either precede the training courses at these establishments or are accompanied by part time courses (at least 960 hours).

SCHEDULE 6

Regulation 5(1)(b)

LIST OF COURSES EVIDENCE OF SUCCESSFUL COMPLETION OF WHICH IS CONSTITUENT OF A SECOND GENERAL SYSTEM DIPLOMA

PART 1

COURSES REFERABLE TO THE PRACTICE OF A PROFESSION IN ANOTHER RELEVANT STATE

Paramedical and childcare training course

1. Training for the following:

In Germany:

— paediatric nurse “Kinderkrankenschwester/Kinderkrankenpfleger”),
— physiotherapist (“Krankengymnast(in)/Physiotherapeut(in)”),
— occupational therapist (“Beschäftigungs- und Arbeitstherapeut(in)”),
— speech therapist (“Logopäde/Logopädin”),
— orthoptist (“Orthoptist(in)”),
— State-recognised childcare worker (“Staatlich anerkannte(r) Erzieher(in)”),
— State-recognised remedial teacher (“Staatlich anerkannte(r) Heilpädagoge(-in)”),
— medical laboratory technician (“medizinisch-technische(r) Laboratoriums-Assistent(in)”),
— medical X-ray technician (“medizinisch-technische(r) Radiologie-Assistent(in)”),
— medical functional diagnostics technician (“medizinisch-technische(r) Assistent(in) für Funktionsdiagnostik”),
— veterinary technician (“veterinärmedizinisch-technische(r) Assistent(in)”),
— dietitian (“Diätassistent(in)”),
— pharmacy technician (“Pharmazieingenieur”) received prior to 31 March 1994 in the former German Democratic Republic or in the territory of the new *Länder*,
— psychiatric nurse (“Psychiatrische(r) Krankenschwester/Krankenpfleger”),
— speech therapist (“Sprachtherapeut(in)”).

In Italy:

— dental technician (“odontotecnico”),
— optician (“ottico”),
— chiropodist (“podologo”).

In Luxembourg:

— medical X-ray technician (assistant(e) technique médical(e) en radiologie),
— medical laboratory technician (assistant(e) technique médical(e) de laboratoire),
— psychiatric nurse (infirmier/ière psychiatrique),
— medical technician-surgery (assistant(e) technique médical(e) en chirurgie),
— paediatric nurse (infirmier/ière puériculteur/trice),
— nurse-anaesthetics (infirmier/ière anesthésiste),
— qualified masseur/masseuse (masseur/euse diplômé(e)),
— childcare worker (éducateur/trice).

In the Netherlands:

— veterinary assistant (“dierenartassistent”),

which represent education and training courses of a total duration of at least thirteen years, comprising:

(i) either at least three years of vocational training in a specialised school culminating in an examination, in some cases supplemented by a one or two-year specialisation course culminating in an examination,

(ii) or at least two and a half years in a specialised school culminating in an examination and supplemented by work experience of at least six months in an approved establishment,

(iii) or at least two years in a specialised school culminating in an examination and supplemented by work experience of at least one year or by a traineeship of at least one year in an approved establishment,

(iv) or in the case of the veterinary assistant ("dierenartassistent") in the Netherlands three years of vocational training in a specialised school ("MBO" -scheme) or alternatively three years of vocational training in the dual apprenticeship system ("LLW"), both of which culminate in an examination.

In Austria:

— special basic training for nurses specialising in the care of children and young people,

— special basic training for psychiatric nurses,

— contact lens optician ("Kontaktlinsenoptiker"),

— pedicurist ("Fusspfleger"),

— acoustic-aid technician ("Hörgeräteakustiker"),

— druggist ("Drogist"),

which represent education and training courses of a total duration of at least fourteen years, including at least five years' training followed within a structured training framework, divided into an apprenticeship of at least three years' duration, comprising training partly received in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training, culminating in a professional examination conferring the rights to exercise the profession and to train apprentices,

— masseur ("Masseur"),

which represents education and training courses of a total duration of fourteen years, including five years' training within a structured training framework, comprising an apprenticeship of two years duration, a period of professional practice and training of two years' duration and a training course of one year culminating in a professional examination conferring the rights to exercise the profession and to train apprentices,

— kindergarten worker ("Kindergärtner/in"),

— child care worker ("Erzieher"),

which represent education and training courses of a total duration of thirteen years, including five years of professional training in a specialised school, culminating in an examination.

Master craftsman sector ("Mester/Meister/Maitre") which represents education and training courses concerning skills not covered by the Directive listed in Annex A

2. Training for the following:

In Denmark:

— optician ("optometrist"),

this course is of a total duration of 14 years, including five years' vocational training divided into two-and-a-half years' theoretical training provided by the vocational training establishment and two-and-a-half years' practical training received in the workplace, and culminating in a recognised examination, relating to the craft and conferring the right to use the title "Mester";

— orthopaedic technician ("ortopaedimekaniker"),

this course is of a total duration of 12.5 years, including three-and-a-half years' vocational training divided into six months' theoretical training provided by the vocational training establishment and three years' practical training received in the workplace, and culminating in a recognised examination relating to the craft and conferring the right to use the title “Mester”;

— orthopaedic boot and shoemaker (“ortopaediskomager”),

this course is of a total duration of 13.5 years, including four-and-a-half years' vocational training divided into two years' theoretical training provided by the vocational training establishment and two-and-a-half years' practical training received in the workplace, and culminating in a recognised examination relating to the craft and conferring the right to use the title “Mester”.

In Germany:

— optician (“Augenoptiker”),
— dental technician (“Zahntechniker”),
— surgical truss maker (“Bandagist”),
— hearing-aid maker (“Hörgeräte-Akustiker”),
— orthopaedic technician (“Orthopädiemechaniker”),
— orthopaedic bootmaker (“Orthopädieschuhmacher”).

In Luxembourg:

— dispensing optician (“opticien”),
— dental technician (“mécanicien dentaire”),
— hearing-aid maker (“audioprothésiste”),
— orthopaedic technician/surgical truss maker (“mécanicien orthopédiste/bandagiste”),
— orthopaedic bootmaker (“orthopédiste-cordonnier”).

These courses are of a total duration of 14 years, including at least five years' training followed within a structured training framework, partly received in the workplace and partly provided by the vocational training establishment, and culminating in an examination which must be passed in order to be able to practise any activity considered as skilled, either independently or as an employee with a comparable level of responsibility.

In Austria:

— urgical truss maker (“Bandagist”),
— corset maker (“Miederwarenerzeuger”),
— optician (“Optiker”),
— orthopaedic shoemaker (“Orthopädieschuhmacher”),
— orthopaedic technician (“Orthopädietechniker”),
— dental technician (“Zahntechniker”),
— gardener (“Gärtner”),

which represent education and training of a total duration of at least fourteen years, including at least five years' training within a structured training framework, divided into an apprenticeship of at least three years' duration, comprising training received partly in the workplace and partly provided by a vocational training establishment, and a period of professional practice and training of at least two years' duration culminating in a mastership examination conferring the rights to exercise the

profession, to train apprentices and to use the title "Meister", training for master craftsmen in the field of agriculture and forestry, namely:

— master in agriculture ("Meister in der Landwirtschaft"),

— master in rural home economics ("Meister in der ländlichen Hauswirtschaft"),

— master in horticulture ("Meister im Gartenbau"),

— master in market gardening ("Meister im Feldgemüsebau"),

— master in pomology and fruit-processing ("Meister im Obstbau und in der Obstverwertung"),

— master in viniculture and wine-production ("Meister im Weinbau und in der Kellerwirtschaft"),

— master in dairy farming ("Meister in der Molkerei und Käsereiwirtschaft"),

— master in horse husbandry ("Meister in der Pferdewirtschaft"),

— master in fishery ("Meister in der Fischereiwirtschaft"),

— master in poultry farming ("Meister in der Geflügelwirtschaft"),

— master in apiculture ("Meister in der Bienenwirtschaft"),

— master in forestry ("Meister in der Forstwirtschaft"),

— master in forestry plantation and forest management ("Meister in der Forstgarten- und Forstpflegewirtschaft"),

— master in agriculture warehousing ("Meister in der landwirtschaftlichen Lagerhaltung"),

which represent education and training of a total duration of at least fifteen years including at least six years' training followed within a structured training framework divided into an apprenticeship of at least three years' duration, comprising training partly received in the workplace and partly provided by a vocational training establishment, and a period of three years of professional practice culminating in a mastership examination relating to the profession and conferring the rights to train apprentices and to use the title "Meister".

In Norway:

— teacher of technical and vocational subjects ("yrkesfaglærer"),

which represents education and training of a total duration of eighteen to twenty years, including nine to ten years of primary and lower secondary school, at least three or four years of apprenticeship training – alternatively two years of vocational upper secondary school and two years of apprenticeship training – leading to a trade or journeyman's certificate, professional experience as a craftsman for at least four years, further theoretical craft studies for at least one year, and a one-year study programme in educational theory and practice.

Seafaring sector

3. Training for the following:

(a) Sea transport

In Denmark:

— ship's captain ("skibsfører"),

— first mate ("overstyrmand"),

— quartermaster, deck officer ("enestyrmand, vagthavende styrmand"),

— deck officer ("vagthavende styrmand"),

— engineer ("maskinchef"),

— first engineer (“1.maskinmester”),
— first engineer/duty engineer (“1.maskinmester/vagthavende maskinmester”).

In Germany:

— captain, large coastal vessel (“Kapitän AM”),
— captain, coastal vessel (“Kapitän AK”),
— deck officer, large coastal vessel (“Nautischer Schiffsoffizier AMW”),
— deck officer, coastal vessel (“Nautischer Schiffsoffizier AKW”),
— chief engineer, grade C (“Schiffsbetriebstechniker CT-Leiter von Maschinenanlagen”),
— ship’s mechanic, grade C (“Schiffsmaschinist CMa-Leiter von Maschinenanlagen”),
— ship’s engineer, grade C (“Schiffsbetriebstechniker CTW”),
— ship’s mechanic, grade C-solo engineer officer (“Schiffsmaschinist CMaW-Technischer Alleinoffizier”).

In Italy:

— deck officer (“ufficiale di coperta”),
— engineer officer (“ufficiale di macchina”).

In the Netherlands:

— first mate (coastal vessel) (with supplementary training) [“stuurman kleine handelsvaart (met aanvulling)”],
— coaster engineer (with diploma) (“diploma motordrijver”),
— VTS-official (“VTS-functionaris”),

which represents training:

— in Denmark, of nine years' primary schooling followed by a course of basic training and/or service at sea of between 17 and 36 months, supplemented by:
— for the deck officer, one year of specialised vocational training,
— for the others, three years of specialised vocational training,
— in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year’s service at sea, followed by one or two years of specialised vocational training supplemented, where appropriate, by two year’s work experience in navigation,
— in Italy, of a total duration of 13 years, of which at least five years consist of professional training culminating in an examination, and are supplemented, where appropriate, by a traineeship,
— in the Netherlands:
  (i) for the first mate (coaster vessel) (with supplementary training) (“stuurman kleine handelsvaart (met aanvulling)”), and coaster engineer (with diploma) (“diploma motordrijver”), involving a course of 14 years, at least two years of which takes place in a specialised vocational training establishment, supplemented by a twelve month traineeship,
  (ii) for the VTS-official (“VTS-functionaris”) of a total duration of at least 15 years, comprising at least three years of Higher Vocational Education (“HBO”) or Intermediate Vocational Training (“MBO”), which are followed by national and regional

specialisation courses, comprising at least 12 weeks of theoretical training each and culminating each in an examination,

and which are recognised under the International STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978).

In Iceland:

— ship's captain ("skipstjóri"),
— chief mate ("stýrimaöur"),
— watchkeeping officer ("undirstýrimaöur"),
— marine engineer, first grade ("yélstjóri 1.stigs").

In Norway:

— master mariner/deck officer Class 1 ("skipsfører"),
— chief mate/deck officer Class 2 ("overstyrmann"),
— master home/deck officer Class 3 ("kystskipper"),
— mate/watchkeeping officer/deck officer Class 4 ("styrmann"),
— chief engineer officer/engineer officer Class 1 ("maskinsjef"),
— second engineer officer/engineer officer Class 2 ("1.maskinist"),
— solo engineer/engineer officer Class 3 ("enemaskinist"),
— watchkeeping engineer/engineer officer Class 4 ("maskinoffiser"),

which represents training

— in Iceland, of nine or 10 years' primary schooling followed by two year's service at sea, supplemented by three years of specialised vocational training (five years for the marine engineer),
— in Norway, of nine years' primary schooling followed by a course of basic training and service at sea of three years (two and a half years for engineering officers), supplemented by,
— for watchkeeping officers, one year of specialised vocational training,
— for the others, two years of specialised vocational training,

and by further service at sea and which is recognised under the International STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978),

— electro-automation officer (ship's electrician) ("elektroautomasjonstekniker/skipselektriker"),

which represents training of nine years' primary schooling followed by a two year course of basic training, supplemented by one year of practical experience and service at sea and one year of specialised vocational training.

(b) Sea fishing

In Germany:

— captain, deep-sea fishing ("Kapitän BG/Fischerei"),
— captain, coastal fishing ("Kapitän BK/Fischerei"),
— deck officer, deep-sea vessel ("Nautischer Schiffsoffizier BGW/Fischerei"),
— deck officer, coastal vessel ("Nautischer Schiffsoffizier BKW/Fischerei").

In the Netherlands:

— first mate/engineer V (“stuurman werktuigkundige V”),

— engineer IV (fishing vessel) (“werktuigkundige IV visvaart”),

— first mate IV (fishing vessel) (“stuurman IV visvaart”),

— first mate/engineer VI (“stuurman werktuigkundige VI”),

which represent training:

— in Germany, of a total duration of between 14 and 18 years, including a three-year course of basic vocational training and one year’s service at sea, followed by one or two years of specialised vocational training supplemented, where appropriate, by two-years' work experience in navigation,

— in the Netherlands, involving a course varying in duration between thirteen and fifteen years, at least two years of which are provided in a specialised vocational school, supplemented by a 12-month period of work experience,

and are recognised under the Torremolinos Convention (1977 International Convention for the Safety of Fishing Vessels).

In Iceland:

— ship’s captain (“skipstjóri”),

— chief mate (“stýrimaöur”),

— watchkeeping officer (“undirstýrimaöur”),

which represents training of nine or 10 years' primary schooling followed by two years' service at sea, supplemented by two years of specialised vocational training culminating in an examination and is recognised under the Torremolinos Convention (1977 International Convention for the Safety of Fishing Vessels).

(c) Mobile drilling rig personnel

In Norway:

— Platform manager (“plattformsjef”),

— stability section manager (“stabilitetssjef”),

— control room operator (“kontrollromoperator”),

— technical section leader (“teknisk sjef”),

— assistant technical section leader (“teknisk assistent”),

which represents training of nine years' primary schooling, followed by a two-year course of basic training, supplemented by at least one year’s service offshore and,

— for the control room operator, one year of specialised vocational training,

— for the others, two and a half years of specialised vocational training.

Technical sector

4. Training for the following:

In Italy:

— building surveyor (“geometra”),

— land surveyor (“perito agrario”),

which represents secondary technical courses of a total duration of at least 13 years, comprising eight years' compulsory schooling followed by five years' secondary study, including three years vocational study, culminating in the Technical Baccalaureat examination, and supplemented,

(i) for building surveyors by: either a traineeship lasting at least two years in a professional office, or five years' work experience,

(ii) for land surveyors, by the completion of a practical traineeship lasting at least two years,

followed by the State Examination.

In the Netherlands:

— bailiff (“gerechtsderuwaarder”),

— dental-prosthesis maker (“tandprotheticus”),

which represents a course of study and vocational training:

(i) in the case of the bailiff (“gerechtsdeurwaarder”), totalling nineteen years, comprising eight years' compulsory schooling followed by eight years' secondary education including four years' technical education culminating in a State examination and supplemented by three years' theoretical and practical vocational training,

(ii) in the case of the dental-prosthesis maker (“tandprotheticus”), totalling at least 15 years of full time training and three years of part time training, comprising eight years of primary education, four years of general secondary education, completion of three years of vocational training, involving theoretical and practical training as a dental technician, supplemented by three years of part time training as a dental prosthesis-maker, culminating in an examination.

In Austria:

— forester (“Förster”),

— technical consulting (“Technisches Büro”),

— labour leasing (“Überlassung von Arbeitskräften-Arbeitsleihe”),

— employment agent (“Arbeitsvermittlung”),

— investment adviser (“Vermogensberator”),

— private investigator (“Berufsdetektiv”),

— security guard (“Bewachungsgewerbe”),

— real estate agent (“Immobilienmakler”),

— real estate manager (“Immobilienverwalter”),

— advertising and promotion agent (“Werbeagentur”),

— building project organiser (“Bauträger/Bauorganisator/Baubetreuer”),

— debt-collecting agent (“Inkassobüro/Inkassoinstitut”),

which represents education and training of a total duration of at least 15 years, comprising eight years' compulsory schooling followed by five years' secondary technical or commercial study, culminating in a technical or commercial mature level qualifying examination, supplemented by at least two years' workplace education and training culminating in a professional examination,

— insurance consultant (“Berater in Versicherungsangelegenheiten”),

which represents an education and training course of a total duration of 15 years and includes six years' training followed within a structured training framework, divided into an apprenticeship of three-years' duration and a three-year period of professional practice and training, culminating in an examination,

— master builder/planning and technical calculation ("Planender Baumeister"),

— master woodbuilder/planning and technical calculation ("Planender Zimmermeister"),

which represents education and training of a total duration of at least 18 years, including at least nine years' vocational training divided into four years of secondary technical study and five years of professional practice and training culminating in a professional examination conferring the rights to exercise the profession and to train apprentices, in so far as this training relates to the right to plan buildings, to make technical calculations and to supervise construction work ("the Maria Theresian privilege").

PART 2

COURSES REFERABLE TO THE PRACTICE OF A PROFESSION IN THE UNITED KINGDOM

United Kingdom courses accredited as National Vocational Qualifications or Scottish Vocational Qualifications

5. Training for:

— mine electrical engineer,

— mine mechanical engineer,

— dental therapist,

— dental hygienist,

— dispensing optician,

— mine deputy,

— insolvency practitioner,

— licensed conveyancer,

— first mate – freight/passenger ships – unrestricted,

— second mate – freight/passenger ships – unrestricted,

— third mate – freight/passenger ships – unrestricted,

— deck officer – freight/passenger ships – unrestricted,

— engineer officer – freight/passenger ships – unlimited trading area,

— certified technically competent person in waste management,

leading to qualifications accredited as National Vocational Qualifications (NVQs) or in Scotland accredited as Scottish Vocational Qualifications, at levels 3 and 4 of the United Kingdom National Framework of Vocational Qualifications.

These levels are defined as follows:

— **Level 3**: competence in a broad range of varied work activities performed in a wide variety of contexts and most of which are complex and non-routine. There is considerable responsibility and autonomy and control or guidance of others is often required,

— **Level 4**: competence in a broad range of complex, technical or professional work activities performed in a wide variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.

SCHEDULE 7 Regulation 16(3)

PROFESSIONS IN RESPECT OF WHICH THE RIGHT OF THE MIGRANT TO CHOOSE BETWEEN AN ADAPTATION PERIOD AND AN APTITUDE TEST IS DISPLACED

Profession	*Requirement*
Licensed Conveyancer	Adaptation Period
Qualified Conveyancer (Scotland)	Adaptation Period
Executry Practitioner	Adaptation Period
Insolvency Practitioner	Aptitude test
Registered Trade Mark Agent	Aptitude test

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996 and two amending Regulations and consolidate those provisions which are now substantially re-enacted and incorporated. These Regulations also implement Article 2 of Directive 2001/19/EC of the European Parliament and of the Council of 14th May 2001 – see Regulations 19(2) and (4), 20(2), 23(9), (10) and (11).

These Regulations therefore give effect in the United Kingdom to Council Directive 92/51 EEC(**22**) on a second general system for the regulation of professional education and training supplementing Directive 89/48/EEC, Commission Directives 94/38/EC of 26 July 1994(**23**), 95/43/EC of 20 July 1995(**24**), 2000/5/EC of 25 February 2000(**25**) and Article 2 of Directive 2001/19/EC of the European Parliament and of the Council(**26**).These Regulations also take note of the Decisions of the EEA Joint Committee No. 7/94 of 21 March 1994(**27**) and No. 55/01 of 18 May 2001(**28**) amending Annex VII to the EEA Agreement and agreement relating to Switzerland dated 21 June 1999 in relation to the Directive. The Regulations therefore also extend to the States of the European Economic Area (EEA) and Switzerland.

The Regulations apply to all professions that are regulated by law or public authority or by membership of a chartered body other than those professions or professional activities which are the subject of one of the measures listed in Schedule 1.

Where they apply, the Regulations provide a scheme for the recognition of the qualifications of migrants from member States of the European Community or from Iceland, Norway, Liechtenstein or Switzerland seeking to take up or pursue a profession which is regulated in the United Kingdom. In

(**22**) O.J. No. L209, 24.7.92., p. 25.
(**23**) O.J. No. L217, 23.8.94, p. 8.
(**24**) O.J. No. L184, 3.8.95, p. 21.
(**25**) O.J. No. L54, 26.2.2000 p.42.
(**26**) O.J. No. L206, 31.7.01, p.1.
(**27**) O.J. No. L160, 28.6.94, p. 1.
(**28**) O.J. No. L165, 21.6.2001,p.60.

respect of professions already the subject of the European Communities (Recognition of Professional Qualifications) Regulations 1991 (S.I. 1991/824) these Regulations supplement the scheme for recognition contained in those Regulations.

Part 1 of the Regulations contains provisions relating to citation, commencement, application and interpretation. Part 2 of the Regulations provides for the identification of the competent authorities exercising functions in relation to the taking up or pursuit of professions and for the designation of bodies ("designated authorities") in relation to each of the regulated professions. The designated authorities have the function of processing applications from migrants having qualifications obtained wholly or mainly in another member State of the European Community or Iceland, Norway, Liechtenstein or Switzerland (the "relevant States") and wishing to practice the relevant profession in the United Kingdom.

Part 3 of the Regulations sets out the rights of migrants to practise in the United Kingdom. It imposes duties, subject to certain conditions and exceptions, upon designated authorities not to refuse, on grounds of inadequate qualifications, applications by migrants to practise the relevant profession in the United Kingdom if they hold the qualification required by a relevant State to practice the profession in that State. Part 4 of the Regulations permits the designated authorities, in certain cases, to require a migrant to complete an adaptation period or to take an aptitude test or to provide evidence of professional experience and lays down conditions affecting such requirements.

Part 5 of the Regulations makes provision for the acceptance of evidence issued by a competent authority in a relevant State, for the right of a migrant to use the professional title or designatory letters applicable to the profession in the United Kingdom, or the lawful academic title acquired by the migrant in a relevant State, for appeals against the decisions of designated authorities and for the provision of information by designated authorities and competent authorities in the United Kingdom.

A Transposition Note is available and can be obtained from the Department for Education and Skills, Qualifications for Work Division, Moorfoot, Sheffield S1 4PQ.