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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Provision of Services Regulations 2009**

**PART 6**

**OTHER DUTIES OF COMPETENT AUTHORITIES  
IN RELATION TO PROVIDERS AND RECIPIENTS**

**Certificates and other documents**

**31.**—(1) This regulation applies where a competent authority requires the provider or recipient of a service to supply a certificate, attestation or any other document proving that a requirement has been satisfied.

(2) The competent authority must accept any document—

- (a) which serves an equivalent purpose, or
- (b) from which it is clear that the requirement has been satisfied.

(3) The competent authority may not require a document to be produced in its original form, or as a certified copy or certified translation, except—

- (a) as provided for in another Community instrument, or
- (b) where such a requirement is justified by an overriding reason relating to the public interest, including public order and security.

(4) This regulation does not prevent a competent authority from requiring a non-certified translation of a document into English.

(5) This regulation does not apply to the documents referred to in—

- (a) section 5A(3) of, and paragraphs 5(3) and 6(5)(b) of Schedule 1B to, the Veterinary Surgeons Act 1966<sup>(1)</sup>;
- (b) in the case of a company incorporated in an EEA state other than the United Kingdom, the First Council Directive on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community (68/151/EEC)<sup>(2)</sup>;
- (c) section 4A(2)(a) of, and paragraphs 3(4) and 6(6)(b) of Schedule 1A to, the Architects Act 1997<sup>(3)</sup>;
- (d) regulation 16(2) of the European Communities (Lawyer's Practice) Regulations 2000<sup>(4)</sup>;

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(1) 1966 c. 36. Relevant amendments to section 5A and Schedule 1B were made by the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824).

(2) OJNo. L65, 14.3.1968, p.8 (OJ/SE Series I Chapter 1968 (J) P.0041) as last amended by Directive 2003/58/EC of the European Parliament and of the Council (OJ No. L221, 4.9.2003, p.13).

(3) 1997 c. 22. Section 4A and Schedule 1A were inserted by the Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331).

(4) S.I. 2000/1119, to which there are amendments not relevant to these Regulations.

- (e) regulation 16(2) of the European Communities (Lawyer's Practice) (Scotland) Regulations 2000<sup>(5)</sup>;
- (f) sections 17 and 396 of the Companies Act 2006<sup>(6)</sup>;
- (g) regulations 23(5), 24(1) and 25 of the Public Contracts Regulations 2006<sup>(7)</sup>;
- (h) regulations 23(5), 24(1) and 25 of the Public Contracts (Scotland) Regulations 2006<sup>(8)</sup>;
- (i) regulations 11, 12, 31, 32 and 33 of the European Communities (Recognition of Professional Qualifications) Regulations 2007<sup>(9)</sup>;
- (j) the Overseas Companies Regulations 2009<sup>(10)</sup>.

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<sup>(5)</sup> S.S.I. 2000/121, to which there are amendments not relevant to these Regulations.

<sup>(6)</sup> 2006 c. 46.

<sup>(7)</sup> S.I. 2006/5, to which there are amendments not relevant to these Regulations.

<sup>(8)</sup> S.S.I. 2006/1, to which there are amendments not relevant to these Regulations.

<sup>(9)</sup> S.I. 2007/2781.

<sup>(10)</sup> S.I. 2009/1801.