



Professional Qualifications Act 2022

2022 CHAPTER 20

Regulations

13 General provision about regulations

- (1) Subject to subsections (2) to (4), any power to make regulations under this Act includes power—
 - (a) to modify legislation,
 - (b) to make different provision for different purposes, and
 - (c) to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (2) The power to make regulations under section 8 does not include power to modify legislation, other than earlier regulations made under that section.
- (3) A power to make regulations under section 10 or 21 does not include power to amend, repeal or revoke legislation, other than earlier regulations made under either of those sections.
- (4) Subsection (1)(b) and (c) does not apply in relation to a power to make regulations under section 21.

Commencement Information

II S. 13 in force at Royal Assent, see [s. 21\(1\)\(f\)](#)

14 Protection of regulator autonomy

- (1) The appropriate national authority may make regulations under section 1, 3 or 4 only if satisfied that the conditions in subsections (2) and (3) are met.
- (2) The condition in this subsection is that the regulations do not remove the ability of any regulator of a regulated profession to prevent individuals who are unfit to practise the profession from doing so.

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- (3) The condition in this subsection is that the 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.
- (4) The reference in subsection (2) to individuals who are unfit to practise the profession is a reference to individuals who are unfit to practise the profession by reason of their character, a lack of knowledge, skills or experience or otherwise.
- (5) A reference in this section to practising a profession includes a reference to undertaking activities that comprise the practise of the profession or using a title associated with the practise of the profession.

Commencement Information

I2 S. 14 in force at Royal Assent, see [s. 21\(1\)\(f\)](#)

15 Consultation with regulators

Before making regulations under section 1, 3 or 4, the appropriate national authority must consult a regulator of a regulated profession if the authority considers that—

- (a) the regulator is likely to be affected by the regulations, or
- (b) it is otherwise appropriate to consult the regulator.

Commencement Information

I3 S. 15 in force at Royal Assent, see [s. 21\(1\)\(f\)](#)

16 Authority by whom regulations may be made

- (1) In this Act “appropriate national authority” means the Secretary of State or the Lord Chancellor, subject as follows.
- (2) The Welsh Ministers are also an appropriate national authority in relation to regulations under this Act which contain only provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown).
- (3) The Scottish Ministers are also an appropriate national authority in relation to regulations under this Act which contain only provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.
- (4) A Northern Ireland department is also an appropriate national authority in relation to regulations under this Act which contain only provision which, if contained in an Act of the Northern Ireland Assembly—
 - (a) would be within the legislative competence of the Assembly, and
 - (b) would not require the consent of the Secretary of State.
- (5) The consent of a Minister of the Crown is required before any provision is made by the Welsh Ministers in regulations under this Act so far as that provision, if contained in an Act of Senedd Cymru, would require the consent of a Minister of the Crown.

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- (6) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.
- (7) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) in paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown)—
- (a) omit the “or” at the end of paragraph (vii), and
 - (b) after paragraph (viii) insert “; or
(ix) the Professional Qualifications Act 2022”.

Commencement Information

I4 S. 16 in force at Royal Assent, see [s. 21\(1\)\(f\)](#)

17 Consultation with devolved authorities

- (1) Before making regulations under this Act, the Secretary of State or the Lord Chancellor must consult—
- (a) the Welsh Ministers, to the extent that the regulations contain provision which could also be made by the Welsh Ministers by virtue of section 16(2) (ignoring any requirement for the consent of a Minister of the Crown under section 16(5));
 - (b) the Scottish Ministers, to the extent that the regulations contain provision which could also be made by the Scottish Ministers by virtue of section 16(3);
 - (c) a Northern Ireland department, to the extent that the regulations contain provision which could also be made by a Northern Ireland department by virtue of section 16(4).
- (2) The Northern Ireland department which is to be consulted in accordance with subsection (1)(c) is such Northern Ireland department as the Secretary of State or (as the case may be) the Lord Chancellor considers appropriate having regard to the provision which is to be contained in the regulations concerned.
- (3) Before making regulations under this Act in relation to which the Secretary of State or the Lord Chancellor has consulted a devolved authority (or more than one devolved authority) in accordance with subsection (1), the Secretary of State or (as the case may be) the Lord Chancellor must publish a report on the consultation.
- (4) But the Secretary of State or (as the case may be) the Lord Chancellor may not publish the report unless either—
- (a) the devolved authority concerned (or, if more than one, each of them) has agreed to the description included in the report for the purposes of subsection (5)(a), or
 - (b) there is no such agreement but the period of 30 days, beginning with the day on which a draft of the report was first sent to the devolved authority concerned (or, if more than one, the last of them), has expired.
- (5) The report on the consultation must include—
- (a) a description of—
 - (i) the process undertaken in order to comply with subsection (1), and

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- (ii) any agreement, objection or other views expressed as part of that process by the devolved authority (or devolved authorities) concerned, and
 - (b) an explanation of whether and how such views have been taken into account in the regulations (including, in a case where the Secretary of State or (as the case may be) the Lord Chancellor proposes to make the regulations despite an objection, an explanation of the reasons for doing so).
- (6) The duty to consult in subsection (1) does not apply in relation to any revision of the regulations which arises from the consultation; and, for the purposes of subsection (4) (b), the draft report need not be identical to the published report for the period of 30 days to begin.
- (7) In this section “devolved authority” means the Scottish Ministers, the Welsh Ministers or a Northern Ireland department.

Commencement Information

I5 S. 17 in force at Royal Assent, see [s. 21\(1\)\(f\)](#)

18 Parliamentary procedure

- (1) Regulations under this Act are subject to the affirmative resolution procedure where they contain provision amending, repealing or revoking primary legislation ^{F1}....
- (2) Otherwise, regulations under this Act are subject to the negative resolution procedure.
- (3) Any power conferred on the Secretary of State, the Lord Chancellor or the Welsh Ministers to make regulations under this Act is exercisable by statutory instrument.
- (4) For regulations made under this Act by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)) (Scottish statutory instruments).
- (5) Any power conferred on a Northern Ireland department to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ([S.I. 1979/1573 \(N.I. 12\)](#)) (and not by statutory instrument).
- (6) Where regulations under this Act are subject to the affirmative resolution procedure, the regulations—
 - (a) if made by the Secretary of State or the Lord Chancellor, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament;
 - (b) if made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru;
 - (c) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act [2010 \(asp 10\)](#));
 - (d) if made by a Northern Ireland department, may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

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- (7) Where regulations under this Act are subject to the negative resolution procedure—
- (a) if made by the Secretary of State or the Lord Chancellor, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if made by the Welsh Ministers, the statutory instrument containing them is subject to annulment in pursuance of a resolution of Senedd Cymru;
 - (c) if made by the Scottish Ministers, the regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
 - (d) if made by a Northern Ireland department, the regulations are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (8) Any provision that may be made in regulations under this Act subject to the negative resolution procedure may be made in regulations subject to the affirmative resolution procedure.
- (9) This section does not apply to regulations under section 21.

Textual Amendments

- F1** Words in s. 18(1) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(1)(d), [Sch. 3 para. 9](#)
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Commencement Information

- I6** S. 18 in force at Royal Assent, see [s. 21\(1\)\(f\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Professional Qualifications Act 2022,
Cross Heading: Regulations.