
STATUTORY INSTRUMENTS

2005 No. 18

The European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005

[^{F1} Interpretation

2.—(1) In these Regulations the following words and phrases have the following meanings (and cognate expressions shall be construed accordingly)—

“adaptation period” means a period of practice of a regulated profession in the United Kingdom under the supervision of a qualified member of that profession, required by a designated authority pursuant to regulation 6(1)(b);

“another relevant State” means a relevant State other than the United Kingdom;

“appeal body” means, in respect of any regulated profession, the body, court or person specified in relation to that profession in Schedule 4;

“aptitude test” means a test required by a designated authority pursuant to regulation 6(1)(b);

“competent authority” means, in relation to any

- (a) document, certificate, diploma or qualification, or
- (b) period of professional experience,

referred to in these Regulations, the authority, body or person in a relevant State authorised under the laws, regulations or administrative provisions of that State, to issue, award or recognise such document, certificate, diploma or qualification, or to certify any such period;

“corresponding profession” means a profession, the pursuit of which in another relevant State includes a substantial number of the professional activities comprised in the pursuit of the profession in the United Kingdom which is the subject of the migrant's application;

“designated authority” means a body or authority designated in relation to a regulated profession by regulation 4 and any qualifying body referred to in regulations 11(2) and 12(3);

“diploma” means any diploma, certificate or other evidence of formal qualifications awarded by a competent authority in a relevant State—

- (a) which shows that the holder:
 - (i) has successfully completed a post-secondary course of at least three years' duration (or of an equivalent duration part-time) at a university or an establishment of higher education or an establishment of equivalent level;
 - (ii) has successfully completed any additional professional training required; and
 - (iii) has the qualifications required for the practice of a regulated profession in that State;

provided that either:

- (A) the education and training attested were received mainly within the relevant States; or
- (B) the holder has had at least three years' professional experience certified by a competent authority in that State (being a State which recognised a diploma,

certificate or other evidence of formal qualifications obtained in a non relevant State); or

- (b) which was awarded on the successful completion of education and training received within the relevant States, and which—
 - (i) has been recognised by a competent authority in that State as equivalent in level to a diploma to which sub-paragraph (a) applies; and
 - (ii) confers the same rights in respect of the practice of a regulated profession in that State;

“the Directive” means Council Directive [89/48/EEC](#)^{M1} on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration as amended by Directive [2001/19/EC](#)^{M2};

“migrant” means a national of a relevant State applying under these Regulations to a designated authority for authorisation to practise;

“native applicant” means a national of a relevant State applying to a designated authority for authorisation to practise, the qualifications of whom were obtained wholly within the United Kingdom;

“practise” in relation to any regulated profession, includes—

- (a) the taking up or pursuit of the profession in a relevant State, whether in a self-employed capacity or as an employed person; and
- (b) the right to use, in the course of such pursuit, a professional title or designatory letters, or the enjoyment of any special status corresponding to a diploma, granted by a designated authority for that profession;

“professional association” means an association or organisation, recognised in special form by a relevant State, the purpose of which is, in particular, to promote and maintain a high standard in the professional field with which it is concerned and which, to that end—

- (a) prescribes and enforces respect within it membership for, rules of professional conduct; and awards a diploma to its members; and
- (b) confers on its members the right to use one or more professional titles or designatory letters or to benefit from a status corresponding to that diploma;

“professional experience” means the lawful pursuit in a relevant State of a profession corresponding to the regulated profession which is the subject of the migrant's application;

“regulated education and training” means education or training which—

- (a) is directly geared to the practice of a defined profession in a relevant State and
- (b) comprises a post-secondary course of at least three years' duration, or an equivalent duration part-time, at a university or higher education establishment or in another establishment of equivalent level, and any additional professional training, professional traineeship or professional practice required, the structure and level of which is determined by the laws, regulations or administrative provisions of that relevant State or monitored or approved by the competent authority;

“regulated profession” means –

- (a) in the United Kingdom—
 - (i) a profession in respect of which a designated authority is specified in Schedule 1 and the profession of company auditor as defined in section 24(2) of the Companies Act 1989^{M3} and Article 27(2) of the Companies (Northern Ireland) Order 1990^{M4}, or

- (ii) at any time when a designated authority is not specified, if and in so far as any professional activity or range of activities which constitutes the profession is a regulated professional activity;
- (b) in another relevant State if and in so far as any professional activity or range of such activities which constitutes the profession is regulated as a professional activity;

“regulated professional activity” means that a professional activity is regulated in a relevant State if and in so far as—

- (a) the practice, or any mode of practice, of that activity in that relevant State is subject, directly or indirectly, by virtue of laws, regulations or administrative provisions to the possession of a diploma; or
- (b) it is practiced under a professional title, or designatory letters the use of which is reserved to holders of a diploma governed by laws, regulations or administrative provisions; or
- (c) it relates to health and the remuneration or reimbursement received for the practice of the activity in the relevant state in question is, by virtue of national arrangements for the administration of social security, subject to the possession of a diploma; or
- (d) it is practiced by members of a professional association;

“relevant State” means a member State, Iceland, Norway, Liechtenstein or Switzerland.

(2) A reference in these Regulations to “the United Kingdom” shall, as the context requires, include a reference to any of the following: England and Wales, Scotland, and Northern Ireland.

(3) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations.]

Textual Amendments

- F1** Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

Marginal Citations

- M1** O.J. No. L 19, 24.I.89, p.16
- M2** O.J. No L 206, 31.07.2001,p.1.
- M3** 1989 c. 40
- M4** [S.I. 1009/593 \(N.I.5\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005, Section 2.