
STATUTORY INSTRUMENTS

2019 No. 312

**EXITING THE EUROPEAN UNION
PROFESSIONAL QUALIFICATIONS
EDUCATION, ENGLAND**

**The Recognition of Professional Qualifications
(Amendment etc.) (EU Exit) Regulations 2019**

Made - - - - 19th February 2019

Coming into force in accordance with regulation 1

The Secretary of State is designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} (“the 1972 Act”) 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 these Regulations in exercise of the powers conferred by section 2(2) of the 1972 Act, section 132(1) and (2) of the Education Act 2002 ^{M3} and section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 ^{M4} (“the 2018 Act”).

In accordance with paragraph 1(3) of Schedule 7 to the 2018 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Marginal Citations

- M1** See [S.I. 1995/3207](#), 2002/248 and 2003/2901. Under section 57(1) of the [Scotland Act 1998 \(c.46\)](#), despite the transfer to Scottish Ministers of functions in relation to implementation obligations under European Union law in relation to certain matters by virtue of section 53 of that Act, the function of the Secretary of State in relation to any matter continues to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972 (“the 1972 Act”).
- M2** [1972 c.68](#). Section 2(2) was amended by section 27 of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and by section 3 of, and the Schedule to, the [European Union \(Amendment\) Act 2008 c.7](#). By virtue of the amendment of section 1(2) by section 1 of the [European Economic Area Act 1993 \(c.51\)](#), regulations may be made under section 2(2) of the 1972 Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1993 (Cm 2073) and the Protocol adjusting the Agreement signed in Brussels on 17th March 1993 (Cm 2183). The 1972 Act is repealed with effect from exit day by section 1 of the [European Union \(Withdrawal\) Act 2018](#).
- M3** [2002 c.32](#). For the meaning of “regulations”, see [section 212\(1\)](#).

M4 2018 c. 16.

Citation, commencement and interpretation **U.K.**

1.—(1) These Regulations may be cited as the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.

(2) This regulation, regulation 2 (so far as it relates to Part 1 of Schedule 1) and Part 1 of Schedule 1 come into force on the day after the day on which these Regulations are made.

(3) The remainder of these Regulations comes into force on exit day.

(4) In these Regulations—

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 ^{M5};

“the principal Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 ^{M6}.

Commencement Information

I1 Reg. 1 in force at 20.2.2019, see reg. 1(2)

Marginal Citations

M5 [S.I. 2007/2781](#), revoked by [S.I. 2015/2059](#) subject to savings.

M6 [S.I. 2015/2059](#), amended by paragraph 389 of Schedule 19 to the [Data Protection Act 2018 \(c. 12\)](#), [S.I. 2016/696](#), 1094 and 1030 and 2018/838 and 1101.

Amendment etc. of the principal Regulations and the 2007 Regulations **U.K.**

2. Schedule 1 contains—

(a) amendments of the principal Regulations;

(b) saving and transitional provisions relating to the principal Regulations and the 2007 Regulations.

Commencement Information

I2 Reg. 2 in force for specified purposes at 20.2.2019, see reg. 1(2)

I3 Reg. 2 in force at 31.12.2020 on IP completion day in so far as not already in force (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Amendment etc. of secondary legislation relating to school teachers **U.K.**

3. Schedule 2 contains amendments of, and saving and transitional provision relating to, legislation relating to school teachers.

Commencement Information

I4 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Revocation of retained direct EU legislation **U.K.**

4. The following instruments are revoked—

- (a) Commission Implementing Regulation (EU) 2015/983 of 24 June 2015 on the procedure for issuance of the European Professional Card and the application of the alert mechanism pursuant to Directive [2005/36/EC](#) of the European Parliament and of the Council;
- (b) Commission Delegated Decision (EU) 2016/790 of 13 January 2016 amending Annex V to Directive [2005/36/EC](#) of the European Parliament and of the Council as regards the evidence of formal qualifications and the titles of training courses;
- (c) Commission Regulation (EU) No 623/2012 of 11 July 2012 amending Annex II to Directive [2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications;
- (d) Commission Regulation (EU) No 213/2011 of 3 March 2011 amending Annexes II and V to Directive [2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications;
- (e) Commission Regulation (EC) No 279/2009 of 6 April 2009 amending Annex II to Directive [2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications;
- (f) Commission Regulation (EC) No 755/2008 of 31 July 2008 amending Annex II to Directive [2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications;
- (g) Commission Regulation (EC) No 1430/2007 of 5 December 2007 amending Annexes II and III to Directive [2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications.

Commencement Information

- I5** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Amendment to Annex 20 to EEA Agreement **U.K.**

5. In Annex 7 to the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, so far as it forms part of domestic law by virtue of section 3(2)(b) of the European Union (Withdrawal) Act 2018, in Part A, omit point 1b.

Commencement Information

- I6** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Department for Business, Energy and Industrial Strategy

Richard Harrington
Parliamentary Under Secretary of State

SCHEDULE 1 **U.K.**

Regulation 2

Amendments etc. of the principal Regulations and the 2007 Regulations

PART 1 **U.K.**

Amendments of the principal Regulations coming into force before exit day

1. The principal Regulations are amended as follows.

Commencement Information**I7** Sch. 1 para. 1 in force at 20.2.2019, see reg. 1(2)

2. In Schedule 1 (regulated professions), in Part 1 (professions regulated by law or public authority), omit the entry “Child Psychotherapist employed in the National Health Service” in column 1 (profession) and the corresponding entry in column 2 (competent authority).

Commencement Information**I8** Sch. 1 para. 2 in force at 20.2.2019, see reg. 1(2)

3. In Schedule 2 (regulated professions having public health and safety implications), omit the entry “Child Psychotherapist (employed in the National Health Service)”.

Commencement Information**I9** Sch. 1 para. 3 in force at 20.2.2019, see reg. 1(2)

4. In Schedule 5 (appeal bodies), in the table—

- (a) in the entry “Approved Driving Instructor (Great Britain)”—
- (i) in column 1, for “Great Britain”, substitute “ England and Wales ”;
 - (ii) in the corresponding entry in column 2, for “First-tier Tribunal”, substitute “The Magistrates' Court”;
- (b) above the entry “Approved Driving Instructor (Northern Ireland)”—
- (i) in column 1, insert “ Approved Driving Instructor (Scotland) ”;
 - (ii) insert “ The Sheriff Court ” in the corresponding entry in column 2;
- (c) in relation to the entry “Notary Public in England and Wales” in column 1, in the corresponding entry in column 2, for “The Lord Chancellor”, substitute “ Chancellor of the High Court ”.

Commencement Information**I10** Sch. 1 para. 4 in force at 20.2.2019, see reg. 1(2)

PART 2 U.K.

Amendments of the principal Regulations coming into force on [F1IP completion day]

Textual Amendments

- F1** Words in Sch. 1 Pt. 2 heading substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 1 para. 2(a)**

5. The principal Regulations are amended as follows.

Commencement Information

- I11** Sch. 1 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

6. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the following definitions—

“adaptation period”

“another relevant European State”;

“aptitude test”;

“Commission”;

“common training framework”;

“common training test”;

“compensation measures”;

“designated competent authority”;

“Directive [2002/58/EC](#)”;

“Directive [2006/123/EC](#)”;

“enactment”;

“European Professional Card”;

“the GDPR”;

“host State”;

“IMI”;

“Implementing Regulation 2015”

“lifelong learning”;

“manager of an undertaking”;

“missing document”;

“overriding reasons of general interest”;

“professional experience”;

“professional rules”;

“relevant body”;

Changes to legislation: There are currently no known outstanding effects for the The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- “sectoral professions”;
- “third country”;
- “UK applicant”;
- (ii) in the definition of “applicant”, for “regulation 8(3) and (4)” substitute “ regulation 8(4) ”;
- (iii) in the definition of “assistance centre”, omit the words from “and to issue a European Professional Card” to the end;
- (iv) in the definition of “competent authority”—
 - (aa) in paragraph (a), for “(4)” substitute “ (3) ”;
 - (bb) in paragraph (b), for “another” substitute “ a ”;
- (v) in the definition of “home State”, omit “or in which they lawfully practised”;
- (vi) in the definition of “holder”, after “competent authority of” insert “ the United Kingdom or ”;
- (vii) in the definition of “practice”, omit “in a relevant European State”;
- (viii) for the definition of “relevant European State”, substitute—
 - ““relevant European State” means an EEA State or Switzerland;”;
- (b) omit paragraphs (2), (3) and (6).

Commencement Information

I12 Sch. 1 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

- 7. For regulation 3 (application) substitute—
 - “3. These Regulations do not apply in relation to—
 - (a) any profession regulated under—
 - (i) the Medical Act 1983 ^{M7};
 - (ii) the Dentists Act 1984 ^{M8};
 - (iii) the Opticians Act 1989 ^{M9};
 - (iv) the Osteopaths Act 1993 ^{M10};
 - (v) the Chiropractors Act 1994 ^{M11};
 - (vi) Part 3 of the Regulation of Care (Scotland) Act 2001 ^{M12};
 - (vii) Part 4 of the Regulation and Inspection of Social Care (Wales) Act 2016 ^{M13};
 - (viii) Part 2 of the Children and Social Work Act 2017 ^{M14};
 - (ix) the Nursing and Midwifery Order 2001 ^{M15};
 - (x) the Health ^{F2} ... Professions Order 2001 ^{M16};
 - (xi) [^{F3}the] Health and Personal Social Services Act (Northern Ireland) 2001 ^{M17};
 - (xii) the Pharmacy Order 2010 ^{M18};
 - ^{F4}(xiii)
 - (b) the profession of architect;
 - (c) the profession of veterinary surgeon;

- (d) the profession of farrier in England, Wales and Scotland;
- (e) the profession of statutory auditor as defined in section 1210 of the Companies Act 2006 ^{M19};
- (f) the profession of notary appointed by an official act of government;
- (g) any regulated profession in relation to which, immediately before [^{F5}IP completion day] —
 - (i) specific arrangements directly related to the recognition of professional qualifications were made in any EU Regulation, EU Directive, EU decision or EU tertiary legislation; and
 - (ii) the effect of those arrangements excluded the application of the Directive.”.

Textual Amendments

- F2** Words in Sch. 1 para. 7 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 1 para. 2(b)(i)(aa)**
- F3** Word in Sch. 1 para. 7 inserted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 1 para. 2(b)(i)(bb)**
- F4** Words in Sch. 1 para. 7 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 1 para. 2(b)(i)(cc)**
- F5** Words in Sch. 1 para. 7 substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 1 para. 2(b)(ii)**

Commencement Information

- I13** Sch. 1 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

Marginal Citations

- M7** [1983 c. 54.](#)
- M8** [1984 c. 24.](#)
- M9** [1989 c. 44.](#)
- M10** [1993 c. 21.](#)
- M11** [1994 c. 17.](#)
- M12** [2001 asp 8.](#)
- M13** [2016 anaw 2.](#)
- M14** [2017 c. 16.](#)
- M15** [S.I. 2002/253.](#)
- M16** [S.I. 2002/254.](#) The S.I. was re-named by section 213(4) of the [Health and Social Care Act 2012 \(c. 7\)](#).
- M17** [2001 c.3.](#)
- M18** [S.I. 2010/231.](#)
- M19** [2006 c.46.](#) Section 1210 was amended by [S.I. 2008/565](#), 1950, 2012/1809, 2013/3115, 2017/516, 1164.

8. In regulation 4 (competent authorities)—

- (a) in paragraph (1)—
 - (i) for “any of Parts 1 to 3” substitute “ Parts 1 and 2 ”;
 - (ii) for “the Directive” substitute “ these Regulations ”;

Changes to legislation: There are currently no known outstanding effects for the The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (b) in paragraph (2), for “the Directive”, substitute “ these Regulations ”;
- (c) omit paragraphs (3) and (4);
- (d) in paragraph (5)—
 - (i) for “another” substitute “ a ”;
 - (ii) in sub-paragraph (a), omit “attestation of competence.”;
 - (iii) omit sub-paragraph (b), but not the “or” following it;
 - (iv) omit the words from “or (as the case may be)” to the end.

Commencement Information

I14 Sch. 1 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 9.** In regulation 5 (functions of competent authorities in the United Kingdom)—
- (a) omit paragraphs (2) and (3);
 - (b) for paragraph (4), substitute—
 - “(4) A competent authority must—
 - (a) act as a point of single contact for their regulated professions; and
 - (b) provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
 - (c) for paragraph (5), substitute—
 - “(5) A competent authority must fully cooperate with the assistance centre and provide all relevant information about individual cases to the assistance centre on request, and subject to data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018.”

M20

;
 - (d) omit paragraphs (7) and (9);
 - (e) in paragraph (10), for “regulations 21 and” substitute “ regulation ”;
 - (f) after paragraph (11), insert—
 - “(12) If the applicant does not provide any certified copies requested under paragraph (6) before the expiry of the time limit for the competent authority to notify the applicant of its decision under regulation 42(2), the competent authority may refuse the application.”.

Commencement Information

I15 Sch. 1 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M20 [2018 c.12.](#)

- 10.** In regulation 6(2), omit “or the issue of a European Professional Card”.

Commencement Information

I16 Sch. 1 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

11. In regulation 7—

- (a) in paragraph (1)—
 - (i) after “request” insert “ by an applicant ”;
 - (ii) in sub-paragraph (a), for “another” substitute “ a ”;
- (b) after paragraph (4), insert—

“(5) In this regulation, “third country” means a country other than a relevant European State.”.

Commencement Information

I17 Sch. 1 para. 11 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

12. In regulation 8 (regulated profession, regulated education and training and applicants)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a)(i), for “any of Parts 1, 3 and 4” substitute “ Part 1 ”;
 - (ii) in paragraph (b), for “another” substitute “ a ”;
- (b) in paragraph (2)—
 - (i) after “of a profession in” insert “ the United Kingdom or ”;
 - (ii) after “provisions of” insert “ the United Kingdom or, as the case may be, ”;
 - (iii) after “competent authority in” insert “ the United Kingdom or, as the case may be ”;
- (c) omit paragraph (3);
- (d) in paragraph (4)—
 - (i) in the opening words, omit “, 2” and “, including Part 4,”;
 - (ii) in sub-paragraph (a)—
 - (aa) for “wishes” substitute “ applies for authorisation ”;
 - (bb) omit “on a permanent basis”;
 - (iii) at the end of that sub-paragraph, insert “ and ”;
 - (iv) omit sub-paragraph (b);
 - (v) in sub-paragraph (c), omit “or a third country;”;
 - (vi) omit sub-paragraph (d), and the “and” immediately before that sub-paragraph.

Commencement Information

I18 Sch. 1 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

13. In regulation 9 (professional qualifications and evidence of formal qualifications)—

- (a) in paragraph (1), omit “, subject to paragraph 12(2)”;

- (b) omit paragraph (1)(b) and (c);
- (c) in paragraph (2)(a), insert “ the United Kingdom or ” after “authority in” and “mainly in”;
- (d) omit paragraph (2)(b) and the “or” before that paragraph.

Commencement Information

I19 Sch. 1 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

14. Omit regulations 10 (partial access) and 11 (procedure applicable to partial access applications).

Commencement Information

I20 Sch. 1 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

15. Omit Part 2: (regulations 12 to 26: freedom to provide services on a temporary and occasional basis).

Commencement Information

I21 Sch. 1 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

16. For the heading to Part 3 (freedom of establishment), substitute “ Applications for Authorisation ”.

Commencement Information

I22 Sch. 1 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

17. In regulation 27 (levels of qualification), omit paragraph (a).

Commencement Information

I23 Sch. 1 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

18. Omit regulation 28 (equal treatment of qualifications).

Commencement Information

I24 Sch. 1 para. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

19. In regulation 29 (conditions for recognition)—
(a) for paragraph (1) substitute—

“(1) If access to, or pursuit of, a regulated profession in the United Kingdom is contingent on possession of specific qualifications, a competent authority must permit access to, and pursuit of, that profession to an applicant, where that applicant possesses evidence of formal qualifications required by a relevant European State, where the profession is regulated, in order to gain access to and pursue the same profession in that relevant European State.”;

(b) after paragraph (1), insert—

“(1A) The requirement on the competent authority in paragraph (1) does not apply where—

(a) the training the applicant has received covers substantially different matters than those covered by the evidence of formal qualifications required for the regulated profession in the United Kingdom; or

(b) the regulated profession in the United Kingdom—

(i) comprises one or more regulated professional activities which do not exist in the profession in the applicant's home State; and

[^{F6}(ii) requires specific training that covers substantially different matters from those covered by the applicant's evidence of formal qualifications; or]

(c) the level of the professional qualifications of the applicant is lower than the level of the specific professional qualifications required to access and pursue the regulated profession in the United Kingdom;

(1B) In paragraph (1A), “substantially different matters” means matters of which knowledge, skills and competences acquired are essential for pursuing the profession and with regard to which the training received by the applicant shows significant differences in terms of duration or content from the training required in the United Kingdom.”;

(c) in paragraph (2)—

(i) omit “Attestations of competence or”;

(ii) in sub-paragraph (a), for “another” substitute “ a ”;

(iii) omit sub-paragraph (b);

(d) for paragraph (3), substitute—

“(3) Nothing in paragraphs (1) or (1A) prevents a competent authority from exercising any other powers it may have to permit an applicant to access and pursue a regulated profession.”;

(e) omit paragraphs (4) and (5).

Textual Amendments

F6 Words in Sch. 1 para. 19(b) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), [Sch. 1 para. 2\(c\)](#)

Commencement Information

I25 Sch. 1 para. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

20. Omit regulations 30 (compensation measures – adaptation periods and aptitude tests) to 37.

Commencement Information

I26 Sch. 1 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

21. For the heading to Chapter 4 (common provisions on establishment), substitute “ General Provisions ”.

Commencement Information

I27 Sch. 1 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

22. In regulation 38 (documentation and formalities)—

(a) for paragraph (1), substitute—

“(1) When considering an application for authorisation to pursue a regulated profession, the competent authority may require any information or documentation necessary to enable the competent authority to assess the application, including—

- (a) evidence of formal qualifications, and any information necessary to determine the level and content of those qualifications;
- (b) information concerning the applicant's training to the extent necessary to determine the existence of potential substantial differences to the training requirements in the United Kingdom;
- (c) the applicant's fitness to practice and professional or financial standing; and
- (d) the applicant's insurance cover.”;

(b) omit paragraph (2).

Commencement Information

I28 Sch. 1 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

23. In regulation 39—

(a) in paragraph (1)—

- (i) for “require”, substitute “ request ”;
- (ii) omit “attestations and” and “other”;

(b) in paragraph (3), for “require”, substitute “ request ”;

(c) after paragraph (3) insert—

“(4) Where a competent authority of another relevant European State does not provide the confirmation required or the verification sought by a competent authority under this regulation before the expiry of the time limit for notifying the applicant of its decision under regulation 42(2), the competent authority may refuse the application.”.

Commencement Information

I29 Sch. 1 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

24. Omit regulations 40 and 41.

Commencement Information

I30 Sch. 1 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

- 25.** In regulation 42 (decisions of competent authorities)—
- (a) in paragraph (1), for “to establish himself” substitute “ for authorisation to practise ”
 - (b) in paragraph (2), for sub-paragraphs (a) and (b), substitute “ within four months ”;
 - (c) omit paragraph (5).

Commencement Information

I31 Sch. 1 para. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

26. In regulation 43 (use of professional titles), omit paragraph (4).

Commencement Information

I32 Sch. 1 para. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

27. Omit Part 4: (regulations 44 to 63: European Professional Card).

Commencement Information

I33 Sch. 1 para. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

28. Omit Part 5: (regulations 64 and 65: automatic recognition on the basis of common training principles).

Commencement Information

I34 Sch. 1 para. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(3\)](#)

- 29.** In regulation 66 (exchange of information)—
- (a) in paragraph (1), for the words from “must exchange” to “other”, substitute “ may exchange information with competent authorities of ”;
 - (b) in paragraph (2)—

Changes to legislation: There are currently no known outstanding effects for the The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (i) for “home State” substitute “ United Kingdom ”;
- (ii) for “another” substitute “ a ”;
- (c) in paragraph (3), for the words from “rules” to the end, substitute “ legislation within the meaning of section 3(9) of the Data Protection Act 2018 ”.

Commencement Information

I35 Sch. 1 para. 29 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

- 30.** Omit regulation 67 (alert mechanism).

Commencement Information

I36 Sch. 1 para. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

- 31.** In regulation 68 (appeals)—
- (a) in paragraph (1), for the words “any one of regulations 6(1), 10, 13(2), 42(2) or under Part 4” substitute “ either regulation 6(1) or 42(2) ”;
 - (b) omit paragraph (2);
 - (c) in paragraph (3), omit “or (2)”;
 - (d) in paragraph (4), for “regulation 6(1), 10, 13(2), 42(2), 62 or 63” substitute “regulation 6(1) or 42(2);
 - (e) for paragraph (5), substitute—
 - “(5) In paragraph (3), “enactment” includes—
 - (a) an enactment contained in subordinate legislation within the meaning given by subsection (1) of section 21 of the Interpretation Act 1978, except that the definition of that term in that subsection shall have effect as if “Act” included Northern Ireland legislation, and
 - (b) an enactment contained in an Act of the Scottish Parliament or in an instrument made under such an Act.”;

Commencement Information

I37 Sch. 1 para. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

- 32.** In regulation 69 (use of academic titles), in paragraph (1), for “regulations 18 and” substitute “ regulation ”.

Commencement Information

I38 Sch. 1 para. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

- 33.** In regulation 70 (assistance centre)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), omit—
 - (aa) “and the assistance centres of other relevant European States”; and
 - (bb) “where appropriate the availability and functioning of the European Professional Card”;
 - (ii) for sub-paragraph (b), substitute—
 - “(b) on receipt of an enquiry, assist applicants in exercising the rights conferred on them by these Regulations, in co-operation where appropriate, with points of single contact and competent authorities in the United Kingdom.”;
- (b) in paragraph (2), for “Commission”, in both places it appears, substitute “ Secretary of State ”.

Commencement Information

I39 Sch. 1 para. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 34.** In regulation 71 (information from competent authorities)—
 - (a) in paragraph (1), for “the Directive”, substitute “ these Regulations ”;
 - (b) in paragraph (2), omit the words from “, including the types of decisions” to the end.

Commencement Information

I40 Sch. 1 para. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 35.** In regulation 72 (review), omit paragraph (2).

Commencement Information

I41 Sch. 1 para. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 36.** In regulation 78 (transitional and saving provision), omit paragraphs (1) and (3).

Commencement Information

I42 Sch. 1 para. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

- 37.** In Schedule 1 (regulated professions) —
 - (a) in Part 1, omit the following entries in column 1 (profession) and their corresponding entries (if applicable) in column 2 (competent authority)—
 - (i) Chiropractor;
 - (ii) Dental Hygienist;
 - (iii) Dental Therapist

Changes to legislation: There are currently no known outstanding effects for the The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (iv) Clinical Dental Technician;
 - (v) Dental Nurse;
 - (vi) Dental Technician;
 - (vii) Orthodontic Therapist;
 - [^{F7}(viii) Farrier in England, Wales and Scotland;]
 - (ix) Arts Therapist;
 - (x) Biomedical Scientist;
 - (xi) Chiropodist and Podiatrist;
 - (xii) Clinical Scientist;
 - (xiii) Dietitian;
 - (xiv) Hearing Aid Dispenser;
 - (xv) Occupational Therapist;
 - (xvi) Operating Department Practitioner;
 - (xvii) Orthoptist;
 - (xviii) Paramedic;
 - (xix) Physiotherapist;
 - (xx) Prosthetist and Orthotist;
 - (xxi) Radiographer;
 - (xxii) Practitioner psychologist (a registered psychologist, clinical psychologist, counselling psychologist, educational psychologist, forensic psychologist, health psychologist, occupational psychologist or sport and exercise psychologist);
 - (xxiii) Social Worker in England;
 - (xxiv) Social Worker in Northern Ireland;
 - (xxv) Social Worker in Scotland;
 - (xxvi) Social Worker in Wales;
 - (xxvii) Social Care Manager in Wales;
 - (xxviii) Speech and Language Therapist;
 - (xxviiii) Nurse (other than a nurse admitted to Sub-Part 1 of the nurses' part of the register maintained by the Nursing and Midwifery Council whose field of practice is adult nursing);
 - (xxix) Nursing Associate in England;
 - (xxx) Optometrist (Ophthalmic Optician);
 - (xxxi) Dispensing Optician;
 - (xxxii) Osteopath;
 - (xxxiii) Pharmacy Technician in Great Britain;
- (b) omit Parts 3 and 4.

Textual Amendments

- F7** Sch. 1 para. 37(a)(viii) inserted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), **Sch. 1 para. 2(d)**

Commencement Information

I43 Sch. 1 para. 37 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

38. Omit Schedules 2, 3, and 4.

Commencement Information

I44 Sch. 1 para. 38 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

39. In Schedule 5 (appeal bodies), in the first column, omit the following entries in column 1 (profession) and their corresponding entries in column 2 (body, court or person)—

- (a) Social Worker in Northern Ireland;
- (b) Social Worker in Wales.

Commencement Information

I45 Sch. 1 para. 39 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

[^{F8}PART 3 U.K.]

Transitional and saving provision

Textual Amendments

F8 Sch. 1 Pt. 3 substituted (31.12.2020 immediately before IP completion day) by **The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1038)**, **reg. 1(3)**, **Sch. 1 para. 3**

Saving of decisions etc. taken before IP completion day U.K.

40. The amendments and revocations made by these Regulations do not affect the validity of any action or decision taken or right accrued under the principal Regulations or the 2007 Regulations before IP completion day, except as provided in this Part.

Commencement Information

I46 Sch. 1 para. 40 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Language testing – transitional and saving provision U.K.

41.—(1) Where a competent authority has recognised a professional qualification—

- (a) before IP completion day, under the principal Regulations; or
- (b) pursuant to paragraph 44,

the provisions of the principal Regulations specified in sub-paragraph (2) continue to apply on and after IP completion day as they had effect immediately before IP completion day.

- (2) The specified provisions are—
- (a) regulation 6;
 - (b) regulation 68, so far as it relates to appeals against a decision of a competent authority under regulation 6(1); and
 - (c) any other provision of the principal Regulations so far as they relate to those provisions.

Commencement Information

I47 Sch. 1 para. 41 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Temporary and occasional provision of services – Part 2 of the principal Regulations - transitional and saving provision **U.K.**

42.—(1) This paragraph applies where, before exit day, an applicant has submitted or renewed a declaration in accordance with regulation 15 of the principal Regulations to the appropriate competent authority, and, on IP completion day, has not lost entitlement to provide services.

(2) The provisions of the principal Regulations relating to the provision of services on a temporary and occasional basis continue to apply on and after IP completion day in relation to the applicant concerned, as they had effect immediately before IP completion day but subject to the modifications specified in sub-paragraph (3), until the earlier of the following—

- (a) the day before that on which renewal of the declaration in accordance with regulation 15(2) (c) would have been required but for the modification specified in sub-paragraph (3); or
- (b) 30th January 2021.

(3) The modifications to the principal Regulations are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State”;
- (b) regulation 5 is to be read as if—
 - (i) in paragraph (2), “, using the IMI procedure” were omitted;
 - (ii) paragraph (3) were omitted;
 - (iii) in paragraph (5), for the words from “rules” to the end there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018”;
 - (iv) paragraph (7) were omitted;
 - (v) for paragraph (8), there were substituted—

“(8) Where a competent authority asks for advanced electronic signatures under Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market for the completion of procedures referred to in paragraph (6), it must act in accordance with Article 27 of that Regulation (and for this purpose the completion of the procedures is to be treated as the use of an online service to which that Article applies).”;

- (vi) paragraph (9) were omitted;
- (vii) in paragraph (10), for “regulations 21 and 42” there were substituted “regulation 21”;
- (viii) after paragraph (11), there were inserted—

- “(12) If the applicant does not provide any certified copies requested under paragraph (6) before the expiry of the time limit for the competent authority to notify the applicant of its decision under regulation 21, the competent authority may refuse the provision of services.”;
- (c) regulation 15 is to be read as if—
- (i) in paragraph (2), sub-paragraph (c) and the “and” immediately before it were omitted;
 - (ii) paragraph (3) were omitted;
- (d) regulation 23 is to be read as if in paragraph (2) after “the applicant may” there were inserted “not”;
- (e) regulation 24 is to be read as if paragraphs (2), (3) and (4) were omitted;
- (f) regulation 25 is to be read as if—
- (i) after paragraph (1), there were inserted—

“(1A) If the competent authorities of the home State fail to provide the information requested under paragraph (1) within such period as may be specified in the request, the applicant will no longer be entitled to provide services in the profession that the applicant is pursuing in the United Kingdom in accordance with this Part nor retain any temporary registration.”;
 - (ii) paragraph (3) were omitted;
- (g) regulation 26(e) is to be read as if for the words from “the VAT identification” to the end there were substituted “the country in which the applicant is VAT registered and the applicant’s VAT registration number”;
- (h) Parts 4 and 5 are to be ignored;
- (i) in regulation 66—
- (i) paragraph (1) is to be read as if for “must” there were substituted “may”;
 - (ii) paragraph (3) is to be read as if for the words from “rules” to the end there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018”;
- (j) regulation 67 is to be ignored ^{F9}...;
- (k) regulation 68, so far as it relates to an appeal under regulation 67, is to be ignored, save to the extent that paragraph 47 of this Schedule applies.
- (4) In this paragraph, “applicant” has the meaning in regulation 8(3) of the principal Regulations—
- (a) before amendment made by Part 2; and
 - (b) with the omission of the words “including Part 4”.

Textual Amendments

- F9** Words in Sch. 1 para. 42(3)(j) omitted (4.6.2021) by virtue of [The Recognition of Professional Qualifications \(Amendment etc.\) \(EU Exit\) Regulations 2021 \(S.I. 2021/574\)](#), regs. 1(1), **2(2)**

Commencement Information

- I48** Sch. 1 para. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Temporary and occasional provision – transitional and saving provision relating to certain sectoral professions **U.K.**

43.—(1) In connection with the provisions referred to in sub-paragraph (2), so far as they continue to have effect after IP completion day—

- (a) regulations 3(9), 9 and 14 to 16 of the 2007 Regulations, as well as any other provision of those Regulations which, immediately before IP completion day, applied in connection with regulations 9 and 14 to 16, continue to apply as they applied immediately before IP completion day, by virtue of regulation 78(3) of the principal Regulations, but with the modifications specified in paragraph 48(3) or 49(3) of this Schedule (as the case may be);
- (b) regulations 3(8), 13 and 19 to 23 of the principal Regulations, as well as any other provision of those Regulations which, immediately before IP completion day, applied in connection with regulations 13 and 19 to 23, continue to apply without the amendments made by Part 2, but with the modifications specified in paragraph 42(3) of this Schedule.

(2) The provisions are—

- (a) Schedule 1B to the Veterinary Surgeons Act 1966;
- (b) Schedule 2A to the Medical Act 1983;
- (c) Schedule 4 to the Dentists Act 1984;
- (d) Schedule 2A to the Nursing and Midwifery Order 2001;
- (e) Schedule 2 to the Pharmacy Order 2010.

Commencement Information

I49 Sch. 1 para. 43 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Applications begun before IP completion day – establishment under Chapters 1 and 2 of Part 3 of the principal Regulations - transitional and saving provision **U.K.**

44.—(1) This paragraph applies where—

- (a) before IP completion day, an applicant has made an application to a competent authority or to a point of single contact under, or relying on an entitlement under, Chapters 1 and 2 of Part 3 of the principal Regulations; and
- (b) the application has not been finally determined before IP completion day.

(2) For the purposes of sub-paragraph (1), an application is finally determined when—

- (a) the competent authority has notified or is deemed to have notified the applicant of its decision; and
- (b) either—
 - (i) the period for appeal against that decision under the principal Regulations has expired without an appeal being made; or
 - (ii) an appeal made under regulation 68(1) of the principal Regulations against a decision taken or deemed to be taken under regulations 10 or 42(2) has been determined.

(3) The provisions of the principal Regulations continue to apply on and after IP completion day as they had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (4), in relation to—

- (a) the application concerned; and

- (b) any appeal under regulation 68(1) of the principal Regulations against a decision taken or deemed to be taken under regulations 10 or 42(2) in relation to that application.
- (4) The modifications to the principal Regulations are as follows—
 - (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
 - (b) regulation 5 is to be read as if—
 - (i) in paragraph (2), after “IMI procedure” there were inserted “where appropriate in accordance with Article 29(2) of the withdrawal agreement”;
 - (ii) paragraph (3) were omitted;
 - (iii) for paragraph (4), there were substituted—
 - “(4) A competent authority must—
 - (a) act as a point of single contact for their regulated professions; and
 - (b) provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
 - (iv) in paragraph (5), for the words from “rules” to the end there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018.”;
 - (v) for paragraph (8) there were substituted—
 - “(8) Where a competent authority asks for advanced electronic signatures under Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market for the completion of procedures referred to in paragraph (6), it must act in accordance with Article 27 of that Regulation (and for this purpose the completion of the procedures is to be treated as the use of an online service to which that Article applies).”;
 - (vi) paragraph (9) were omitted;
 - (vii) in paragraph (10), for “regulations 21 and” there were substituted “regulation”;
 - (c) regulation 41 is to be ignored;
 - (d) regulation 42(5) is to be ignored;
 - (e) Parts 4 and 5 are to be ignored;
 - (f) regulation 66(3) is to be read as if for the words from “rules” to the end there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018 and through use of the IMI procedure where appropriate, in accordance with Article 29(2) of the withdrawal agreement”;
 - (g) regulation 67 is to be ignored ^{F10} ...;
 - (h) regulation 68, so far as it relates to an appeal under regulation 67, is to be ignored, save to the extent that paragraph 47 of this Schedule applies.
 - (5) In this paragraph, “applicant” has the meaning in regulation 8(4) of the principal Regulations—
 - (a) before amendment made by Part 2; and
 - (b) with the omission of the words “including Part 4”.

Textual Amendments

F10 Words in Sch. 1 para. 44(4)(g) omitted (4.6.2021) by virtue of [The Recognition of Professional Qualifications \(Amendment etc.\) \(EU Exit\) Regulations 2021 \(S.I. 2021/574\)](#), regs. 1(1), **2(3)**

Commencement Information

I50 Sch. 1 para. 44 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Administrative co-operation under the withdrawal agreement and the EEA EFTA separation agreement [U.K.](#)

45.—(1) This paragraph applies where an individual has, before IP completion day, made an application falling under Article 28 of the withdrawal agreement or Article 27 of the EEA EFTA separation agreement to a competent authority in a European State for recognition of a professional qualification awarded or recognised by a competent authority in the United Kingdom.

(2) Where sub-paragraph (1) applies, the competent authority in the United Kingdom—

- (a) must cooperate with the competent authority or assistance centre in the European State, or with the individual (as the case may be), in accordance with—
 - (i) regulation 5(2), (4) and (5) of the principal Regulations, as modified in accordance with paragraph 44(4)(b), and
 - (ii) regulation 5(3) of the principal Regulations; and
- (b) for the purposes of paragraph (a), may exchange information with the European State competent authority regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(3) Competent authorities in the United Kingdom must exchange information for the purposes of sub-paragraph (2) in accordance with data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018 and through use of the IMI procedure where appropriate, in accordance with Article 29(2) of the withdrawal agreement.

(4) In this paragraph, a reference to the principal Regulations is to those Regulations as they had effect immediately before IP completion day, and—

- “competent authority” has the meaning in regulation 2(1) of the principal Regulations; and
- “European State” means an EEA State other than the United Kingdom.

Commencement Information

I51 Sch. 1 para. 45 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Certificates of Experience – Chapter 3 of Part 3 of the principal Regulations - transitional and saving provision [U.K.](#)

46.—(1) Where, before IP completion day, a person has applied to ECCTIS Limited for a Certificate of Experience under regulation 36 of the principal Regulations—

- (a) that regulation; and
- (b) any other provision of the principal Regulations so far as it relates to regulation 36,

continue to apply on and after IP completion day as they had effect immediately before IP completion day in relation to that application.

(2) Regulation 37 continues to apply on and after IP completion day as it had effect immediately before IP completion day in relation to any Certificate of Experience issued by ECCTIS under the principal Regulations.

Commencement Information

I52 Sch. 1 para. 46 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Alert mechanism – saving provision **U.K.**

47.—(1) This paragraph applies where a designated competent authority has, before IP completion day, sent an alert under regulation 67 of the principal Regulations.

(2) ^{F11}Regulation 68 of the principal Regulations continues to apply on and after IP completion day as it had effect immediately before IP completion day, but subject to the modification specified in sub-paragraph (3), in relation to any appeal made in relation to the decision to send an alert.]

(3) ^{F12}The modification to the principal Regulations is that regulation 68(5)(b) is to be read as if the words “and direct the alert be withdrawn or amended accordingly” were omitted.]

Textual Amendments

F11 Sch. 1 para. 47(2) substituted (4.6.2021) by The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2021 (S.I. 2021/574), regs. 1(1), 2(4)

F12 Sch. 1 para. 47(3) substituted (4.6.2021) by The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2021 (S.I. 2021/574), regs. 1(1), 2(5)

Commencement Information

I53 Sch. 1 para. 47 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

The 2007 Regulations – Temporary and occasional provision of services - transitional and saving provision **U.K.**

48.—(1) This paragraph applies where, before exit day, an applicant has submitted or renewed a declaration in accordance with regulation 11 of the 2007 Regulations to the appropriate competent authority, and, on IP completion day, has not lost entitlement to provide services.

(2) The provisions of the 2007 Regulations relating to the provision of services on a temporary and occasional basis continue to apply on and after IP completion day in relation to the applicant concerned, as they had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (3), until the earlier of the following—

- (a) the day before that on which renewal of the declaration in accordance with regulation 11(2)(c) would have been required but for the modification specified in sub-paragraph (3); or
- (b) 30th January 2021.

(3) The modifications to the 2007 Regulations are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);

- (b) regulation 5 is to be read as if paragraphs (5) and (7) were omitted;
- (c) regulation 11 is to be read as if—
 - (i) paragraph (2)(c) and the “and” immediately before it were omitted;
 - (ii) paragraph (3) were omitted;
- (d) regulation 16(5) is to be read as if after “the applicant may” there were inserted “not”;
- (e) regulation 17 is to be read as if paragraphs (2), (3) and (4) were omitted;
- (f) regulation 18 is to be read as if after paragraph (2), there were inserted—

“(3) If the competent authorities of the home State fail to provide the information requested under paragraph (1)(a) within such period as may be specified in the request, the applicant will no longer be entitled to provide services in the profession that the applicant is pursuing in the United Kingdom in accordance with this Part nor retain any temporary registration.”;

- (g) regulation 19(e) is to be read as if for the words from “the VAT identification” to the end there were substituted “the country in which the applicant is VAT registered and the applicant’s VAT registration number”.

(4) In this paragraph, “applicant” has the meaning in regulation 6(3) of the 2007 Regulations, as those Regulations had effect immediately before IP completion day, but does not include a relevant applicant as defined in paragraph 49(2).

Commencement Information

I54 Sch. 1 para. 48 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Temporary and occasional provision of services – additional rights under the Swiss citizens’ rights agreement **U.K.**

- 49.**—(1) This paragraph applies in relation to a relevant applicant.
- (2) In this paragraph, a “relevant applicant” means an individual—
- (a) who provides services in a regulated profession in the United Kingdom on a temporary and occasional basis on the basis of a written contract which was concluded, and the performance of which started, before IP completion day;
 - (b) who began providing the services described in paragraph (a) either—
 - (i) before IP completion day, in an employed or self-employed capacity; or
 - (ii) on or after IP completion day, as an employee posted for the purpose of carrying on professional activities in the United Kingdom by their employer who is established in the United Kingdom or Switzerland;
 - (c) who is a national of the United Kingdom or Switzerland, or a third country national who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either state, for the purposes of access to and pursuit of a regulated profession;
 - (d) who is legally established in Switzerland for the purpose of pursuing the same profession there; and
 - (e) who, if neither the regulated profession the individual wishes to access and pursue in the United Kingdom nor the education and training leading to it is regulated in Switzerland,

has pursued that profession in Switzerland for at least two years during the ten years preceding the provision of services in the United Kingdom, and “third country” and “same profession” have the meanings in regulation 2(1) of the 2007 Regulations as they had effect immediately before IP completion day.

(3) The provisions of the 2007 Regulations relating to the provision of services on a temporary and occasional basis continue to apply on and after IP completion day in relation to a relevant applicant, as they had effect immediately before IP completion day but subject to the modifications specified in sub-paragraph (4), until—

- (a) the end of the period of five years beginning with IP completion day; or
- (b) where the period referred to in paragraph (a) is extended in accordance with Article 23(2) of the Swiss citizens’ rights agreement, the end of that period as extended.

(4) The modifications to the 2007 Regulations referred to in sub-paragraph (3) are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
- (b) regulation 5 is to be read as if—
 - (i) for “other relevant European States” in paragraphs (2)(a) and (b) and (3), and “another relevant European State which regulates that profession” in paragraph (5), there were substituted “Switzerland”;
 - (ii) for paragraph (7), there were substituted—

“(7) A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;

- (c) in regulation 6(3), the definition of “applicant” is to be read as meaning a relevant applicant as defined in sub-paragraph (2) of this paragraph;
- (d) regulation 10(1) is to be read as if for “another relevant European State” there were substituted “Switzerland”;
- (e) regulation 11(1) is to be read as if for “another relevant European State” there were substituted “Switzerland”;
- (f) regulation 12 is to be read as if—
 - (i) in paragraph (1), after sub-paragraph (a) the “or” were omitted and there were inserted—

“(aa) for the first renewal of the declaration following IP completion day, or”;

(ii) in paragraph (2)—

- (aa) in sub-paragraph (a), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
- (bb) in sub-paragraph (b), for “another relevant European State” there were substituted “Switzerland”;
- (cc) after sub-paragraph (e), there were inserted—

“(f) evidence of the written contract which was concluded, and the performance of which started, before IP completion day.”;

(g) regulation 17(1) is to be read as if—

- (i) after sub-paragraph (a), the “or” were omitted;
- (ii) after sub-paragraph (b) there were inserted—

- “(c) the applicant ceases for any reason other than one falling within sub-paragraph (b) to be established for the purposes of pursuing that profession in Switzerland; or
- (d) the applicant ceases to provide services pursuant to a written contract which was concluded, and the performance of which started, before IP completion day.”;
- (h) regulation 18(1) is to be read as if—
 - (i) in sub-paragraph (a), for “the home State” there were substituted “Switzerland”;
 - (ii) in sub-paragraph (b), for “other relevant European States” there were substituted “Switzerland”;
- (i) regulation 19 is to be read as if—
 - (i) for “the home State”, in both places it occurs, there were substituted “Switzerland”;
 - (ii) in paragraph (e), for the words from “the VAT identification” to the end there were substituted “the country in which the applicant is VAT registered and the applicant’s VAT identification number”.

Commencement Information

I55 Sch. 1 para. 49 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(3)**

Applications begun before IP completion day – establishment under Chapters 1 and 2 of Part 3 of the 2007 Regulations - transitional and saving provision **U.K.**

- 50.**—(1) This paragraph applies where—
- (a) before IP completion day, an applicant has made an application to a competent authority under, or relying on an entitlement under, Chapters 1 and 2 of Part 3 of the 2007 Regulations; and
 - (b) the application has not been finally determined before IP completion day.
- (2) For the purposes of sub-paragraph (1), an application is finally determined when—
- (a) the competent authority has notified or is deemed to have notified the applicant of its decision; and
 - (b) either—
 - (i) the period for appeal against that decision under the 2007 Regulations has expired without an appeal being made; or
 - (ii) an appeal made under regulation 36(1) of the 2007 Regulations against a decision taken or deemed to have been taken under regulation 34 has been determined.
- (3) The provisions of the 2007 Regulations continue to apply on and after IP completion day as they had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (4), in relation to—
- (a) the application concerned; and
 - (b) any appeal under regulation 36 of the 2007 Regulations against a decision taken or deemed to have been taken under regulation 34 in relation to that application.
- (4) The modifications to the 2007 Regulations are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
- (b) regulation 5 is to be read as if for paragraph (7), there were substituted—

“(7) A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”.
- (5) In this paragraph, “applicant” has the meaning in regulation 6(3) of the 2007 Regulations, as those Regulations had effect immediately before IP completion day.

Commencement Information

I56 Sch. 1 para. 50 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Qualifications begun before IP completion day – extended period for applications under the Swiss citizens’ rights agreement **U.K.**

- 51.**—(1) This paragraph applies in relation to a qualifying applicant.
- (2) In this paragraph, a “qualifying applicant” means an individual who—
- (a) is a national of the United Kingdom or Switzerland, or a third country national who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either state, for the purposes of access to and pursuit of a regulated profession;
 - (b) wishes to access and pursue a regulated profession in the United Kingdom on a permanent basis, whether in an employed or self-employed capacity;
 - (c) has obtained a relevant qualification;
 - (d) if that relevant qualification was obtained in a third country, has three years’ professional experience in the profession concerned in the territory of Switzerland and certified by a competent authority in Switzerland; and
 - (e) if that relevant qualification is a professional qualification obtained in an EEA State, is legally established in Switzerland, unless the individual is a Swiss national.
- (3) In this paragraph, “relevant qualification” means —
- (a) a professional qualification obtained in an EEA State or Switzerland before IP completion day;
 - (b) a professional qualification started in an EEA State or Switzerland before IP completion day but completed after IP completion day;
 - (c) a third country professional qualification recognised by a competent authority in Switzerland pursuant to Article 2(2) of [Directive 2005/36/EC](#) before IP completion day;
 - (d) a third country professional qualification for which an application for recognition pursuant to Article 2(2) of [Directive 2005/36/EC](#) has been submitted to a competent authority in Switzerland before IP completion day, where that application is successful after IP completion day.
- (4) In this paragraph—
- “[Directive 2005/36/EC](#)” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as it had effect immediately before IP completion day;

“competent authority”, “professional qualification” and “third country” have the meanings in regulation 2(1) of the 2007 Regulations as they had effect immediately before IP completion day.

(5) Where a qualifying applicant makes an application to a competent authority for recognition of a relevant qualification before the end of the period of four years beginning with IP completion day, the provisions of the 2007 Regulations continue to apply on and after IP completion day as those Regulations had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (6), in relation to—

- (a) the application concerned; and
 - (b) any appeal under regulation 36 of the 2007 Regulations against a decision made under regulation 34 in relation to that application.
- (6) The modifications to the 2007 Regulations are as follows—
- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
 - (b) regulation 5 is to be read as if—
 - (i) in paragraph (5), for “another relevant European State which regulates that profession” there were substituted “Switzerland”;
 - (ii) for paragraph (7), there were substituted—
 - “(7) A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
 - (c) in regulation 6(4), the definition of “applicant” is to be read as meaning a qualifying applicant as defined in sub-paragraph (2) of this paragraph.

Commencement Information

I57 Sch. 1 para. 51 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Certificates of Experience – Chapter 3 of Part 3 of the 2007 Regulations - transitional and saving provision **U.K.**

52.—(1) Where, before IP completion day, a person has applied to ECCTIS Limited for a Certificate of Experience under regulation 29 of the 2007 Regulations—

- (a) that regulation; and
- (b) any other provision of the 2007 Regulations so far as it relates to regulation 29,

continue to apply on and after IP completion day as they had effect immediately before IP completion day in relation to that application.

(2) Regulation 30 of the 2007 Regulations continues to apply on and after IP completion day as it had effect immediately before IP completion day in relation to any Certificate of Experience issued by ECCTIS under the 2007 Regulations.

Commencement Information

I58 Sch. 1 para. 52 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

Further provisions relating to the Swiss citizens' rights agreement **U.K.**

53.—(1) In dealing with a relevant applicant (as defined in paragraph 49(2)) who provides services in the United Kingdom pursuant to paragraph 49, a competent authority must treat the applicant no less favourably than it would treat a native applicant (as defined in regulation 2(1) of the 2007 Regulations) providing services in the United Kingdom.

(2) Where an individual is providing services on a temporary and occasional basis in Switzerland pursuant to Article 23 of the Swiss citizens' rights agreement, the appropriate competent authority in the United Kingdom must cooperate with and provide the appropriate competent authority in Switzerland with any information relevant to the legality of the individual's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature, in accordance with regulation 5(2), (3) and (4) of the 2007 Regulations.

(3) Where an individual has made or makes an application falling within Article 31(1) or Article 32(1) or (5) of the Swiss citizens' rights agreement to a competent authority in Switzerland for recognition of a professional qualification awarded or recognised by a competent authority in the United Kingdom, the appropriate competent authority in the United Kingdom must cooperate with and provide information to the competent authority or contact point in Switzerland, or the individual (as the case may be), in accordance with regulation 5(2) to (7) of the 2007 Regulations.

(4) Competent authorities in the United Kingdom must exchange information for the purposes of sub-paragraphs (2) and (3) in accordance with data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018.

(5) An individual, in connection with the recognition of professional qualifications in Switzerland pursuant to Article 31(1) or Article 32(1) or (5) of the Swiss citizens' rights agreement, may make an application to ECCTIS Limited for a Certificate of Experience, and where that individual does so—

- (a) regulation 29 of the 2007 Regulations, and any other provision of the 2007 Regulations so far as it relates to regulation 29, applies on and after IP completion day in relation to that application; and
- (b) regulation 30 of the 2007 Regulations applies on and after IP completion day in relation to any Certificate of Experience issued by ECCTIS under the 2007 Regulations.

(6) In this paragraph, a reference to the 2007 Regulations is to those Regulations as they had effect immediately before IP completion day, and “competent authority” has the meaning in regulation 2(1) of the 2007 Regulations.]

Commencement Information

I59 Sch. 1 para. 53 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(3)

SCHEDULE 2 **U.K.**

Regulation 3

Amendments etc. of secondary legislation relating to school teachers

Amendment of the Education (School Teachers' Qualifications) (England) Regulations 2003 **U.K.**

1.—(1) Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003 ^{M21} is amended as follows.

- (2) In paragraph 1, omit the definitions of “EEA Agreement” and “Switzerland Agreement”.

(3) For paragraph 8, substitute—

“8.—(1) The person is a person who is, as respects the profession of school teacher, entitled to practice pursuant to the 2007 Regulations or the 2015 European Union Regulations, including pursuant to—

(a) a decision taken or right accrued under the 2007 Regulations or the 2015 European Union Regulations before exit day in accordance with paragraph 40 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019;

(b) a decision taken or determination made under the 2015 European Union Regulations in accordance with paragraph 44 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019;

[^{F13}(c)] a decision taken or determination made under the 2007 Regulations in accordance with [^{F14}paragraph 50 or paragraph 51] of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.

[^{F15}(d) paragraph 42, paragraph 48 or paragraph 49 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.]

(2) In this paragraph, the 2007 Regulations means the European Communities (Recognition of Professional Qualifications) Regulations 2007.”.

(4) In paragraph 8A, for sub-paragraph (1)(a) substitute—

“(a) entitled to partial access to the profession of school teacher pursuant to—

(i) a decision taken or right accrued under the 2015 European Union Regulations before exit day in accordance with paragraph 40 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019; ^{F16}...

[^{F17}(ii) paragraph 42 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019; or]

[^{F18}(iii)] a decision taken or determination made under the 2015 European Union Regulations in accordance with paragraph 44 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019;”.

Textual Amendments

F13 Word in Sch. 2 para. 1(3) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), [Sch. 1 para. 4\(a\)\(i\)](#)

F14 Words in Sch. 2 para. 1(3) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), [Sch. 1 para. 4\(a\)\(ii\)](#)

F15 Words in Sch. 2 para. 1(3) inserted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), [Sch. 1 para. 4\(a\)\(iii\)](#)

F16 Word in Sch. 2 para. 1(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), [Sch. 1 para. 4\(b\)\(ii\)](#)

F17 Words in Sch. 2 para. 1(4) inserted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), [Sch. 1 para. 4\(b\)\(ii\)](#)

F18 Word in Sch. 2 para. 1(4) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), reg. 1(3), [Sch. 1 para. 4\(b\)\(i\)](#)

Commencement Information

I60 Sch. 2 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M21 [S.I. 2003/1662](#); relevant amending instruments are [S.I. 2007/2782](#), 2012/431 and 2016/1123.

Amendment of the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 [U.K.](#)

2.—(1) The Education (Induction Arrangements for School Teachers) (England) (Regulations 2012 ^{M22} are amended as follows.

(2) For paragraph 10 of Schedule 1, substitute—

“**10.** A person who is a qualified teacher who became so qualified by virtue of regulation 5 of, and paragraph 8 or paragraph 8A of Schedule 2 to, the 2003 Qualifications Regulations.”.

Commencement Information

I61 Sch. 2 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M22 [S.I. 2012/1115](#). Paragraph 10 was amended by [S.I. 2015/2059](#) and 2016/1123.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (except Part 1 of Schedule 1 and paragraph 1(2) of Schedule 2) are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”), in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union (and in particular, the deficiencies under paragraphs (c), (d), and (e) of section 8(2), and paragraph (a) of section 8(3) of that Act).

Regulation 4 revokes retained direct EU legislation. Regulation 5 amends Annex 7 to the EEA agreement so far as that Annex forms part of domestic law.

Part 1 of Schedule 1 amends the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) in exercise of powers conferred by the European Communities Act 1972 (c. 68). Part 2 of that Schedule amends those Regulations with effect from exit day and Part 3 of that Schedule provides for saving and transitional provisions in relation to those

Changes to legislation: *There are currently no known outstanding effects for the The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

Regulations and the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781).

Schedule 2 both amends legislation concerning school teachers, in reliance on powers in the 2018 Act and section 132 of the Education Act 2002 and makes saving and transitional provision in relation to that legislation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.