

This Statutory Instrument has been made in consequence of a defect in SI 2015/2059 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2018 No. 1101

PROFESSIONAL QUALIFICATIONS

The Further Education (Recognition of Professional Qualifications) (Amendment) Regulations 2018

| | | |
|-------------------------------|---------|--------------------------|
| <i>Made</i> | - - - - | <i>15th October 2018</i> |
| <i>Laid before Parliament</i> | | <i>22nd October 2018</i> |
| <i>Coming into force</i> | - - | <i>7th January 2019</i> |

The Secretary of State is designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Further Education (Recognition of Professional Qualifications) (Amendment) Regulations 2018 and come into force on 7th January 2019.

Amendment of the European Union (Recognition of Professional Qualifications) Regulations 2015

2.—(1) The European Union (Recognition of Professional Qualifications) Regulations 2015(c) are amended as follows.

(2) In Schedule 1 (Regulated Professions), in the table in Part 1 (Professions Regulated by Law or Public Authority)—

- (a) in the first column headed “Profession”, omit the entries for—
 - (i) “Principal of a further education institution in England”; and

(a) Article 2 of, and Schedule 1 to, S.I. 2002/248, to which there are amendments not relevant to these Regulations. Under section 57(1) of the Scotland Act 1998 (c.46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under European Union law in relation to certain matters by virtue of section 53 of that Act, these functions continue to be exercisable by the Secretary of State as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.

(b) 1972 c.68; section 2(2) was amended section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(c) S.I. 2015/2059, to which there are amendments not relevant to these Regulations.

- (ii) “Teacher at a further education institution in England (within the meaning of the Education Act 2002(a))”;
- (b) in the second column headed “Competent authority”, omit the entries corresponding to those mentioned in sub-paragraph (a).

15th October 2018

Anne Milton
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct an error in the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) (“the RPQ Regulations”) by amending Part 1 of Schedule 1 to remove principals of further education institutions in England and teachers at further education institutions in England from the list of professions to which the RPQ Regulations apply. These professions are not regulated professions, for which specific qualifications are required, and therefore do not fall within the scope of the RPQ Regulations.

The RPQ Regulations implement the EU Directive on the recognition of Professional Qualifications (Directive 2005/36/EC as amended by Directive 2013/55/EU) (“the MRPQ Directive”). The MRPQ Directive sets out rules for the recognition of professional qualifications enabling qualified persons from the states of the European Economic Area to gain access to the profession in which they are qualified and to practise the profession under the same conditions as professionals in the United Kingdom where those professions are regulated. A transposition note is available on the www.legislation.gov.uk website.

An impact assessment has not been prepared for this instrument as only a minor impact on the public, private and voluntary sector is foreseen.

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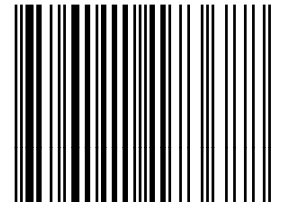
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