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STATUTORY INSTRUMENTS

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**2016 No. 1094**

**PROFESSIONAL QUALIFICATIONS**

**The European Union (Recognition of Professional Qualifications) (Amendment) Regulations 2016**

<i>Made</i>	- - - -	<i>16th November 2016</i>
<i>Laid before Parliament</i>		<i>17th November 2016</i>
<i>Coming into force</i>	- -	<i>8th December 2016</i>

The Secretary of State is designated(1) for the purposes of section 2(2) of the European Communities Act 1972 in relation to 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, as read with paragraph 1A of Schedule 2(2) to, the European Communities Act 1972.

**Citation and commencement**

1. These Regulations may be cited as the European Union (Recognition of Professional Qualifications) (Amendment) Regulations 2016 and come into force on 8th December 2016.

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

2. In Schedule 1 (regulated professions) to the European Union (Recognition of Professional Qualifications) Regulations 2015(3), in the table in Part 1 (professions regulated by law or public authority) —

(a) in the first column headed “Profession”, after the entry “Approved Driving Instructor (Northern Ireland)”, insert the entry—

“In England:

Level 2 Childcare Worker

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(1) Regulation 2 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 ([c.68](#)).

(2) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 ([c.51](#)).

(3) [S.I. 2015/2059](#), to which there are amendments not relevant to these Regulations.

Level 3 Early Years Educator

Level 6 Specialist Early Years Graduate”; and

- (b) in the corresponding place in the second column headed “Competent authority”, insert the words “Secretary of State”.

16th November 2016

*Caroline Dinéage*  
Parliamentary Under Secretary of State  
Department for Education

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Part 1 of Schedule 1 to the European Communities (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) (“the RPQ Regulations”) to add the professions of Level 2 Childcare Worker, Level 3 Early Years Educator and Level 6 Specialist Early Years Graduate as professions regulated by law or public authority in England, and to specify the Secretary of State as competent authority in relation to those professions.

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 EEA States to gain access to the profession in which they are qualified and to practise the profession under the same condition as professionals in the United Kingdom where those professions are regulated. A transposition note is available on the [www.legislation.gov.uk](http://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 sectors is foreseen.