

SCHEDULE 4

Regulations 11, 12, 18, 19, 20

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

PART I

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

1. This paragraph applies if the migrant holds either—

- (a) a First General System Diploma or
- (b) a Second General System Diploma or
- (c) a Certificate

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

2. This paragraph applies if the migrant—

- (a) possesses evidence of education and training which satisfies
 - (i) paragraph 6 below and
 - (ii) the evidential requirements of either paragraph 7 or paragraph 8 below or, where it applies, paragraph 9 below, and
- (b) in a case in which the requirement of professional experience is permissible under paragraph 17 below and is imposed by the designated authority, meets the practising requirements of paragraph 16 below.

3. This paragraph applies if the migrant—

- (a) possesses evidence of education and training which satisfies
 - (i) paragraph 6 below and
 - (ii) the evidential requirements of paragraph 11 below, and
- (b) in a case in which the requirement of professional experience is permissible under paragraph 17 below and is imposed by the designated authority, meets the practising requirements of paragraph 16 below.

4. This paragraph applies if the migrant—

- (a) possesses evidence of education and training which satisfies
 - (i) paragraph 6 below and
 - (ii) the evidential requirements of either paragraph 7 or paragraph 11 below or, where it applies, paragraph 12 below, and
- (b) in a case in which the requirement of professional experience is permissible under paragraph 17 and is imposed by the designated authority, meets the practising requirements of paragraph 16 below.

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

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PART II

EVIDENCE OF EDUCATION AND TRAINING

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

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

8. Evidence of education and training satisfies this paragraph if it has been awarded by a competent authority in a relevant State and it attests to one of the courses of regulated education and training listed in Schedule 6.

- 9.** Subject to paragraph 10 below, evidence of education and training satisfies this paragraph if
- (a) it has been awarded by a competent authority in a relevant State on the completion of education and training in the Community and
 - (b) it is recognised in that relevant State as being of an equivalent level to evidence of education and training constituting either a First General System Diploma or a Second General System Diploma or which satisfies paragraph 7 or 8 above.

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

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

- (a) it shows that the holder, having followed a secondary course of a technical or vocational nature has, where necessary, completed either
 - (i) a course of education and training such as is described in paragraph 15 below, or
 - (ii) the probationary or professional practice which is integral to the secondary course; or
- (b) it shows that the holder, having followed a secondary course other than a course of a technical or vocational nature has completed either
 - (i) a course of education and training such as is described in paragraph 15 below and, where appropriate, the professional training which may be required in addition to that course, or
 - (ii) has completed the probationary or professional practice which is integral to the secondary course.

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

- (a) it has been awarded by a competent authority in a relevant State on the completion of education and training in the Community and
- (b) it is recognised in that relevant State as being of an equivalent level to evidence of education and training which satisfies paragraph 11 above.

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

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

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

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

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

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

- (a) at an educational or training establishment or
- (b) on the job or
- (c) in a combination of (a) and (b)

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

PART III

REQUIREMENTS OF PROFESSIONAL EXPERIENCE

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

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