

*Draft Regulations laid before Parliament under section 18(1), (6)(a) and (8) of the Professional  
Qualifications Act 2022, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2023 No. XXX**

**PROFESSIONAL QUALIFICATIONS**

The Recognition of Professional Qualifications  
and Implementation of International Recognition  
Agreements (Amendment) Regulations 2023

*Made* - - - - \*\*\*

*Coming into force* - - \*\*\*

The Secretary of State, in exercise of the powers conferred by sections 3(1) and (2), 5(2), 6(1) and 13(1) of the Professional Qualifications Act 2022(1) (“the 2022 Act”), makes the following Regulations.

In accordance with section 14 of the 2022 Act, the Secretary of State is satisfied that these Regulations do not remove the ability of any regulator to prevent individuals who are unfit to practise the profession from doing so, and that these Regulations will not have a material adverse effect on any regulated profession in terms of the knowledge, skills or experience of the individuals practising it.

In accordance with section 15 of the 2022 Act, the Secretary of State has consulted such regulators of regulated professions as the Secretary of State considers are likely to be affected by these Regulations or it is otherwise appropriate to consult.

In accordance with section 17 of the 2022 Act, the Secretary of State has consulted the devolved authorities and published a report(2) on the consultation.

In accordance with section 18(1), (6)(a) and (8) of the 2022 Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

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(1) 2022 c. 20.

(2) An electronic copy is available at [www.gov.uk](http://www.gov.uk). A hard copy can be obtained free of charge on request by calling the Department for Business and Trade on 020 4551 0011 or may be inspected free of charge at Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

## PART 1

### General provisions

#### Citation and commencement

1. These Regulations may be cited as the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 and come into force on 1st December 2023.

#### Extent and application

2.—(1) Subject to paragraph (2), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(2) Any amendment, repeal or revocation made by these Regulations has the same extent and application as the provision amended, repealed or revoked.

#### Interpretation

3.—(1) In these Regulations—

“adaptation period” means a period of supervised practice, subject to an assessment and which may be accompanied by further training, of a regulated profession<sup>(3)</sup> under the responsibility of a qualified member of that profession;

“applicant” means a specified state professional who—

- (a) wishes to access and pursue a regulated profession for which the possession of professional qualifications is required;
- (b) possesses professional qualifications for the same profession in a specified state; and
- (c) makes an application;

“application” means an application to a regulator<sup>(4)</sup> of a regulated profession, by an applicant, for recognition of their professional qualifications;

“aptitude test” means a test limited to the professional knowledge of a specified state professional, made by the regulator with the aim of assessing the ability of the professional to pursue a regulated profession;

“EEA EFTA free trade agreement” means the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland done at London on 8th July 2021<sup>(5)</sup>;

“medical regulator” means one of the following—

- (a) the General Chiropractic Council;
- (b) the General Dental Council;
- (c) the General Medical Council;
- (d) the General Optical Council;
- (e) the General Osteopathic Council;

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<sup>(3)</sup> “Regulated profession” is defined in section 19 of the 2022 Act.

<sup>(4)</sup> “Regulator” is defined in section 19 of the 2022 Act.

<sup>(5)</sup> Volumes 1 and 2 were published on 16th July 2021, ISBN 978-1-5286-2805-1, CP 496, and are available electronically at <https://www.gov.uk/government/publications/free-trade-agreement-between-iceland-the-principality-of-liechtenstein-and-the-kingdom-of-norway-and-the-united-kingdom-of-great-britain-and-northern>. A hard copy can be obtained free of charge on request by calling the Department for Business and Trade on 020 4551 0011 or may be inspected free of charge at Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

- (f) the General Pharmaceutical Council;
  - (g) the Health and Care Professions Council;
  - (h) the Nursing and Midwifery Council;
- “professional activity” means an activity which forms part of a regulated profession;
- “professional experience” means the lawful and effective practice of the relevant profession;
- “professional qualifications” includes qualifications<sup>(6)</sup> or professional experience;
- “specified state” means a state specified in Schedule 1;
- “specified state professional” means a natural person who has obtained professional qualifications in a specified state;

(2) For the purposes of these Regulations, “regulator” does not include the regulators for the regulated professions specified in Schedule 2.

#### **Amendments to legislation for the purpose of, and in connection with, the EEA EFTA free trade agreement**

4. Schedule 3 contains amendments to legislation for the purpose of, and in connection with, implementing Chapter 12 of the EEA EFTA free trade agreement (recognition of professional qualifications).

#### **Amendments to legislation consequent upon the commencement of section 5(1) of the Professional Qualifications Act 2022 and revoking other retained EU recognition law**

5. Schedule 4 contains amendments to legislation—
- (a) consequent upon the commencement of section 5(1) of the 2022 Act (revocation of general EU system of recognition of overseas qualifications); and
  - (b) revoking other retained EU recognition law<sup>(7)</sup>.

## PART 2

### Recognition of professional qualifications obtained in a specified state

#### **Application of Part 2**

- 6.—(1) Subject to paragraph (2), this Part applies to a regulator that receives an application.
- (2) This Part does not apply to medical regulators<sup>(8)</sup> except in relation to an application—
- (a) for registration in the General Practitioner Register kept under section 34C of the Medical Act 1983<sup>(9)</sup> or in the Specialist Register kept under section 34D of that Act; or
  - (b) to use a title prescribed under section 26(3) of the Dentists Act 1984<sup>(10)</sup>.

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<sup>(6)</sup> “Qualification” is defined in section 19 of the 2022 Act.

<sup>(7)</sup> “Retained EU recognition law” is defined in section 6(2) of the 2022 Act.

<sup>(8)</sup> Amendments for the purposes of, and in connection with, the implementation of the EEA EFTA free trade agreement that are relevant to the medical regulators are contained in Schedule 3.

<sup>(9)</sup> 1983 c. 54. Sections 34C and 34D were inserted by S.I. 2010/234. Section 34D has been amended by S.I. 2019/593.

<sup>(10)</sup> 1984 c. 24.

### **Recognition of professional qualifications**

7.—(1) Subject to regulation 8, where a regulator receives an application, the regulator must recognise the applicant's professional qualifications.

(2) A regulator that recognises an applicant's professional qualifications under this regulation must—

- (a) enable that person to access and pursue the regulated profession;
- (b) for the purpose of access to and pursuit of the regulated profession, treat the applicant as if they had obtained their professional qualifications in the United Kingdom or that part of the United Kingdom for which the profession is regulated.

### **Refusal to recognise professional qualifications**

8.—(1) A regulator may refuse to recognise an applicant's professional qualifications if—

- (a) those professional qualifications are not comparable to the professional qualifications required to access and pursue the same profession in the United Kingdom or that part of the United Kingdom for which the profession is regulated;
- (b) one or more of Conditions 1, 2, 3 or 4 is met; or
- (c) the applicant fails to meet any requirement imposed in accordance with regulation 11 (knowledge of language).

(2) Condition 1 is met where—

- (a) there exists a substantial difference between the applicant's professional qualifications and the essential knowledge or skills required to practise the regulated profession; and
- (b) the applicant fails to pass, or refuses to take, an aptitude test or fails, or refuses to complete, an adaptation period or to undertake both imposed in accordance with regulation 9 (aptitude tests and adaptation periods).

(3) Condition 2 is met where—

- (a) the regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant's professional qualifications; and
- (b) the applicant fails to pass, or refuses to take, an aptitude test or fails, or refuses to complete, an adaptation period or to undertake both imposed in accordance with regulation 9 (aptitude tests and adaptation periods).

(4) Condition 3 is met where requiring the applicant to take an aptitude test, to complete an adaptation period or to undertake both in accordance with regulation 9 (aptitude tests and adaptation periods) would amount to requiring the applicant to acquire the professional qualifications required to practise the regulated profession.

(5) Condition 4 is met where access to and pursuit of a regulated profession by a person whose professional qualifications were obtained in the United Kingdom is subject to conditions other than the possession of specific professional qualifications and the applicant fails to meet those conditions.

### **Aptitude tests and adaptation periods**

9.—(1) A regulator may require an applicant to take an aptitude test, standardised or otherwise, or to complete an adaptation period or to undertake both where—

- (a) there exists a substantial difference between the applicant's professional qualifications and the essential knowledge or skills required to practise the regulated profession; or

(b) the regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant's professional qualifications.

(2) A regulator must consider whether any requirement to take an aptitude test or to complete an adaptation period or to undertake both is proportionate to the difference sought to be addressed.

(3) If requested to do so by an applicant, a regulator must, to the extent possible, provide its reasons in writing for requiring the applicant to take an aptitude test or to complete an adaptation period or to undertake both.

(4) Where a regulator requires applicants to undertake an aptitude test, the regulator must schedule tests with reasonable frequency and at least once a year.

### **Procedure to be followed on application for recognition**

**10.**—(1) A regulator must—

- (a) within one month of receiving an application, acknowledge receipt in writing to the applicant and inform the applicant if any document is missing from the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process;
- (c) deal promptly with the application and notify the applicant of its decision in writing before the end of the period of four months beginning with the day after the day on which the complete application was submitted.

(2) A regulator may require an applicant to provide, in their application, evidence of their professional qualifications.

(3) The evidence a regulator may require under paragraph (2) must be no more than is necessary to demonstrate that the applicant holds professional qualifications that are comparable to the professional qualifications required to access and pursue the same profession in the United Kingdom or that part of the United Kingdom for which the profession is regulated.

(4) Where access to, and pursuit of, a regulated profession by a person whose professional qualifications were obtained in the United Kingdom is subject to conditions other than the possession of specific professional qualifications, a regulator may require the applicant to provide, in their application, evidence to demonstrate that they satisfy those conditions.

(5) The evidence a regulator may require under paragraph (4) must be no more than is necessary to demonstrate that the applicant satisfies those conditions.

(6) Without prejudice to any power of a regulator to make provision about the authentication of copies of documents, a regulator must accept copies of documents in place of originals unless it requires original documents to protect the integrity of the recognition process.

### **Knowledge of language**

**11.**—(1) A regulator may require that an applicant demonstrates they possess the language skills necessary for practice of a regulated profession.

(2) If a regulator requires an applicant to undertake a language test, the test must be proportionate to the activity to be pursued.

### **Appeals**

**12.** A regulator must provide a right of appeal for an applicant against its—

- (a) decision to refuse to recognise an applicant's professional qualifications; and

- (b) failure to notify the applicant of its decision in respect of an application within the time period referred to in regulation 10(1)(c).

#### **Fees**

- 13.** Any fee charged by a regulator in connection with an application must be—
- (a) reasonable and proportionate to the cost of administering the application;
  - (b) transparent, and published in advance; and
  - (c) payable by electronic means through the regulator’s website.

## **PART 3**

### **Provision of information and dealing with enquiries**

#### **Application of Part 3**

- 14.** This Part does not apply to medical regulators except in relation to an application—
- (a) for registration in the General Practitioner Register kept under section 34C of the Medical Act 1983 or in the Specialist Register kept under section 34D of that Act; or
  - (b) to use a title prescribed under section 26(3) of the Dentists Act 1984.

#### **Provision of information**

- 15.** A regulator must, in relation to a regulated profession, make information about the following matters available to specified state professionals—
- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and any other relevant matters;
  - (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising a regulated profession;
  - (c) the processes and procedures for the ongoing verification of competence;
  - (d) the criteria for, and procedures relating to, revocation of registration;
  - (e) the documentation required of professionals and the form in which it should be presented; and
  - (f) the acceptance of documents and certificates issued in relation to professional qualifications and other conditions that apply to the practice of a regulated profession.

#### **Enquiries relating to professional qualifications and other conditions of practice**

- 16.** A regulator must deal promptly with enquiries from specified state professionals about—
- (a) the professional qualifications required to practise the regulated profession; and
  - (b) the conditions that apply to the practice of the regulated profession.

Date	<i>Name</i> <i>Title</i> Department for Business and Trade
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## SCHEDULE 1

Regulation 3(1)

### The specified states

1. Iceland.
2. The Principality of Liechtenstein.
3. The Kingdom of Norway.

## SCHEDULE 2

Regulation 3(2)

### The regulated professions referred to in regulation 3(2)

1. Aerobatic Pilot.
2. Aeromedical Examiner.
3. Air Ground Communications Service Operator.
4. Air Traffic Controller.
5. Air Traffic Controller Assessor.
6. Air Traffic Controller Instructor.
7. Air Traffic Safety Electronics Personnel.
8. Aircraft Cabin Crew.
9. Certifying Staff (Continuing Airworthiness of Aircraft).
10. Commercial Balloon Pilot.
11. Commercial Banner Towing Pilot.
12. Commercial Pilot – Aeroplane.
13. Commercial Pilot – Airship.
14. Commercial Pilot – Helicopter.
15. Commercial Sailplane Pilot.
16. Flight Examiner.
17. Flight Information Service Officer.
18. Flight Instructor.
19. Flight Test Pilot.
20. Rescue and Firefighting Personnel.
21. Able Seafarer Deck Certificate – 11/5.
22. Able Seafarer Engine – STCW 111/5.
23. Deck Officer, Management Level – STCW 11/2.
24. Deck Officer, Operational Level – STCW 11/1.
25. Electro-technical Officer (ETO) – STCW III/6.
26. Electro-tech Rating – STCW III/7.



27. Engineer Officer, Management Level, III/2.
28. Engineer Officer, Operational Level – STCW III/1.
29. Engine Room Rating – STCW III/4.
30. Rating Deck – STCW II/4.
31. Dangerous Goods Driver.
32. Dangerous Goods Safety Adviser.

### SCHEDULE 3

Regulation 4

Amendments for the purpose of, and in connection with,  
implementing the EEA EFTA free trade agreement

### PART 1

Amendments in relation to animal welfare professions

#### **Amendments to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations**

1.—(1) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations<sup>(11)</sup> is amended as follows.

(2) In Annex 4 (training), after paragraph 3, insert—

“4. Where a road driver or attendant holds a qualification which, by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, is recognised by the competent authority, the road driver or attendant (as the case may be) is to be treated as having met the requirements of paragraph 1.”.

#### **Amendments to Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing**

2.—(1) Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing<sup>(12)</sup> is amended as follows.

(2) In Article 21, in paragraph 1, after point (c), insert—

“(d) delivering certificates of competence to persons whose qualifications have been recognised for those purposes under Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

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<sup>(11)</sup> EUR 2005/1. Paragraph 3 of Annex 4 was inserted by S.I. 2019/802, as amended by S.I. 2020/1590. There are other amending instruments but none is relevant to these Regulations.

<sup>(12)</sup> EUR 2009/1099, as amended by S.I. 2019/802. There are other amending instruments but none is relevant to these Regulations.

### **Amendments to the Welfare of Animals at the Time of Killing (England) Regulations 2015**

**3.—**(1) The Welfare of Animals at the Time of Killing (England) Regulations 2015(**13**) are amended as follows.

(2) In regulation 3(1) (interpretation)—

(a) in the definition of “evidence of training and examination”, after paragraph (ab), insert—

“(ac) a qualification which has been recognised under Part 2 of the Professional Qualifications Regulations 2023 in relation to an operation specified in regulation 6.”;

(b) after the definition of “local authority”, insert—

““the Professional Qualifications Regulations 2023” means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

(3) In regulation 22 (appeals)—

(a) after paragraph (1), insert—

“(1A) A person who has applied for recognition of a qualification under Part 2 of the Professional Qualifications Regulations 2023 in relation to an operation specified in regulation 6 may appeal against a decision of the competent authority not to recognise the person’s qualification for those purposes.”;

(b) after paragraph (4), insert—

“(5) In paragraph (1A), the reference to a decision of the competent authority not to recognise a person’s qualification under Part 2 of the Professional Qualifications Regulations 2023 is to be treated as including any failure by the competent authority to notify the applicant of its decision concerning the person’s application within the period of four months beginning with the day after the day on which the person submitted a complete application to the competent authority under Part 2 of the Professional Qualifications Regulations 2023.”.

## **PART 2**

### **Amendments in relation to education professions**

#### **Amendments to the Education (School Teachers’ Qualifications) (England) Regulations 2003**

**4.—**(1) The Education (School Teachers’ Qualifications) (England) Regulations 2003(**14**) are amended as follows.

(2) In regulation 5 (qualified teacher status), for “13E” substitute “13F”.

(3) In Part 1 of Schedule 2 (qualified teacher status requirements) after paragraph 13E, insert—

“**13F.** The person is, as respects the profession of school teacher, entitled to practise pursuant to a decision made under Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

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(13) [S.I. 2015/1782](#), as amended by [S.I. 2019/1308](#). There are other amending instruments but none is relevant to these Regulations.

(14) [S.I. 2003/1662](#), as amended by [S.I. 2012/431](#) and [2022/1256](#). There are other amending instruments but none is relevant to these Regulations.

## **Amendments to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012**

5.—(1) The Education (Induction Arrangements for School Teachers) (England) Regulations 2012<sup>(15)</sup> are amended as follows.

(2) In paragraph 25(1)(a)(ii) of Schedule 1 (employment as a qualified teacher in a relevant school without satisfactory completion of an induction period) after “paragraph 13E”, insert “or 13F”.

## **PART 3**

### **Amendments in relation to F-gas handler professions**

## **Amendments to Regulation (EU) No517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006**

6.—(1) Regulation (EU) No517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006<sup>(16)</sup> is amended as follows.

(2) In Article 10 (training and certification)—

(a) in paragraph 10, after “as amended from time to time,” insert “or certificates and training attestations issued by a specified state that are equivalent to those issued in any part of the United Kingdom,”;

(b) after paragraph 15, insert—

“16. For the purposes of this Article, a ‘specified state’ means one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

## **Amendments to the Ozone-Depleting Substances Regulations 2015**

7.—(1) The Ozone-Depleting Substances Regulations 2015<sup>(17)</sup> are amended as follows.

(2) Regulation 4 (meaning of “competent”) is renumbered as paragraph (1) of that regulation.

(3) In regulation 4(1) as renumbered—

(a) in paragraph (a), after “column 3 of that Table”, insert “, or has obtained the equivalent of those qualifications in a specified state”;

(b) for paragraph (c), substitute—

“(c) a person is competent to carry out work with methyl bromide if that person has—

(i) obtained the British Pest Control Association Certificate of Proficiency for Fumigation Operators<sup>(18)</sup> and successfully completed the British Pest Control Association module referred to in the list in Schedule 3 which relates to the work in question; or

<sup>(15)</sup> [S.I. 2012/1115](#). Paragraph 25 of Schedule 1 was inserted by [S.I. 2022/1256](#). There are other amending instruments but none is relevant to these Regulations.

<sup>(16)</sup> [EUR 2014/517](#), as amended by [S.I. 2019/583](#) and [S.I. 2020/1616](#). There are other amending instruments but none is relevant to these Regulations.

<sup>(17)</sup> [S.I. 2015/168](#), to which there are amendments but none is relevant to these Regulations.

<sup>(18)</sup> Details can be obtained from the British Pest Control Association, 4A Mallard Way, Pride Park, Derby, DE24 8GX, telephone number: 01332 294288/225113; email: [enquiry@bpca.org.uk](mailto:enquiry@bpca.org.uk).

- (ii) obtained an equivalent certificate, and successfully completed an equivalent module, in a specified state.”.
- (4) After regulation 4(1) as renumbered, insert—
  - “(2) For the purposes of this regulation, a “specified state” means one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

## PART 4

### Amendments in relation to food examiners

#### **Amendments to the Food Safety (Sampling and Qualifications) (England) Regulations 2013**

**8.**—(1) The Food Safety (Sampling and Qualifications) (England) Regulations 2013<sup>(19)</sup> are amended as follows.

- (2) In regulation 2 (interpretation), at the appropriate place, insert—
  - ““specified state” means one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.
- (3) In Schedule 2 (qualifications of food examiners)—
  - (a) in paragraph 6 of Part 1, for “in another Member State”, substitute “in a Member State of the European Union or in a specified state”; and
  - (b) in paragraphs 2 and 4 of Part 2, after “a Member State of the European Union”, insert “or of a specified state”.

#### **Amendments to the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013**

**9.**—(1) The Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013<sup>(20)</sup> are amended as follows.

- (2) In regulation 2 (interpretation), at the appropriate place, insert—
  - ““specified state” means one of the states listed in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.
- (3) In Schedule 2 (qualifications of food examiners)—
  - (a) in paragraph 6 of Part 1, for “in another Member State” substitute “in a Member State of the European Union or in a specified state”; and
  - (b) in paragraphs 2 and 4 of Part 2, for “another Member State” substitute “a Member State of the European Union or of a specified state”.

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<sup>(19)</sup> [S.I. 2013/264](#). Parts 1 and 2 of Schedule 2 have been amended by [S.I. 2020/1504](#). There are other amending instruments but none is relevant to these Regulations.

<sup>(20)</sup> [S.R. 2013 No. 66](#), to which there are amendments but none is relevant to these Regulations.

## PART 5

### Amendments in relation to healthcare professions

#### Amendments to the Medical Act 1983

**10.** The Medical Act 1983<sup>(21)</sup> is amended as follows.

**11.** In section 21B (full registration of persons with an overseas qualification)<sup>(22)</sup>—

(a) in subsection (1)—

(i) for “subsection (1A)”, substitute “subsections (1A) and (1AA)”;

(ii) for paragraph (a), substitute—

“(a) that the person—

(i) holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification, or

(ii) holds a specified state qualification that is not an acceptable overseas qualification and has met the requirement specified in relation to the person under section 21BA;”;

(iii) for paragraph (d), substitute—

“(d) that—

(i) in the case of a person who is not a specified state professional, the person has the necessary knowledge of English; or

(ii) in the case of a person who is a specified state professional, the person has satisfied such requirement as to language skills as is imposed on the person under section 21BA(7);”;

(b) after subsection (1A), insert—

“(1AA) Subsection (1)(b) does not apply in the case of a person who makes an application under this section in reliance on the holding of a specified state qualification and on having met the requirement specified in relation to the person under section 21BA.”;

(c) after subsection (4), insert—

“(5) The General Council may designate a specified state qualification for the purposes of subsection (3)(a) only where one or more of Conditions 1 to 3 are met.

(6) The General Council may designate that a specified state qualification does not meet the standard in subsection (3)(b)(ii) or (c)(ii) only where one or more of Conditions 1 to 3 are met.

(7) Condition 1 is met where there exists a substantial difference between the knowledge and skill evidenced by the specified state qualification and the prescribed knowledge and skill.

(8) Condition 2 is met where the professional activities to which a primary UK qualification relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(9) Condition 3 is met where requiring a person who holds the specified state qualification to pass an aptitude test or successfully to complete an adaptation period, or

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(21) 1983 c. 54.

(22) Section 21B was inserted by S.I. 2006/1914. The relevant amendment was made by S.I. 2019/593.

to do both, would amount to requiring the person to acquire a primary United Kingdom qualification.”.

12. After section 21B, insert—

**“21BA Further provision relating to the registration of specified state professionals**

(1) This section applies where a specified state professional applies to be registered under section 21B and the person’s specified state qualification is not an acceptable overseas qualification.

(2) This section does not apply if the specified state qualification is not an acceptable overseas qualification because Condition 3 is met in relation to it (see section 21B(9)).

(3) Where this section applies, the General Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(4) An aptitude test or adaptation period specified under this section, or an aptitude test and adaptation period together specified under this section, must be proportionate to the difference sought to be addressed.

(5) The General Council must give a person their reasons for specifying an aptitude test or an adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.

(6) If the General Council specify aptitude tests in relation to persons under this section, the Council must ensure that such tests are scheduled with reasonable frequency and at least once a year.

(7) The General Council may require a specified state professional who wishes to be registered under section 21B to demonstrate that the person possesses the language skills necessary to the practice of a fully registered medical practitioner.

(8) A language test required by the General Council under subsection (7) must be proportionate to the level of language skills referred to in that subsection.”.

13. After section 29G (guidance)(23), insert—

**“29GA Information for specified state professionals**

(1) The General Council must make information about the following matters available to specified state professionals—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, erasure from the register;
- (e) the documentation required of specified state professionals and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registered medical practitioners that are acceptable to the General Council.

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(23) Section 29G was inserted by S.I. 2002/3135. There are amendments to section 29G but none is relevant to these Regulations.

(2) The General Council must deal promptly with enquiries from specified state professionals about conditions that apply to the practice of registered medical practitioners.”.

14. In section 32 (registration fees)(24), after subsection (1), insert—

“(1A) Any fee prescribed by the General Council under subsection (1) in connection with the making of an entry in the register relating to a specified state professional must be—

- (a) reasonable and proportionate to the cost of dealing with such a person’s application;
- (b) transparent and made public in advance; and
- (c) payable by electronic means through the General Council’s website.”.

15. In section 55 (interpretation)(25), in subsection (1), at the appropriate places, insert—

““adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a fully registered medical practitioner;”;

““aptitude test” means an assessment, with the aim of determining whether a specified state professional has the knowledge, skills and experience that the General Council consider to be required for practising as a fully registered medical practitioner;”;

““specified state professional” means a person who holds a specified state qualification;”;

““specified state qualification” means a medical qualification granted in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

16. In Schedule 3 (registration: supplementary provisions)—

(a) in paragraph 3 (proof of qualifications)(26), at the end, insert—

“(4) The evidence of professional qualifications or other particulars required of a specified state professional in order to be registered under section 21B must be no more than is necessary to satisfy the Registrar as to the matters in section 21B(1)(a) to (d) in relation to the specified state professional.

(5) Where documents fall to be provided in connection with the registration of a specified state professional under section 21B, the Registrar must accept certified copies of documents in place of original documents, unless the Registrar requires original documents to protect the integrity of the application process.

(6) For the purposes of sub-paragraph (5), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.”;

(b) in paragraph 4B(27) (acknowledgment of applications), after “this Act” insert “or where a specified state professional makes an application for registration under section 21B of this Act”;

(c) after paragraph 4B insert—

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(24) There are amendments to section 32 but none is relevant to these Regulations.

(25) Section 55 was renumbered as section 55(1) by [S.I. 1996/1591](#), and amended by paragraph 23 of Schedule 19 to the Data Protection Act 2018 ([c. 12](#)) and [S.I. 1996/1591](#), [2002/3135](#), [2006/1914](#), [2007/3101](#), [2008/1774](#), [2010/234](#), [2014/1101](#), [2015/794](#), [2016/1030](#), [2019/419](#) and [593](#). There are other amendments to section 55 but none is relevant to these Regulations.

(26) Paragraph 3(3) was repealed by [S.I. 2006/1914](#). There are other amendments by paragraph 3 but none is relevant to these Regulations.

(27) Paragraph 4B was inserted by [S.I. 2007/3101](#).



*“Duty to deal promptly with registration applications by specified state professionals*

**4C.** On an application for the registration of a specified state professional under section 21B of this Act, the appropriate registrar must deal promptly with the person’s application.”;

- (d) after paragraph 4C (inserted by sub-paragraph (c) above) insert—

*“Time allowed for specified state professionals in relation to application process*

**4D.** Where a specified state professional makes an application for registration under section 21B of this Act, the appropriate registrar must give that person adequate time to meet the requirements and complete the procedures of the application process.”;

- (e) in paragraph 5 (issue of certificates of registration)(**28**), in sub-paragraph (1A)(a), after “this Act” insert “or an application by a specified state professional under section 21B of this Act.”.

- 17.** In Schedule 3A (registration and training appeals)—

- (a) in paragraph 3(**29**), after sub-paragraph (2), insert—

“(2A) Failure to notify an applicant of a decision in respect of an application for registration under section 21B of this Act (full registration of persons with an overseas qualification) within the requisite period shall, where a specified state professional makes the application, be treated as a decision from which the applicant may appeal under paragraph 4 below.”;

- (b) in paragraph 4(4), after “3(2)” insert “, (2A)”.

#### **Amendments to the Dentists Act 1984**

- 18.** The Dentists Act 1984(**30**) is amended as follows.

- 19.** In section 15 (qualification for registration in the dentists register)(**31**)—

- (a) in subsection (1), omit the “and” following paragraph (a);
- (b) in subsection (1)(c), for “overseas diplomas).” substitute “overseas diplomas)); and”;
- (c) after subsection (1)(c), insert—
- “(d) any person who—
- (i) holds a specified state qualification in dentistry that is not a relevant European diploma, and
- (ii) has met the requirement specified in relation to that person under section 15ZA.”;
- (d) after subsection (1A), insert—
- “(1B) Subsection (1)(c)(ii) does not apply to a person who is entitled to be registered under subsection (1)(d).”;
- (e) in subsection (2ZA), in paragraph (b)(ii), omit “(within the meaning given by section 12A(2))”;
- (f) before subsection (3), insert—

(28) Paragraph 5 was amended by S.I. 1996/1591, 2000/3041, 2002/3135, 2006/1914 and 2007/3101.

(29) There are amendments to paragraph 3 but none is relevant to these Regulations.

(30) 1984 c. 24.

(31) Relevant amending instruments are S.I. 2007/3101, 2019/593, 2020/394 and 2023/162.



“(2B) The Council may determine that a specified state qualification in dentistry does not meet the standard in subsection (2ZA)(b)(ii) only where one or more of Conditions 1 to 3 are met.

(2C) Condition 1 is met where there exists a substantial difference between the level of knowledge and skill demonstrated by the specified state qualification and the level of knowledge and skill demonstrated by a UK diploma in dentistry.

(2D) Condition 2 is met where the professional activities to which a UK diploma in dentistry relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(2E) Condition 3 is met where requiring an applicant to take an aptitude test or to complete an adaptation period, or to do both, would amount to requiring the applicant to acquire a UK diploma in dentistry.”;

(g) at the end, insert—

“(8) In this section—

“adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered dentist;

“aptitude test” means an assessment with the aim of determining whether a person has the requisite knowledge and skill;

“UK diploma in dentistry” has the meaning given by section 12A(2).”.

**20.** After section 15, insert—

**“15ZA Section 15: further provision relating to specified state professionals**

(1) The Council must specify in relation to a person who applies to be registered in the dentists register under section 15(1)(d) what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(2) Subsection (1) does not apply if the specified state qualification held by the person is determined not to meet the standard in section 15(2ZA)(b)(ii) because Condition 3 is met in relation to it (see section 15(2E)).

(3) Where the Council specify under this section an aptitude test or adaptation period, or both, in relation to a person, the aptitude test or the adaptation period, or the aptitude test and adaptation period together, must be proportionate to the difference sought to be addressed.

(4) The Council must give a person their reasons for specifying an aptitude test or an adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.

(5) If the Council specify aptitude tests in relation to persons under this section, the Council must ensure that such tests are scheduled with reasonable frequency and at least once a year.

(6) In this section, “adaptation period” and “aptitude test” have the same meaning as in section 15.”.

**21.** In section 15A (supplementary provisions as to the necessary knowledge of English)(32)—

(a) after subsection (4), insert—

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(32) Section 15A was inserted by [S.I. 2015/806](#). There are amendments to section 15A but none is relevant to these Regulations.

“(4A) Where the applicant is applying in reliance on a specified state qualification, the registrar may not request more evidence, information or documents than is necessary to demonstrate to the registrar that the applicant has the necessary knowledge of English.”;

(b) after subsection (6), insert—

“(6A) Where the registrar requires an applicant who makes an application in reliance on a specified state qualification to undergo an examination or other assessment, the examination or assessment must be proportionate to the knowledge of English referred to in section 15(3)(ba).”.

**22.** In section 18 (procedure for registration)(**33**)—

(a) in subsection (1), for “subsection (3)”, substitute “subsections (3) to (5)”;

(b) after subsection (3), insert—

“(4) Where the person applying to be registered under section 15 is the holder of a specified state qualification in dentistry, the person is not required to produce or send to the registrar more evidence than is necessary to demonstrate that the conditions falling to be satisfied before the person may be registered are satisfied.

(5) Where the person applying to be registered under section 15 is the holder of such a qualification, the registrar must accept certified copies of documents in place of original documents, unless the registrar requires original documents in order to preserve the integrity of the application process.

(6) For the purposes of subsection (5), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.”.

**23.** In section 19 (regulations with respect to the register)(**34**), after subsection (1), insert—

“(1ZA) If regulations under this section prescribe a fee to be charged on the entry of a person’s name in the register in a case where the person applies for registration as the holder of a specified state qualification in dentistry, the fee must be—

- (a) reasonable and proportionate to the cost of dealing with such a person’s application;
- (b) transparent, and made public in advance; and
- (c) payable by electronic means through the Council’s own website.”.

**24.** In section 21A (notification of results of application)(**35**)—

(a) after subsection (2), insert—

“(2ZA) Where A holds a specified state qualification in dentistry, the registrar must—

- (a) give A adequate time to complete the requirements and procedures of the application process; and
- (b) deal promptly with A’s application.”;

(b) in subsection (3), for the words from “within” to the end, substitute—

“—

- (a) where A holds a specified state qualification, within the period of four months beginning with the relevant date;

(33) Relevant amending instruments are [S.I. 1996/1496](#), [2005/2011](#), [2007/3101](#), [2014/1887](#) and [2019/593](#).

(34) Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#) and [2019/593](#).

(35) Section 21A was inserted by [S.I. 1998/811](#) and substituted by [S.I. 2007/3101](#). Section 21A was amended by [S.I. 2015/806](#) and [2019/593](#).

(b) in any other case, within the period of three months beginning with that date.”.

25. After section 26B (guidance)(36), insert—

**“26C Information for specified state professionals**

(1) The Council must make information about the following matters available to specified state professionals who hold specified state qualifications in dentistry—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, erasure of registration;
- (e) the documentation required of specified state professionals of that description and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of a registered dentist that are acceptable to the Council.

(2) The Council must deal promptly with enquiries from specified state professionals of that description about conditions that apply to the practice of registered dentists.”.

26. In section 36C (qualifications for registration)(37)—

(a) after subsection (4A), insert—

“(4B) Subsection (4)(b) does not apply to a person whose application for registration is made in reliance on a relevant qualification that is a specified state qualification or relevant qualifications that are specified state qualifications where—

- (a) the relevant qualification demonstrates or the relevant qualifications taken together demonstrate, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2), or
- (b) the person has met the requirement specified in relation to the person under subsection (4E).

(4C) The Council may determine that the person’s relevant qualification does not or relevant qualifications taken together do not meet the standard in subsection (4B)(a) only where one or more of Conditions 1 to 3 are met.

(4D) For the purposes of this section—

- (a) Condition 1 is met where there exists a substantial difference between the level of knowledge and skill demonstrated by the person’s relevant qualification or qualifications taken together and the level of knowledge and skill demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2);
- (b) Condition 2 is met where the professional activities to which the qualification approved (or qualifications together approved) by the Council under

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(36) Section 26B was inserted by [S.I. 2005/2011](#). There are amendments to section 26B but none is relevant to these Regulations.

(37) Section 36C was inserted by [S.I. 2005/2011](#). Relevant amending instruments are [S.I. 2015/806](#), [2019/593](#) and [2023/162](#).

section 36D(2) in respect of the same profession or class relates (or relate) include one or more professional activities that cover substantially different matters from those covered by the person's relevant qualification or qualifications;

- (c) Condition 3 is met where requiring the person to take an aptitude test or complete an assessment period, or to do both, would amount to requiring the person to acquire a qualification approved (or qualifications together approved) by the Council under section 36D(2) in respect of the same profession or class.

(4E) If the person applies to be registered by virtue of subsection (4B)(b), the Council must specify in relation to the person what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(4F) Subsection (4E) does not apply if the person's relevant qualification is or relevant qualifications taken together are determined not to meet the standard in subsection (4B)(a) because Condition 3 is met in relation to the qualification or qualifications.

(4G) Where the Council specify under subsection (4E) an aptitude test or adaptation period, or both, in relation to a person, the aptitude test or the adaptation period, or the aptitude test and the adaptation period together, must be proportionate to the difference sought to be addressed.

(4H) The Council must give a person their reasons for specifying an aptitude test or an adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.

(4I) If the Council specify aptitude tests in relation to persons under this section, the Council must ensure that such tests are scheduled with reasonable frequency and at least once a year.”;

- (b) at the end, insert—

“(8) In this section—

“adaptation period”, in relation to registration under a particular title in the dental care professionals register, means a period of practice subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered dental care professional of the profession, or class of members of a profession, to which the title applies;

“aptitude test”, in relation to registration under a particular title in the dental care professionals register, means an assessment with the aim of determining whether a person has the knowledge and skill that the Council consider to be required for a person to practise as a member of the profession or class to which the title relates.”.

**27.** In section 36CA (supplementary provisions as to necessary knowledge of English)(**38**)—

- (a) after subsection (4), insert—

“(4A) Where the applicant applies in reliance on a specified state qualification or qualifications, the registrar may not request more evidence, information or documents than is necessary to demonstrate to the registrar that the applicant has the necessary knowledge of English.”;

- (b) after subsection (6), insert—

“(6A) Where the registrar requires an applicant who applies in reliance on a specified state qualification or qualifications to undergo an examination or other assessment, the examination or assessment must be proportionate to the knowledge of English referred to in section 36C(6)(aa).”.

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(38) Section 36CA was inserted by [S.I. 2015/806](#). There are amendments to section 36CA but none is relevant to these Regulations.

**28.** In section 36E (rules relating to the dental care professionals register)(**39**)—

- (a) the existing text becomes subsection (1);
- (b) after subsection (1), insert—  
“**(2)** Subsection (1) is subject to section 36EA.”.

**29.** After section 36E, insert—

**“36EA Applications by specified state professionals under section 36C**

(1) Where a person applies for registration under section 36C in reliance on a specified state qualification or qualifications, the registrar must—

- (a) within the period of one month beginning with the date of receipt of the application—
  - (i) acknowledge receipt of the application; and
  - (ii) inform the applicant of any missing document required for the purposes of the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process;
- (c) ensure that the evidence and information which the applicant must supply in support of the application is no more than is necessary to demonstrate to the registrar that the applicant satisfies the requirements for registration;
- (d) accept certified copies of documents in place of original documents, unless the Council require original documents to protect the integrity of the application process; and
- (e) deal promptly with the application and notify the applicant of the result of the application within the period of four months beginning with the relevant date.

(2) For the purposes of subsection (1)(d), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.

(3) In subsection (1)(e), “the relevant date”, in relation to an application, is—

- (a) the date when the registrar receives the application, or
- (b) if any document required for the purposes of the application is missing when the registrar receives the application, the date on which the registrar first has all the documents required for those purposes.

(4) If the registrar makes a request for further evidence, information or documents from the applicant, the period beginning with the date on which the registrar makes that request and ending with the date on which the applicant complies with that request is to be disregarded in determining whether the period of four months referred to in subsection (1) (e) has expired.

(5) If the registrar imposes a requirement on the applicant under section 36CA(6), the period beginning with the date on which the registrar imposes that requirement and ending with the date on which the applicant satisfies that requirement is to be disregarded in determining whether that period of four months has expired.

(6) A document which is requested or required under section 36CA(4) or (6)(b) is not to be treated as missing for the purposes of this section.”.

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(39) Section 36E was inserted by [S.I. 2005/2011](#). Section 36E was amended by [S.I. 2007/3101](#), [2015/806](#) and [2019/593](#).

**30.** In section 36F (fees)(40), after subsection (1), insert—

“(1ZA) If regulations under this section prescribe a fee to be charged on the entry of a person’s name in the register in a case where the person applies for registration in reliance on a specified state qualification or qualifications, the fee must be—

- (a) reasonable and proportionate to the cost of dealing with such a person’s application;
- (b) transparent, and made public in advance; and
- (c) payable by electronic means through the Council’s own website.”.

**31.** After section 36M (guidance)(41), insert—

**“36MA Information for specified state professionals**

(1) The Council must make information about the following matters available to persons who are eligible to apply for registration in the dental care professionals register in reliance on their specified state qualifications—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, erasure of registration;
- (e) the documentation required of such specified state professionals and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registered dental care professionals that are acceptable to the Council.

(2) The Council must deal promptly with enquiries from such specified state professionals about conditions that apply to the practice of registered dental care professionals.”.

**32.** In section 37 (definition of practice of dentistry)(42), after subsection (2B), insert—

“(2C) Subsection (2) does not have effect in relation to dental work that is done by a person as part of an adaptation period specified in relation to the person by the Council under section 15ZA or 36C(4E).”.

**33.** In section 38(43) (prohibition on practice of dentistry by laymen), after subsection (1), insert—

“(1A) A specified state professional undertaking an adaptation period specified in relation to the person by the Council under section 15ZA or 36C(4E) does not contravene subsection (1) by practising dentistry or by holding out as regards practising or being prepared to practise dentistry if the practising of dentistry is done as part of the adaptation period or (as the case may be) the holding out relates only to the practising of dentistry as part of the adaptation period.”.

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(40) Section 36F was inserted by S.I. 2005/2011. There are amendments to section 36F but none is relevant to these Regulations.

(41) Section 36M was inserted by S.I. 2005/2011. There are amendments to section 36M but none is relevant to these Regulations.

(42) Section 37 was amended by S.I. 2005/2011. There are other amendments but none is relevant to these Regulations.

(43) There are amendments to section 38 but none is relevant to these Regulations.



- 34.** In section 53 (interpretation)(**44**), in subsection (1), at the appropriate places insert—
- ““specified state professional” means a person who holds a specified state qualification;”;
- ““specified state qualification” means a qualification in dentistry or in a profession complementary to dentistry awarded in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.
- 35.** In Schedule 2A (registration appeals: dentists register)(**45**)—
- (a) in paragraph 1, for the definition of “the requisite period”, substitute—
- ““the requisite period”—
- (a) in relation to a decision as to the registration of a specified state professional under section 15(1)(c), means the period of four months beginning with the date when the registrar is first in possession of sufficient information to make the decision;
- (b) in relation to any other decision of a kind specified in paragraph 2(1)(a) or a decision of a kind specified in paragraph 2(1)(b), (d), (f), (g) or (i), means the period of three months beginning with the date when the registrar is first in possession of sufficient information to make the decision.”; and
- (b) in paragraph 2(1)(a), for “or (c)”, substitute “, (c) or (d)”.

### **Amendments to the Opticians Act 1989**

- 36.** The Opticians Act 1989(**46**) is amended as follows.
- 37.** In section 8 (qualifications for being registered)(**47**)—
- (a) omit subsection (2C);
- (b) after that subsection, insert—
- “(2D) Subsections (2E) to (2H) apply instead of subsections (2) to (2B) in the case of a person whose qualification is a specified state qualification.
- (2E) Subject to subsection (2F), a person is entitled to have the person’s name in the appropriate register if the person satisfies the Council that—
- (a) the person holds a qualification as an optometrist or as a dispensing optician which is a specified state qualification;
- (b) the person has had adequate practical experience in the work of an optometrist or dispensing optician; and
- (c) the person is a fit person to practise as an optometrist or dispensing optician.
- (2F) A person is not entitled to have the person’s name in the appropriate register by virtue of subsection (2E) if the Council determine that one or more of Conditions 1 to 3 are met in relation to the person’s specified state qualification, unless the person satisfies the Council that the person has met the requirement specified in relation to the person under section 8ZA.
- (2G) For the purpose of this section and section 8ZA—

(44) Section 53 was amended by paragraph 31 of Schedule 19 to the Data Protection Act 2018 (c. 12) and S.I. 2005/2011, 2007/3101, 2015/806, 2019/419, 2019/593 and 2023/162. There are other amendments to regulation 53 but none is relevant to these Regulations.

(45) Schedule 2A was inserted by S.I. 2005/2011 and amended by S.I. 2007/3101 and 2019/593. There are other amendments to Schedule 2A but none is relevant to these Regulations.

(46) 1989 c. 44.

(47) Relevant amending instruments are S.I. 2005/848 and 2019/593.

- (a) Condition 1 is met where there exists a substantial difference between the knowledge and skill evidenced by a person's specified state qualification and the knowledge and skill demonstrated by an approved UK qualification;
- (b) Condition 2 is met where the professional activities to which an approved UK qualification relates include one or more professional activities that cover substantially different matters from those covered by the person's specified state qualification;
- (c) Condition 3 is met where requiring the person to take an aptitude test or complete an adaptation period would amount to requiring the person to acquire an approved UK qualification.

(2H) The Council may determine in relation to a person who holds a qualification as an optometrist or as a dispensing optician which is a specified state qualification that, before being entitled to have the person's name in the appropriate register, the person must pass such test, approved in accordance with section 12(7)(c), as they consider appropriate.

(2I) Where the Council make a determination that a specified state professional must take a test approved in accordance with section 12(7)(c), the test must be proportionate to the language skills necessary to practise as an optometrist or a dispensing optician.”;

(c) at the end, insert—

“(11) In this section “approved UK qualification” means a qualification that is—

- (a) approved under section 12(7)(b), and
- (b) granted by an establishment in the United Kingdom that is approved under section 12(7)(a).”.

**38.** After section 8, insert—

**“Section 8: further provision relating to specified state qualifications**

**8ZA.**—(1) This section applies where a person who holds a specified state qualification applies to have the person's name in the appropriate register under section 8 and the Council determine that one or both of Conditions 1 and 2 are met in relation to the person's qualification.

(2) This section does not apply if the Council determine that Condition 3 is met in relation to the person's specified state qualification.

(3) Where this section applies, the Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person before the person is entitled to have the person's name in the appropriate register.

(4) An aptitude test or adaptation period specified under this section, or an aptitude test and adaptation period together specified under this section, must be proportionate to the difference sought to be addressed.

(5) The Council must give a person their reasons for specifying an aptitude test or an adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.

(6) If the Council specify aptitude tests in relation to persons under this section, the Council must ensure that such tests are scheduled with reasonable frequency and at least once a year.”.

**39.** In section 10 (general provisions as to registers and lists)(48), after subsection (1), insert—

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(48) Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#) and [2019/593](#).



“(1ZB) If rules under this section prescribe a fee to be charged on the entry of a person’s name in the register in a case where the person applies for registration in reliance on a specified state qualification, the fee must be—

- (a) reasonable and proportionate to the cost of dealing with such a person’s application;
- (b) transparent, and made public in advance; and
- (c) payable by electronic means through the Council’s own website.

(1ZC) Where a person applies for registration under section 8 in reliance on a specified state qualification, the Council must—

- (a) within the period of one month beginning with the date of receipt of the application—
  - (i) acknowledge receipt of the application; and
  - (ii) inform the applicant of any missing document required for the purposes of the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process;
- (c) ensure that the documentary and other evidence which is to accompany applications for registration is no more than is necessary to demonstrate to the Council that the applicant satisfies each of the requirements imposed by or under section 8;
- (d) accept copies of documents in place of original documents (subject to such provision about verifying copies as is made by rules under subsection (1)) unless the Council require original documents to protect the integrity of the application process;
- (e) deal promptly with the application; and
- (f) as soon as reasonably practicable and in any event within four months beginning with the relevant date, notify the applicant in writing of the result of the application.

(1ZD) In subsection (1ZC)(f), “the relevant date”, in relation to an application, is—

- (a) the date on which the Council receive the application; or
- (b) if any document required for the purposes of the application is missing when the Council receive the application, the date on which the Council first have all the documents required for those purposes.

(1ZE) If the Council make a request for further evidence, information or documents from the applicant, the period beginning with the date on which the Council make that request and ending with the date on which the applicant complies with that request is to be disregarded in determining whether the period of four months referred to in subsection (1ZC)(f) has expired.”.

**40.** After section 13A (the Council’s duty to provide guidance on fitness to practise)(49) insert—

**“13AA Information to be provided to specified state professionals**

(1) The Council must make information about the following matters available to specified state professionals—

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(49) Section 13A was inserted by [S.I. 2005/848](#).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 No. 1286*

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, erasure or removal from the appropriate register;
- (e) the documentation required of specified state professionals and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registered optometrists or registered dispensing opticians that are acceptable to the Council.

(2) The Council must deal promptly with enquiries from specified state professionals about conditions that apply to the practice of registered optometrists or registered dispensing opticians.”.

**41.** In section 36 (interpretation)(**50**), at the appropriate places, insert—

““adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered optometrist or registered dispensing optician;”;

““aptitude test” means an assessment with the aim of determining whether a person has the competencies for the time being established under section 12(1)(a) in relation to being granted a qualification as an optometrist or a dispensing optician;”;

““specified state professional” means a person who holds a specified state qualification;”;

““specified state qualification” means a qualification as an optometrist or as a dispensing optician granted in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

### **Amendments to the Osteopaths Act 1993**

**42.** The Osteopaths Act 1993(**51**) is amended as follows.

**43.** In section 3 (full registration)(**52**)—

(a) for subsection (2)(d), substitute—

“(d) is a person who—

(i) has a recognised qualification, or

(ii) has a specified state qualification which is not a recognised qualification and has met the requirement specified in relation to the person under section 14A.”; and

(b) after subsection (2), insert—

“(2A) The General Council may require a specified state professional who wishes to be registered under this section to demonstrate that the person possesses the language skills necessary to the practice of a registered osteopath.

(50) Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#), [2008/1774](#) and [2019/593](#).

(51) [1993 c. 21](#).

(52) There are amendments to section 3 but none is relevant to these Regulations.

(2B) A language test required by the General Council under subsection (2A) must be proportionate to the level of language skills referred to in that subsection.”.

44. In section 6 (registration: supplemental provision)(53), after subsection (4), insert—

“(4B) Subsections (2) to (4) are subject to subsection (4C) and section 6A.

(4C) Any fee prescribed in connection with the making of an entry in the register relating to a specified state professional must be—

- (a) reasonable and proportionate to the cost of dealing with such a person’s application;
- (b) transparent, and made public in advance; and
- (c) payable by electronic means through the General Council’s website.”.

45. After section 6, insert—

**“6A Registration: provision relating to specified state professionals**

(1) Where a specified state professional makes an application for full registration, the Registrar must—

- (a) within the period of one month beginning with the date of receipt of the person’s application—
  - (i) acknowledge receipt of the application; and
  - (ii) inform the person of any missing document required for the purposes of the application;
- (b) give the person adequate time to complete the requirements and procedures of the application process;
- (c) ensure that the documentary and other evidence which is to accompany applications for registration is no more than is necessary to demonstrate to the Registrar that the person satisfies the conditions in section 3(2);
- (d) accept certified copies of documents in place of original documents, unless it requires original documents to protect the integrity of the application process; and
- (e) deal promptly with the person’s application and notify the person of the result of the application within the period of four months beginning with the relevant date.

(2) For the purposes of subsection (1)(d), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.

(3) In subsection (1)(e), “the relevant date”, in relation to an application, is—

- (a) the date when the Registrar receives the application; or
- (b) if any document required for the purposes of the application is missing when the Registrar receives the application, the date on which the Registrar first has all the documents required for those purposes.

(4) If the Registrar makes a request for further evidence, information or documents from such a specified state professional, the period beginning with the date on which the Registrar makes that request and ending with the date on which the person complies with that request is to be disregarded in determining whether the period of four months referred to in subsection (1)(e) has expired.”.

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(53) There are amendments to section 6 but none is relevant to these Regulations.

46. In section 14 (recognition of qualifications)(<sup>54</sup>), after subsection (2A), insert—

“(2B) The General Council may determine that a specified state qualification is not evidence of having reached a standard of proficiency comparable to that evidenced by a qualification recognised under subsection (2) only where one or more of Conditions 1 to 3 are met.

(2C) Condition 1 is met where there exists a substantial difference between the standard of proficiency evidenced by the specified state qualification and the required standard of proficiency.

(2D) Condition 2 is met where the professional activities to which a recognised qualification relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(2E) Condition 3 is met where requiring a person who holds the specified state qualification to pass an aptitude test or successfully to complete an adaptation period, or to do both, would amount to requiring the person to acquire a recognised qualification.”.

47. After section 14, insert—

**“14A Section 14: further provision relating to specified state professionals**

(1) This section applies where a person who holds a specified state qualification applies to be registered under section 3(2)(d) and the person’s qualification is not a recognised qualification.

(2) This section does not apply if the person’s specified state qualification is not a recognised qualification because Condition 3 is met in relation to it (see section 14(2E)).

(3) Where this section applies, the General Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(4) An aptitude test or adaptation period specified under this section, or aptitude test and adaptation period together specified under this section, must be proportionate to the difference sought to be addressed.

(5) The General Council must give a person its reasons for specifying an aptitude test or an adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.

(6) If the General Council specifies aptitude tests under this section, the General Council must ensure that such aptitude tests are scheduled with reasonable frequency and at least once a year.”.

48. After section 19 (the Code of Practice), insert—

**“19A Information to be made available to specified state professionals**

(1) The General Council must make information about the following matters available to specified state professionals—

(a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;

(b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;

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(54) The relevant amending instrument is [S.I. 2019/593](#).

- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, removal of an entry in the register;
- (e) the documentation required of specified state professionals and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of a registered osteopath that are acceptable to the General Council.

(2) The General Council must deal promptly with enquiries from specified state professionals about conditions that apply to the practice of registered osteopaths.”

**49.** In section 29 (appeals against decisions of the Registrar)(**55**)—

(a) after subsection (1)(a) insert—

“(aa) fails to notify an applicant for full registration who is a specified state professional of the result of the application in accordance with section 6A(1)(e),”;

(b) in subsection (3), after “General Council” insert “under subsection (1)(a), (b), (c), (d) or (e)”;

(c) after subsection (3) insert—

“(3A) An appeal to the General Council under subsection (1)(aa) must be made before the end of the period of 28 days beginning with the day on which the period for notifying the specified state professional of the result of the application expires (see section 6A(1)(e)).”.

**50.** In section 41 (interpretation)(**56**), at the appropriate places, insert—

““adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a fully registered osteopath;”;

““aptitude test” means an assessment with the aim of determining whether the person has reached the required standard of proficiency;”;

““specified state professional” means a person who holds a specified state qualification;”;

““specified state qualification” means a qualification in osteopathy granted in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

### **Amendments to the Chiropractors Act 1994**

**51.** The Chiropractors Act 1994(**57**) is amended as follows.

**52.** In section 3 (full registration)(**58**)—

(a) for subsection (2)(d), substitute—

“(d) is a person who—

(i) has a recognised qualification, or

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(55) The relevant amending instrument is [S.I. 2019/593](#).

(56) Section 41 was amended by paragraph 9 of Schedule 2 to the Chiropractors Act 1994 (c. 17) and [S.I. 2007/3101](#), [2008/1774](#) and [2019/593](#).

(57) [1994 c. 17](#).

(58) There are amendments to section 3 but none is relevant to these Regulations.

- (ii) has a specified state qualification which is not a recognised qualification and has met the requirement specified in relation to the person under section 14(A).”; and
  - (b) after subsection (2), insert—
    - “(2A) The General Council may require a specified state professional who wishes to be registered under this section to demonstrate that the person possesses the language skills necessary to the practice of a fully registered chiropractor.
    - (2B) A language test required by the General Council under subsection (2A) must be proportionate to the level of language skills referred to in that subsection.”.
53. In section 6 (registration: supplemental provision)(59), after subsection (4), insert—
- “(4B) Subsections (2) to (4) are subject to subsection (4C) and section 6A.
  - (4C) Any fee prescribed in connection with the making of an entry in the register relating to a specified state professional must be—
    - (a) reasonable and proportionate to the cost of dealing with such a person’s application;
    - (b) transparent, and made public in advance; and
    - (c) payable by electronic means through the General Council’s website.”.
54. After section 6, insert—

**“6A Registration: provision relating to specified state professionals**

- (1) Where a specified state professional makes an application for full registration, the Registrar must—
  - (a) within the period of one month beginning with the date of receipt of the application—
    - (i) acknowledge receipt of the application; and
    - (ii) inform the person of any missing document required for the purposes of the application;
  - (b) give the person adequate time to complete the requirements and procedures of the application process;
  - (c) ensure that the documentary and other evidence which is to accompany applications for registration is no more than is necessary to demonstrate to the Registrar that the person satisfies the conditions in section 3(2);
  - (d) accept certified copies of documents in place of original documents, unless it requires original documents to protect the integrity of the application process; and
  - (e) deal promptly with the person’s application and notify the person of the result of the application within the period of four months beginning with the relevant date.
- (2) For the purposes of subsection (1)(d), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.
- (3) In subsection (1)(e), “the relevant date”, in relation to an application, is—
  - (a) the date when the Registrar receives the application; or

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(59) There are amendments to section 6 but none is relevant to these Regulations.

(b) if any document required for the purposes of the application is missing when the Registrar receives the application, the date on which the Registrar first has all the documents required for those purposes.

(4) If the Registrar makes a request for further evidence, information or documents from such a specified state professional, the period beginning with the date on which the Registrar makes that request and ending with the date on which the person complies with that request is to be disregarded in determining whether the period of four months referred to in subsection (1)(e) has expired.”

55. In section 14 (recognition of qualifications)(60), after subsection (2A), insert—

“(2B) The General Council may determine that a specified state qualification is not evidence of having reached a standard of proficiency comparable to that evidenced by a qualification recognised under subsection (2) only where one or more of Conditions 1 to 3 are met.

(2C) Condition 1 is met where there exists a substantial difference between the standard of proficiency evidenced by the specified state qualification and the required standard of proficiency.

(2D) Condition 2 is met where the professional activities to which a recognised qualification relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(2E) Condition 3 is met where requiring a person who holds the specified state qualification to pass an aptitude test or successfully to complete an adaptation period, or to do both, would amount to requiring the person to acquire a recognised qualification.”

56. After section 14, insert—

**“14A Section 14: further provision relating to specified state professionals**

(1) This section applies where a person who holds a specified state qualification applies to be registered under section 3(2)(d) and the person’s qualification is not a recognised qualification.

(2) This section does not apply if the person’s specified state qualification is not a recognised qualification because Condition 3 is met in relation to it (see section 14(2E)).

(3) Where this section applies, the General Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(4) An aptitude test or adaptation period specified under this section, or an aptitude test and adaptation period together specified under this section, must be proportionate to the difference sought to be addressed.

(5) The General Council must give a person its reasons for specifying an aptitude test or adaptation period, or both, in relation to the person under this section, if the person makes a written request for them.

(6) If the General Council specifies aptitude tests under this section, the General Council must ensure that such aptitude tests are scheduled with reasonable frequency and at least once a year.”

57. After section 19 (the code of practice), insert—

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(60) The relevant amending instrument is [S.I. 2019/593](#).

### **“19A Information for specified state professionals**

(1) The General Council must make information about the following matters available to specified state professionals—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, removal from the register;
- (e) the documentation required of specified state professionals and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registered chiropractors that are acceptable to the General Council.

(2) The General Council must deal promptly with enquiries from specified state professionals about conditions that apply to the practice of registered chiropractors.”.

**58.** In section 29 (appeals against decisions of the Registrar)(**61**)—

(a) after subsection (1)(a), insert—

“(aa) fails to notify an applicant for full registration who is a specified state professional of the result of the application in accordance with section 6A(1)(e),”;

(b) in subsection (3), after “General Council”, insert “under subsection (1)(a), (b), (c), (d) or (e)”;

(c) after subsection (3), insert—

“(3A) An appeal to the General Council under subsection (1)(aa) must be made before the end of the period of 28 days beginning with the day on which the period for notifying the specified state professional of the result of the application expires (see section 6A(1)(e)).”.

**59.** In section 43 (interpretation)(**62**), at the appropriate places, insert—

““adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered chiropractor;”;

““aptitude test” means an assessment with the aim of determining whether a person has reached the required standard of proficiency;”;

““specified state professional” means a person who holds a specified state qualification;”;

““specified state qualification” means a qualification in chiropractic granted in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

### **Amendments to the Nursing and Midwifery Order 2001**

**60.** The Nursing and Midwifery Order 2001(**63**) is amended as follows.

(61) The relevant amending instrument is [S.I. 2019/593](#).

(62) Relevant amending instruments are [S.I. 2007/3101](#), [2008/1774](#) and [2019/593](#).

(63) [S.I. 2002/253](#).



**61.** In article 5A (supplementary provisions as to necessary knowledge of English)(**64**), after paragraph (6), insert—

“(6A) A requirement imposed by the Council under sub-paragraph (6)(a) must be proportionate to the level of language skills referred to in article 9(2)(ba).”.

**62.** In article 7 (the register: supplemental provisions)(**65**), after paragraph (2), insert—

“(2A) Where the applicant applies in reliance on a specified state qualification or qualifications, the Registrar may not request more documentary and other evidence than is necessary to demonstrate to the Registrar that the applicant has satisfied the conditions specified in article 9(2).

(2B) Where documentary or other evidence falls to be provided in connection with the registration of a specified state professional under article 9, the Council must accept certified copies of documents in place of original documents unless it requires original documents to protect the integrity of the application process.

(2C) For the purposes of paragraph (2B), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.

(2D) Any fee prescribed by the Council under paragraph (1) in connection with the making of an entry in the register relating to a specified state professional must be—

- (a) reasonable and proportionate to the cost of dealing with such an applicant’s application;
- (b) transparent, and made public in advance; and
- (c) payable by electronic means through the Council’s website.”.

**63.** In article 9 (registration)(**66**)—

(a) after paragraph (4), insert—

“(4A) Where a specified state professional makes an application under paragraph (1), the Registrar must—

- (a) give the applicant adequate time to complete the requirements and procedures of the application process;
- (b) within the period of one month beginning with the date when the Registrar receives the application—
  - (i) acknowledge receipt of the application;
  - (ii) inform the applicant of any missing document required for the purposes of the application; and
- (c) deal promptly with the application.”;

(b) in paragraph (5), for “the period of three months beginning with the relevant date” substitute—

“—

- (a) where A holds a specified state qualification, the period of four months beginning with the relevant date;
- (b) in any other case, the period of three months beginning with that date.”.

**64.** In article 13 (approved qualifications)(**67**)—

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(64) Article 5A was inserted by [S.I. 2015/806](#). There are amendments to article 5A but none is relevant to these Regulations.

(65) There are amendments to article 7 but none is relevant to these Regulations.

(66) Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#), and [2019/593](#).

(67) Relevant amending instruments are [S.I. 2007/3101](#), [2019/593](#) and [2023/162](#).

(a) for paragraph (1)(d)(iii), substitute—

“(iii) subject to article 13ZA, the Council is satisfied that, following any test of competence that it may require the applicant to take, the applicant has the requisite standard of proficiency for admission to the part of the register in respect of which the applicant is applying, provided that a specified state professional who has passed an aptitude test or successfully completed an adaptation period must be deemed to have the requisite standard of proficiency referred to;”;

(b) after paragraph (5), insert—

“(5A) The Council may determine that a specified state qualification is not evidence of having reached a standard of proficiency comparable to that evidenced by a qualification approved under paragraph (1)(a) only where one or more of Conditions 1 to 3 are met.

(5B) Condition 1 is met where there exists a substantial difference between the standard of proficiency evidenced by that specified state qualification and the requisite standard of proficiency for admission to the part of the register in respect of which the applicant is applying.

(5C) Condition 2 is met where the professional activities to which a qualification approved under paragraph (1)(a) relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(5D) Condition 3 is met where requiring a person who holds the specified state qualification to pass an aptitude test or to successfully complete an adaptation period, or to do both, would amount to requiring the person to acquire a qualification approved under paragraph (1)(a).”.

65. After article 13, insert—

**“Article 13: further provision relating to specified state professionals**

**13ZA.**—(1) This article applies where a person holds a specified state qualification which is not a relevant European qualification and wishes to be registered under article 9.

(2) This article does not apply if the qualification held by the person is not a relevant European qualification because Condition 3 in article 13(5D) is met in relation to it.

(3) Where this article applies, the Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(4) An aptitude test or adaptation period specified under this article, or aptitude test and adaptation period together specified under this article, must be proportionate to the difference sought to be addressed.

(5) The Council must give a person its reasons for specifying in relation to the person an aptitude test or adaptation period, or both, if the person makes a written request for them.

(6) Where the Council specifies an aptitude test under this article, the Council must ensure that such aptitude tests are scheduled with reasonable frequency and at least once a year.”.

66. After article 21 (Council’s functions in respect of fitness to practise, ethics and other matters)(68), insert—

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(68) There are amendments to article 21 but none is relevant to these Regulations.

### **“Information for specified state professionals**

**21A.**—(1) The Council must make information about the following matters available to specified state professionals—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, removal of an entry from the register;
- (e) the documentation required of specified state professionals and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registrants that are acceptable to the Council.

(2) The Council must deal promptly with enquiries from specified state professionals about conditions that apply to the practice of registrants.”.

**67.** In Schedule 4 (interpretation)(**69**), at the appropriate places, insert—

““adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered nurse, midwife or nursing associate;”;

““aptitude test” means an assessment, with the aim of determining whether a specified state professional meets the standards referred to in article 5(2)(a);”;

““specified state professional” means a person who holds a specified state qualification;”;

““specified state qualification” means a nursing or midwifery qualification or a qualification comparable to that of a nursing associate awarded in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

### **Amendments to the Health Professions Order 2001**

**68.** The Health Professions Order 2001(**70**) is amended as follows.

**69.** In article 7 (the register: supplemental provisions)(**71**), in paragraph (2), for “The rules”, substitute “Subject to article 7A, the rules”.

**70.** After article 7 insert—

#### **“The register: specified state professionals - supplemental provisions**

**7A.**—(1) Where a specified state professional makes an application for registration—

- (a) for the purposes of article 7(2)(c)(i) any fee charged must be—
  - (i) reasonable and proportionate to the cost of the applicant’s application;
  - (ii) transparent and made public in advance; and

(69) Relevant amendments were made by paragraph 286 of Schedule 19 to the Data Protection Act 2018 (c. 12) and S.I. 2007/3101, 2008/1485, 2014/1887, 2015/806, 2017/321, 2018/838, 2019/419 and 593.

(70) S.I. 2002/254.

(71) There are amendments to article 7 but none is relevant to these Regulations.

- (iii) payable by electronic means through the Council’s website;
- (b) the documentary and other evidence required pursuant to rules made under article 7(2)(d) must be no more than is necessary to demonstrate to the Council that the applicant satisfies the conditions in article 9(2); and
- (c) for the purposes of article 7(2)(d) the Council must accept certified copies of documents in place of original documents, unless it requires original documents to protect the integrity of the application process.

(2) For the purposes of paragraph (1)(c), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.”.

**71.** In article 9 (registration)(72)—

- (a) in paragraph (2), for sub-paragraph (a), substitute—

- “(a) the applicant satisfies the Education and Training Committee that they—
- (i) hold an approved qualification awarded—
    - (aa) within such period, not exceeding five years ending with the date of the application, as may be prescribed, or
    - (bb) before the prescribed period mentioned in head (aa), and they have met such requirements as to additional education, training and experience as the Council may specify under article 19(3) and which apply to them; or
  - (ii) have passed an aptitude test or successfully completed an adaptation period pursuant to article 12A;”;

- (b) after paragraph (4), insert—

“(4A) Where a specified state professional makes an application for registration under paragraph (1), the Education and Training Committee must—

- (a) within the period of one month beginning with the date of receipt of the application—
  - (i) acknowledge receipt of the application; and
  - (ii) inform the applicant of any missing document required for the purposes of the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process; and
- (c) deal promptly with the applicant’s application.”;

- (c) in paragraph (5), for the words from “within” to the end, substitute—

“—

- (a) where the person holds a specified state qualification, within the period of four months beginning with the day on which the application is received;
- (b) in any other case, within the period of three months beginning with that day.”.

**72.** In article 12 (approved qualifications)(73), after paragraph (1), insert—

“(1ZA) The Council may determine that a specified state qualification is not evidence of having reached a standard of proficiency comparable to that evidenced by a qualification approved under paragraph (1)(a) only where one or more of Conditions 1 to 3 are met.

(72) Relevant amending instruments are [S.I. 2014/1887](#) and [2019/593](#).

(73) There are amendments to article 12 but none is relevant to these Regulations.

(1ZB) Condition 1 is met where there exists a substantial difference between the standard of proficiency evidenced by the specified state qualification and the standard of proficiency it is necessary for a person to achieve for admission to the part of the register in respect of which the person is applying.

(1ZC) Condition 2 is met where the professional activities to which a qualification mentioned in paragraph (1)(a) relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(1ZD) Condition 3 is met where requiring a person who holds a specified state qualification to pass an aptitude test or to successfully complete an adaptation period, or to do both, would amount to requiring the person to acquire a qualification approved under paragraph (1)(a).”

73. After article 12, insert—

**“Article 12: further provision relating to specified state professionals**

**12A.—**(1) This article applies where a person—

- (a) holds a specified state qualification which the Council has determined does not meet the standard in article 12(1)(c)(i) because Condition 1 or 2 in article 12 is met; and
- (b) wishes to be registered under article 9.

(2) Where this article applies, the Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(3) An aptitude test or adaptation period specified under this article, or an aptitude test and adaptation period together specified under this article, must be proportionate to the difference sought to be addressed.

(4) The Council must give a person its reasons for specifying in relation to the person an aptitude test or adaptation period, or both, if the person makes a written request for them.

(5) Where the Council specifies an aptitude test under this article, the Council must ensure that such aptitude tests are scheduled with reasonable frequency and at least once a year.”

74. In article 15 (education and training), after paragraph (5), insert—

“(5A) If the Council requires a specified state professional to undergo a test of competence or knowledge of English, the test must be proportionate to the level required to satisfy the standards under this article.”

75. After article 21 (Council’s functions in respect of fitness to practise, ethics and other matters)(74), insert—

**“Information for specified state professionals**

**21A.—**(1) The Council must make information about the following matters available to specified state professionals—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;

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(74) There are amendments to article 21 but none is relevant to these Regulations.

- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, removal from the register;
- (e) the documentation required of specified state professionals and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registrants that are acceptable to the Council.

(2) The Council must deal promptly with enquiries from specified state professionals about conditions that apply to the practice of registrants.”.

**76.** In Schedule 3 (interpretation)(75), in paragraph 1, at the appropriate places insert—

““adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered professional of the corresponding relevant profession;”;

““aptitude test” means an assessment with the aim of determining whether a specified state professional has the standard of proficiency that the Council considers requisite for admission to the part of the register in respect of which the professional is applying;”;

““specified state professional” means a person who holds a specified state qualification;”;

““specified state qualification” means a qualification in one of the relevant professions awarded in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

### **Amendments to the Pharmacy Order 2010**

**77.** The Pharmacy Order 2010(76) is amended as follows.

**78.** In article 3 (interpretation)(77), in paragraph (1), at the appropriate places, insert—

““adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered pharmacist or registered pharmacy technician;”;

““aptitude test” means an assessment with the aim of determining whether a specified state professional has the knowledge, skills and experience that the Council considers requisite for practising as a registered pharmacist or registered pharmacy technician;”;

““specified state professional” means a person who holds a specified state qualification;”;

““specified state qualification” means a qualification in pharmacy or a pharmacy technician qualification awarded in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

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(75) Relevant amendments were made by sections 213, 214 and 219 of the Health and Social Care Act 2012 (c. 7), and paragraph 27 of Schedule 5 to the Children and Social Work Act 2017 (c. 16) and S.I. 2004/1947 and 2033, 2007/3101, 2009/1182, 2010/233, 2014/1887 and 2019/593.

(76) S.I. 2010/231.

(77) Relevant amendments were made by paragraph 352 of Schedule 19 to the Data Protection Act 2018 (c. 12), and S.I. 2007/3101, 2015/806 and 968, 2016/372 and 1030 and 2019/419 and 593.

**79.** After article 20 (entitlement to entry in Part 1 or 2 of the Register: pharmacists and pharmacy technicians)(**78**), insert—

**“Article 20: further provision relating to specified state professionals**

**20A.**—(1) This article applies where a person holds a specified state qualification which is not a relevant European qualification and wishes to be registered under article 20.

(2) This article does not apply if the qualification held by the person is not a relevant European qualification because Condition 3 in article 21(1G) or, as the case may be, 22(1D) is met in relation to it.

(3) Where this article applies, the Council must specify what aptitude test or adaptation period, or aptitude test and adaptation period, must be passed or successfully completed by the person.

(4) An aptitude test or adaptation period specified under this article, or an aptitude test and adaptation period together specified under this article, must be proportionate to the difference sought to be addressed.

(5) The Council must give a person its reasons for specifying in relation to the person an aptitude test or an adaptation period, or both, if the person makes a written request for them.

(6) Where the Council specifies an aptitude test under this article, the Council must ensure that such aptitude tests are scheduled with reasonable frequency and at least once a year.”.

**80.** In article 21 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists)(**79**)—

(a) in paragraph (1B), after “In this article”, insert “and article 20A”;

(b) after paragraph (1C), insert—

“(1D) The Council may designate a specified state qualification for the purpose of paragraph (1B)(a), or determine that a specified state qualification is not evidence of having reached a standard of proficiency comparable to that evidenced by a qualification approved under paragraph (1)(a), only where one or more of Conditions 1 to 3 are met.

(1E) Condition 1 is met where there exists a substantial difference between the standard of proficiency evidenced by the specified state qualification and the standard of proficiency for the safe and effective practice that, in the Council’s opinion, it is necessary for a person to achieve in order to be entered in Part 1 of the Register.

(1F) Condition 2 is met where the professional activities to which a qualification approved under paragraph (1)(a) relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(1G) Condition 3 is met where requiring a person who holds a specified state qualification to pass an aptitude test or to successfully complete an adaptation period, or to do both, would amount to requiring the person to acquire a qualification approved under paragraph (1)(a).”.

**81.** In article 22 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacy technicians)(**80**), after paragraph (1), insert—

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(78) There are amendments to article 20 but none is relevant to these Regulations.

(79) The relevant amending instrument is [S.I. 2019/593](#).

(80) The relevant amending instrument is [S.I. 2019/593](#).

“(1A) The Council may determine that a specified state qualification is not evidence of having reached a standard of proficiency comparable to that evidenced by a qualification approved under paragraph (1)(a) only where one or more of Conditions 1 to 3 are met.

(1B) Condition 1 is met where there exists a substantial difference between the standard of proficiency evidenced by the specified state qualification and the standard of proficiency for the safe and effective practice of pharmacy that, in the Council’s opinion, it is necessary for a person to achieve in order to be entered in Part 2 of the Register;

(1C) Condition 2 is met where the professional activities to which a qualification approved under paragraph (1)(a) relates include one or more professional activities that cover substantially different matters from those covered by the specified state qualification.

(1D) Condition 3 is met where requiring a person who holds a specified state qualification to take an aptitude test or to successfully complete an adaptation period, or to do both, would amount to requiring the person to acquire a qualification approved under paragraph (1)(a).”.

**82.** In article 23 (form, manner and content of applications for entry or for renewal of an entry in the Register: pharmacists and pharmacy technicians)(**81**)—

- (a) in paragraph (1), for “The Council”, substitute “Subject to paragraphs (1A) and (1B), the Council”;
- (b) after paragraph (1), insert—

“(1A) Where the applicant holds a specified state qualification, the documentary and other evidence which is required to accompany applications of the kind mentioned in paragraph (1) must be no more than is necessary to demonstrate to the Registrar that the applicant satisfies the conditions set out in article 20(1).

(1B) Where the applicant holds a specified state qualification, the Council must accept certified copies of documents in place of original documents, unless it requires original documents to protect the integrity of the application process.

(1C) For the purposes of paragraph (1B), a certified copy of a document is one which is certified to be a true copy of the original by a solicitor practising in any part of the United Kingdom.”.

**83.** In article 23A (supplementary provisions as to necessary knowledge of English)(**82**), after paragraph (6), insert—

“(6A) Where the Registrar requires a specified state professional to undergo an examination or other assessment, the examination or assessment must be proportionate to the level of English required to satisfy the Registrar under this article.”.

**84.** In article 24 (notification by the Registrar: entry and renewal)(**83**)—

- (a) after paragraph (2), insert—
  - “(2C) Where A holds a specified state qualification, the Registrar must—
  - (a) give A adequate time to complete the requirements and procedures of the application process; and
  - (b) deal promptly with A’s application.”;
- (b) in paragraphs (3) and (4), for “period of three months beginning with the relevant date” substitute “relevant period”;
- (c) after paragraph (4), insert—

(81) There are amendments to article 23 but none is relevant to these Regulations.

(82) Article 23A was inserted by [S.I. 2015/806](#).

(83) The relevant amending instruments are [S.I. 2015/806](#) and [2019/593](#).



“(4A) For the purposes of this article, the relevant period is:

- (a) where A holds a specified state qualification, the period of four months beginning with the relevant date;
- (b) in any other case, the period of three months beginning with that date.”;
- (d) in paragraph (5A), for “period of three months for the purposes of paragraph (3) or (4)”, substitute “relevant period”.

**85.** After article 36 (fees in connection with entry)(**84**) insert—

**“Additional requirements for specified state professionals**

**36A.** Any fee prescribed by the Council under article 36(1) in connection with the making of an entry in the register relating to a specified state professional must be—

- (a) reasonable and proportionate to the cost of dealing with such an applicant’s application;
- (b) transparent, and made public in advance; and
- (c) payable by electronic means through the Council’s website.”.

**86.** After article 48 (standards of conduct and performance)(**85**), insert—

**“Information for specified state professionals**

**48A.**—(1) The Council must make information about the following matters available to specified state professionals—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising professional activities;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, removal from the register;
- (e) the documentation required of specified state professionals and the form in which it should be presented; and
- (f) the documents and certificates issued in relation to professional qualifications or other conditions that apply to the practice of registrants that are acceptable to the Council.

(2) The Council must deal promptly with enquiries from specified state professionals about conditions that apply to the practice of registrants.”.

**Amendments to the Postgraduate Medical Education and Training Order of Council 2010**

**87.** The Postgraduate Medical Education and Training Order of Council 2010(**86**) is amended as follows.

**88.** In article 4 (general practitioners eligible for entry in the General Practitioner Register)(**87**), after paragraph (4), insert—

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(84) There are amendments to article 36 but none is relevant to these Regulations.

(85) There are amendments to article 48 but none is relevant to these Regulations.

(86) [S.I. 2010/473](#).

(87) Relevant amending instruments are [S.I. 2019/593](#) and [2022/1326](#).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 No. 1286*

“(4A) Persons are also eligible general practitioners for the purposes of article 3(1)(a) if they are entitled to have their qualification in general practice recognised by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

**89.** In article 8 (specialists eligible for entry in the Specialist Register)(**88**), after paragraph (6), insert—

“(6A) A person is also an eligible specialist for the purposes of article 7(1)(a) if that person is entitled to have their specialist qualification recognised by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

## PART 6

Amendments in relation to the professions of statutory auditor and local public auditor

### Amendments to the Companies Act 2006

**90.**—(1) Schedule 10 to the Companies Act 2006 (recognised supervisory bodies)(**89**) is amended as follows.

(2) In paragraph 6 (holding of appropriate qualification)(**90**)—

(a) in sub-paragraph (1A), omit the “or” following paragraph (a);

(b) after sub-paragraph (1A)(b)(iii), insert—

“, or

(c) the individual is a specified state auditor who—

(i) holds professional qualifications obtained in a specified state that are comparable to an appropriate qualification, and

(ii) has met a requirement to take an aptitude test or to complete an adaptation period, or to undertake both, imposed on the individual by the body in accordance with Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, if such a requirement is so imposed.”.

(3) In paragraph 20A (interpretation)(**91**), in subparagraph (1), after the definition of “public interest entity”, insert—

““specified state” means one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;

“specified state auditor” means an individual who is eligible to conduct audits of the accounts of bodies corporate that are incorporated or formed under the law of a specified state in accordance with the law of that state;”.

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(88) Relevant amending instruments are [S.I. 2019/593](#) and [2022/1326](#).

(89) [2006 c. 46](#).

(90) Paragraph 6(1A) was inserted by [S.I. 2016/649](#), and amended by [S.I. 2019/177](#) and [1392](#) and [2020/523](#).

(91) Relevant amending instruments are [S.I. 2016/649](#) and [2019/177](#).

## Amendments to the Local Audit and Accountability Act 2014

**91.**—(1) Schedule 5 to the Local Audit and Accountability Act 2014 (eligibility and regulation of local auditors)(**92**) is amended as follows.

(2) In paragraph 26(3)(**93**)—

(a) omit the “and” following paragraph (a);

(b) after paragraph (b), insert—

“and

(c) after the definition of “officer”, insert—

““specified state” means one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;

“specified state auditor” means an individual who is eligible to conduct audits of the accounts of bodies corporate that are incorporated or formed under the law of a specified state in accordance with the law of that state;”.

(3) In paragraph 27(3), in the table at the appropriate place, insert—

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““specified state”	section 1261(1)
“specified state auditor”	section 1261(1)”.

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(4) In paragraph 28(3)(**94**), in the substituted paragraph 6 of Schedule 10 to the Companies Act 2006, in sub-paragraph (1)—

(a) omit the “or” following paragraph (b);

(b) after paragraph (b), insert—

“(ba) is a specified state auditor who—

(i) holds professional qualifications obtained in a specified state that are comparable to an appropriate qualification; and

(ii) has met a requirement to take an aptitude test or to complete an adaptation period, or to undertake both, imposed on the individual by the body in accordance with Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, if such a requirement is so imposed, or”.

## PART 7

### Amendments in relation to professions in transport

#### Amendments to the Road Safety Act 2006

**92.**—(1) The Road Safety Act 2006(**95**) is amended as follows.

(2) In Schedule 6 (driving instruction)—

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(92) 2014 c. 2.

(93) The relevant amending instrument is [S.I. 2019/504](#).

(94) The relevant amending instrument is [S.I. 2019/504](#).

(95) 2006 c. 49.

(a) in paragraph 13—

(i) after sub-paragraph (1), insert—

“(1A) Before subsection (1), insert—

“(A1) A relevant person who is aggrieved by a failure of the Registrar to notify the person of a decision in relation to the person’s application for registration before the end of the period of four months beginning with the day after the day on which the complete application was submitted, may appeal to the First-tier Tribunal.

(B1) On an appeal under subsection (A1), the First-tier Tribunal may make such order requiring the Registrar to notify the relevant person of a decision in relation to the application as it thinks fit.

(C1) In subsections (A1) and (B1), “relevant person” means a person entitled to give paid instruction in the driving of a motor car by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”

(ii) after sub-paragraph (3), insert—

“(3A) In subsection (3), for “the appeal” substitute “an appeal under subsection (1).””;

(b) in paragraph 23, in sub-paragraph (2), in the amendment to insert section 140(1) and (2), after subsection (1), insert—

“(1A) The power to make regulations under subsection (1) is, in the case of fees payable by persons entitled to give paid instruction in the driving of a motor car by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, subject to regulation 13 of those Regulations.”.

### **Amendments to the Motor Vehicles (Driving Licences) Regulations 1999**

**93.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999<sup>(96)</sup> are amended as follows.

(2) In regulation 60 (certified instructors), after paragraph (3A), insert—

“(3B) A person does not have to satisfy the conditions mentioned in paragraph (3)(c) and (d) if that person is entitled to give paid instruction in the riding of A1 motorcycles and mopeds by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.

(3) In regulation 65 (certified direct access instructors), after paragraph (3A), insert—

“(3B) A person is exempt from the conditions set out in paragraph (2)(b) and (d) and paragraph (3)(a) if that person is entitled to give paid instruction in the riding of A2 motorcycles or A3 motorcycles by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

### **Amendments to the Motor Cars (Driving Instruction) Regulations 2005**

**94.**—(1) The Motor Cars (Driving Instruction) Regulations 2005<sup>(97)</sup> are amended as follows.

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<sup>(96)</sup> S.I. 1999/2864, amended by S.I. 2016/1089. There are other amending instruments but none is relevant to these Regulations.  
<sup>(97)</sup> S.I. 2005/1902, amended by S.I. 2014/1816 and 2016/1089. There are other amending instruments but none is relevant to these Regulations.

(2) In regulation 17(1) (fees), in column (2) of the Table, in item (9), after “125(3A)(b)” insert “, (3B)(b)”.

### **Amendments to the Road Traffic (Northern Ireland) Order 2007**

**95.**—(1) The Road Traffic (Northern Ireland) Order 2007(**98**) is amended as follows.

(2) In Article 2(2) (interpretation), before the definition of “statutory provision”, insert—

““the Regulations of 2023” means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

(3) In Article 52 (conditions of registration)—

(a) for paragraph (2A), substitute—

“(2A) Where the Registrar is satisfied that a person who has applied under paragraph (1) is entitled to give paid driving instruction of any description by virtue of Part 2 of the Regulations of 2023, any condition prescribed by virtue of paragraph (2)(a) which relates to that description of driving instruction does not apply in relation to the applicant.”;

(b) omit paragraph (2B).

(4) In Article 59 (appeals to the Department) before paragraph (1), insert—

“(A1) A person who is entitled to give paid driving instruction of any description by virtue of Part 2 of the Regulations of 2023 and who is aggrieved by the failure of the Registrar—

(a) to make a decision in relation to an application for registration of the person before the end of the period of four months beginning with the day after the day on which the complete application was submitted; or

(b) to make a decision in relation to an application for the extension of the person’s registration before the end of the period of four months beginning with the day after the day on which the complete application was submitted,

may appeal by notice in writing to the Department.

(B1) On an appeal under paragraph (A1), the Department may direct the Registrar to make a decision in relation to the application.”.

(5) In Article 75 (fees), after paragraph (2), insert—

“(3) The power to make regulations under paragraph (1) is, in the case of fees payable by persons entitled to give paid driving instruction of any description by virtue of Part 2 of the Regulations of 2023, subject to regulation 13 of those Regulations.”.

### **Amendments to the Train Driving Licences and Certificates Regulations 2010**

**96.**—(1) The Train Driving Licences and Certificates Regulations 2010(**99**) are amended as follows.

(2) In regulation 8 (conditions for obtaining a licence)—

(a) for paragraph (5), substitute—

“(5) For the purpose of paragraph (2)(f) the required general professional competence examination means:

(a) an examination that covers the objectives and requirements set out in Schedule 3;  
or

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(98) [S.I. 2007/916 \(N.I. 10\)](#). There are amending instruments but none is relevant to these Regulations.

(99) [S.I. 2010/724](#). There are amending instruments but none is relevant to these Regulations.

- (b) an aptitude test pursuant to Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, where there is a significant difference between the applicant’s professional knowledge and the objectives and requirements set out in Schedule 3.”;
- (b) after paragraph (5), insert—
  - “(6) For the purposes of this regulation an aptitude test means a test, limited to the professional knowledge of a train driver specified by the ORR with the aim of ensuring that the applicant’s knowledge covers the objectives and requirements set out in Schedule 3.”.

### **Amendments to the Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016**

**97.**—(1) The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016(**100**) are amended as follows.

(2) In regulation 2 (modifications of Part 5 of the Road Traffic Act 1988 that have effect until the commencement of Schedule 6 to the Road Safety Act 2006)—

- (a) in paragraph (4), after sub-paragraph (f), insert—
  - “(fa) after subsection (3A) (as inserted by sub-paragraph (f)), insert—
    - “(3B) Where the Registrar is satisfied that a person who has applied under subsection (3) is entitled to give paid instruction in the driving of motor cars by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023—
      - (a) the Registrar may not impose a requirement on the applicant under subsection (2C) if the Registrar is satisfied that the applicant holds a current certificate or other document that, under the law of one of the specified states set out in Schedule 1 to those Regulations, is of corresponding effect to an emergency control certificate, and
      - (b) subsection (3)(a) does not apply in relation to the applicant.””

- (b) for paragraph (8), substitute—
  - “(8) In section 131 (appeals)—
    - (a) before subsection (1), insert—
      - “(A1) A relevant person who is aggrieved by the failure of the Registrar to notify the person of a decision in relation to an application for entry of the person’s name in the register before the end of the period of four months beginning with the day after the day on which the complete application was submitted, may appeal to the First-tier Tribunal.
      - (B1) On an appeal under subsection (A1), the First-tier Tribunal may make such order requiring the Registrar to notify the relevant person of a decision in relation to the application as it thinks fit.
      - (C1) In subsections (A1) and (B1), “relevant person” means a person entitled to give paid instruction in the driving of a motor car by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”;

- (b) in subsection (3), for “the appeal” substitute “an appeal under subsection (1) or (2)”.

### **Amendments to the Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016**

**98.**—(1) The Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016<sup>(101)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 2009 Regulations”, insert—

““the 2023 Regulations” means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”;

(b) for the definition of “adaptation period”, substitute—

““adaptation period” has the meaning given to it in regulation 3 of the 2023 Regulations;”;

(c) for the definition of “aptitude test”, substitute—

““aptitude test” has the meaning given to it in regulation 3 of the 2023 Regulations;”.

(3) In regulation 3 (prescribed qualifications) for paragraph (3)(b) and (c), substitute—

“(b) a competent authority has issued a certificate of recognition stating that qualifications held by the person for that type of work have been recognised under Part 2 of the 2023 Regulations; or

(c) a competent authority has issued a certificate of recognition stating that the person has completed an adaptation period or has taken and passed an aptitude test, imposed in accordance with Part 2 of the 2023 Regulations.”.

## SCHEDULE 4

Regulation 5

Amendments consequent upon the commencement of section 5(1) of the Professional Qualifications Act 2022 and revoking other EU recognition law

## PART 1

### Amendments in respect of professions in education

#### **Amendments to the Education (School Teachers’ Qualifications) (England) Regulations 2003**

**1.**—(1) The Education (School Teachers’ Qualifications) (England) Regulations 2003 are amended as follows.

(2) In Part 1 of Schedule 2 (qualified teacher status requirements)—

(a) in paragraph 8(1)<sup>(102)</sup>—

(i) in paragraph (d), for “2019.”, substitute “2019.”;

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<sup>(101)</sup>S.I. 2016/1147.

<sup>(102)</sup>Paragraph 8 was substituted by S.I. 2019/312, and amended by S.I. 2020/1038.



(ii) after paragraph (d), insert—

“(e) a decision taken or determination made under the 2015 European Union Regulations in accordance with paragraphs 1, 2(2) and (3) of Schedule 1 to the Professional Qualifications Act 2022 (Commencement No. 3) Regulations 2023(103).”;

(b) in paragraph 8A(1)(104)—

(i) omit “or” at the end of paragraph (a)(ii);

(ii) in paragraph (a)(iii), for “and”, substitute “or”;

(iii) after paragraph (a)(iii), insert—

“(iv) a decision taken or determination made under the 2015 European Union Regulations in accordance with paragraphs 1, 2(2) and (3) of Schedule 1 to the Professional Qualifications Act 2022 (Commencement No. 3) Regulations 2023; and”.

### **Amendment to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012**

2.—(1) Paragraph 10 of Schedule 1 to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 (employment as a qualified teacher in a relevant school without satisfactory completion of an induction period)(105) is amended as follows.

(2) In sub-paragraph (1)(b)(ii) after “the 2019 Regulations”, insert “or paragraphs 1, 2(2) and (3) of Schedule 1 to the Professional Qualifications Act 2022 (Commencement No. 3) Regulations 2023”.

## **PART 2**

### **Amendments in respect of professions in transport**

#### **Amendments to the Road Traffic (Amendment) Act (Northern Ireland) 2016**

3.—(1) The Road Traffic (Amendment) Act (Northern Ireland) 2016(106) is amended as follows.

(2) In section 17(4)(b) (amendment of Article 19D of the Road Traffic (Northern Ireland) Order 1981(107) as respects approved programmes of training: category B motor vehicles and motor bicycles)—

(a) in inserted paragraph (1ZB)(a)(i), omit “, EU temporary driving instructor”;

(b) in inserted paragraph (1ZB)(a)(ii), omit “, EU temporary motorcycle instructor”;

(c) in inserted paragraph (1ZB)(a)(iii), omit “or an EU temporary motorcycle instructor”; and

(d) in inserted paragraph (1ZB)(b), for “approved motorcycle instructor, EU temporary driving instructor and EU temporary motorcycle instructor”, substitute “and “approved motorcycle instructor””.

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(103) S.I. 2023/1081.

(104) Paragraph 8A was inserted by S.I. 2016/1123 as amended by S.I. 2019/312 and 2020/1038.

(105) Paragraph 10 was substituted by S.I. 2019/312, and amended by S.I. 2022/1256.

(106) 2016 c. 11.

(107) S.I. 1981/154 (N.I. 1).



### **Amendments to the Motor Vehicles (Driving Licences) Regulations 1999**

- 4.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(108) are amended as follows.
- (2) In regulation 16(13)(za) (conditions attached to provisional licences), omit “either part of”.
- (3) In regulation 60 (certified instructors)—
- (a) in paragraph (1), for “60A”, substitute “61”;
  - (b) at the end of paragraph (9), omit “, and includes a person in respect of whom there is in force a valid certificate issued under regulation 60A(3)(c)”.
- (4) Omit regulation 60A (temporary certified instructors).
- (5) In regulation 62 (withdrawal of approval to provide training courses or to act as an instructor)—
- (a) in paragraph (1), omit “or 60A(3)(b),”;
  - (b) in paragraph (3)—
    - (i) after “60(4)(b)”, omit “or 60A(3)(b),”;
    - (ii) in sub-paragraph (b), omit “or 60A(3)(c)” in both places it occurs.
- (6) In regulation 63 (cessation of conduct of training)—
- (a) in paragraph (1)—
    - (i) omit “or 60A(1)”;
    - (ii) omit “or 60A(3)(c)” in both places it occurs;
  - (b) in paragraph (2)—
    - (i) omit “or 60A(5)”;
    - (ii) omit “or 60A(3)(c)”.
- (7) In regulation 64(2) (approved training courses conducted by certified direct access instructors), omit “or 65A”.
- (8) Omit regulation 65A (temporary certified direct access instructors).
- (9) In regulation 69A (review of Part V)—
- (a) omit paragraph (2);
  - (b) omit paragraph (6).
- (10) In Schedule 13 (approved motor bicycle training courses: forms of certificate)—
- (a) in the shoulder note, for “Regulations 60, 60A, 65, 65A and 68” substitute “Regulations 60, 65 and 68”;
  - (b) omit Parts 4 and 5.

### **Amendments to the Motor Cars (Driving Instruction) Regulations 2005**

- 5.—(1) The Motor Cars (Driving Instruction) Regulations 2005 are amended as follows.
- (2) In regulation 2(1) (interpretation), in the definition of “approved driving instructor”, omit “Part 1 of”.
- (3) In regulation 9(1) (additional conditions for entry of name on register), for “in Part 1 of the register the name of a person who is required to pass the examination”, substitute “the name of a person in the register”.

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(108) S.I. 1999/2864, as amended by S.I. 2016/1089. There are other amending instruments but none is relevant to these Regulations.

- (4) In regulation 11(1) (additional condition for retention of names on the register), omit “Part 1 of”.
- (5) In regulation 17(1) (fees), in column (2) of the Table—
  - (a) in item 6, omit “Part 1 of”;
  - (b) in item 8, omit “Part 1 of”;
  - (c) in item 9, omit “Part 1 of”.
- (6) In regulation 18 (official title of registered person and certificate of registration: Part 1)—
  - (a) in the heading, omit “: Part 1”;
  - (b) in paragraph (1), omit “Part 1 of”;
  - (c) in paragraph (2), omit “Part 1 of”.
- (7) Omit regulation 18A (official title of registered person and certificate of registration: Part 2).
- (8) In regulation 19 (form of badge: Part 1)—
  - (a) in the heading, omit “: Part 1”;
  - (b) after “whose names are in”, omit “Part 1 of”.
- (9) Omit regulation 19A (form of badge: Part 2).
- (10) In regulation 23 (review)—
  - (a) omit paragraph (2);
  - (b) omit paragraph (6).
- (11) In the title of Schedule 5, omit “: PART 1”.
- (12) Omit Schedule 5A (Form of Certificate: Part 2).
- (13) In the title of Schedule 6, omit “: PART 1”.
- (14) Omit Schedule 6A (Form of Badge: Part 2).

#### **Amendments to the Road Traffic (Northern Ireland) Order 2007**

- 6.—(1) The Road Traffic (Northern Ireland) Order 2007 is amended as follows.
- (2) In Article 2(2) (interpretation), omit the definition of “the Regulations of 2015”.
- (3) In Article 48 (requirement of registration)—
  - (a) for paragraph (1), substitute—
    - “(1) A person—
      - (a) must not give paid driving instruction of any prescribed description unless he is registered in respect of the giving of that description of driving instruction; and
      - (b) must not carry on a business in the provision of paid driving instruction of any prescribed description unless he is registered in respect of the carrying on of business in the provision of that description of driving instruction.”;
  - (b) omit paragraph (1A);
  - (c) in paragraph (7), omit “Part 1 or 2 of”.
- (4) In Article 49 (paid driving instruction: offences)—
  - (a) in paragraph (1), for “48(1)”, substitute “48(1)(a)”;
  - (b) in paragraph (2), for “48(1A)”, substitute “48(1)(b)”;
  - (c) in paragraph (3), omit “in the appropriate part of the register”;
  - (d) omit paragraph (5).

- (5) In Article 51 (register), omit paragraphs (1A) to (1C).
- (6) In Article 52 (conditions of registration)—
  - (a) in paragraph (1)—
    - (i) omit “in Part 1 of the register”;
    - (ii) omit “in that Part”;
  - (b) in paragraph (2), omit “in Part 1 of the register”.
- (7) In Article 55 (duration of registration)—
  - (a) in paragraph (1), omit “in Part 1 of the register”;
  - (b) in paragraph (3), omit “in Part 1 of the register”;
  - (c) in paragraph (4), omit “in Part 1 of the register”;
  - (d) omit paragraphs (6) to (8).
- (8) In Article 56 (extension of duration of registration)—
  - (a) in paragraph (1), omit “in Part 1 of the register”;
  - (b) in paragraph (4), omit “in Part 1 of the register”;
  - (c) in paragraph (6), omit “in Part 1 of the register”.
- (9) In Article 57 (termination of registration by Registrar)—
  - (a) in paragraph (1)—
    - (i) insert “or” at the end of sub-paragraph (a);
    - (ii) omit sub-paragraphs (c) and (d);
  - (b) in paragraph (3)—
    - (i) omit “or renewed”;
    - (ii) omit “or renewal”.
- (10) In Article 58(1) (cases where Registrar may give direction as to further applications), omit “, in respect of Part 1 of the register,”.
- (11) In Article 59 (appeals to the Department)—
  - (a) in paragraph (1)(a)(ii), omit “or renewal”;
  - (b) in paragraph (6), omit “in Part 1 of the register”;
  - (c) in paragraph (11), omit “or renewal”.
- (12) In Article 60 (appeals to court of summary jurisdiction)—
  - (a) in paragraph (1)(a), omit “or renewal”;
  - (b) in paragraph (3), omit “in Part 1 of the register,”.
- (13) In Article 69(1) (power to alter registration period), omit “, in respect of Part 1 of the register,”.
- (14) In Article 70 (evidence of registration)—
  - (a) for paragraph (2), substitute—

“(2) If at any time a person who is not registered—

    - (a) displays a certificate or other item prescribed under paragraph (1);
    - (b) uses a title or other description prescribed under paragraph (1)(b); or
    - (c) uses a title, certificate or other description implying that he is registered,

he is guilty of an offence unless he proves that he did not know, and did not have reasonable cause to believe, that he was not registered at that time.”;

- (b) in paragraph (3)—
  - (i) in sub-paragraph (a), omit “for use by other persons registered in either Part of the register”;
  - (ii) after sub-paragraph (a), insert “or”;
  - (iii) omit sub-paragraph (c) and the “or” preceding it.

### **Amendments to the Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016**

7.—(1) The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016 are amended as follows.

(2) In regulation 2 (modifications of Part 5 of the Road Traffic Act 1988 that have effect until the coming into force of Schedule 6 to the Road Safety Act 2006)—

- (a) omit paragraph (2);
  - (b) omit paragraph (3);
  - (c) in paragraph (4)—
    - (i) omit sub-paragraphs (a) to (e);
    - (ii) omit sub-paragraph (g);
  - (d) omit paragraph (5);
  - (e) omit paragraph (6);
  - (f) omit paragraph (7);
  - (g) in paragraph (9)—
    - (i) omit sub-paragraphs (a) and (b);
    - (ii) in sub-paragraph (c), in the subsection (3) substituted by that sub-paragraph—
      - (aa) omit “Part 1 of”;
      - (bb) omit “that Part of” in each place it occurs;
    - (iii) in sub-paragraph (c), omit the subsection (4) substituted by that sub-paragraph.
- (3) Omit regulations 3 and 4.

### **Amendments to the Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016**

8.—(1) The Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016 are amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) omit the definition of “the 2015 Regulations”;
  - (b) for the definition of “competent authority”, substitute—
    - ““competent authority” means the Scottish Qualifications Authority, the City and Guilds of London Institute and the Certification and Association Board for the Water Authority;”.
- (3) Omit regulation 7 (freedom to provide services on a temporary basis).

## PART 3

### Amendment to the Provision of Services Regulations 2009

#### Amendment to the Provision of Services Regulations 2009

9.—(1) The Provision of Services Regulations 2009(**109**) are amended as follows.

(2) In regulation 31(5)(k) for “38, 39 and 40” substitute “38 and 39”.

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision under section 3(1) of the Professional Qualifications Act 2022 (c. 20) (“the 2022 Act”) to implement provisions relating to the recognition of professional qualifications contained in the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland done at London on 8th July 2021 (“the EEA EFTA free trade agreement”).

Part 2 establishes rules for the recognition of professional qualifications obtained in a specified state. The specified states are listed in Schedule 1 to these Regulations.

Part 3 establishes rules for the provision of information by regulators and dealing with enquiries from professionals who have obtained professional qualifications in a specified state.

Schedule 3 contains amendments to sectoral legislation for the purpose of, and in connection with, implementing provisions relating to the recognition of professional qualifications in the EEA EFTA free trade agreement.

These Regulations also make amendments, in Schedule 4, to sectoral legislation consequent upon the commencement of section 5(1) of the 2022 Act and revoking other EU recognition law. Section 5(1) revokes the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) which provided a general system of recognition for qualifications from the European Economic Area and Switzerland. Commencement regulations will bring section 5(1) of the 2022 Act into force on the same day as this instrument comes into force.

An impact assessment has not been produced as no, or no significant, impact on the public, private or voluntary sector is foreseen. An Explanatory Memorandum is available alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). A copy has also been placed in the Libraries of both Houses of Parliament.

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(**109**) S.I. 2009/2999; regulation 31(5)(k) was substituted by S.I. 2018/1329.