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STATUTORY INSTRUMENTS

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**2023 No. 1286**

The Recognition of Professional Qualifications  
and Implementation of International Recognition  
Agreements (Amendment) Regulations 2023

PART 1

General provisions

**Citation and commencement**

1. These Regulations may be cited as the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 and come into force on 1st December 2023.

**Commencement Information**

**I1** Reg. 1 in force at 1.12.2023, see [reg. 1](#)

**Extent and application**

2.—(1) Subject to paragraph (2) [<sup>F1</sup>and (3)], these Regulations extend to England and Wales, Scotland and Northern Ireland.

(2) Any amendment, repeal or revocation made by these Regulations has the same extent and application as the provision amended, repealed or revoked.

[<sup>F2</sup>(3) Paragraphs 1, 2, 6 and 7 of Schedule 3 do not apply in relation to Wales.]

**Textual Amendments**

**F1** Words in [reg. 2\(1\)](#) inserted (W.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Wales\) \(Amendment etc.\) Regulations 2023 \(S.I. 2023/1294\)](#), [regs. 1, 14\(2\)\(a\)](#)

**F2** [Reg. 2\(3\)](#) inserted (W.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Wales\) \(Amendment etc.\) Regulations 2023 \(S.I. 2023/1294\)](#), [regs. 1, 14\(2\)\(b\)](#)

**Commencement Information**

**I2** Reg. 2 in force at 1.12.2023, see [reg. 1](#)

**Interpretation**

3.—(1) In these Regulations—

“adaptation period” means a period of supervised practice, subject to an assessment and which may be accompanied by further training, of a regulated profession<sup>(1)</sup> under the responsibility of a qualified member of that profession;

“applicant” means a specified state professional who—

- (a) wishes to access and pursue a regulated profession for which the possession of professional qualifications is required;
- (b) possesses professional qualifications for the same profession in a specified state; and
- (c) makes an application;

“application” means an application to a regulator<sup>(2)</sup> of a regulated profession, by an applicant, for recognition of their professional qualifications;

“aptitude test” means a test limited to the professional knowledge of a specified state professional, made by the regulator with the aim of assessing the ability of the professional to pursue a regulated profession;

“EEA EFTA free trade agreement” means the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland done at London on 8th July 2021<sup>(3)</sup>;

“medical regulator” means one of the following—

- (a) the General Chiropractic Council;
- (b) the General Dental Council;
- (c) the General Medical Council;
- (d) the General Optical Council;
- (e) the General Osteopathic Council;
- (f) the General Pharmaceutical Council;
- (g) the Health and Care Professions Council;
- (h) the Nursing and Midwifery Council;

“professional activity” means an activity which forms part of a regulated profession;

“professional experience” means the lawful and effective practice of the relevant profession;

“professional qualifications” includes qualifications<sup>(4)</sup> or professional experience;

“specified state” means a state specified in Schedule 1;

“specified state professional” means a natural person who has obtained professional qualifications in a specified state;

(2) For the purposes of these Regulations, “regulator” does not include the regulators for the regulated professions specified in Schedule 2 <sup>[F3]</sup> or a “Welsh regulator” as defined by the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023].

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(1) “Regulated profession” is defined in section 19 of the 2022 Act.

(2) “Regulator” is defined in section 19 of the 2022 Act.

(3) Volumes 1 and 2 were published on 16th July 2021, ISBN 978-1-5286-2805-1, CP 496, and are available electronically at <https://www.gov.uk/government/publications/free-trade-agreement-between-iceland-the-principality-of-liechtenstein-and-the-kingdom-of-norway-and-the-united-kingdom-of-great-britain-and-northern>. A hard copy can be obtained free of charge on request by calling the Department for Business and Trade on 020 4551 0011 or may be inspected free of charge at Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

(4) “Qualification” is defined in section 19 of the 2022 Act.

**Textual Amendments**

- F3** Words in [reg. 3\(2\)](#) inserted (W.) (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Wales\) \(Amendment etc.\) Regulations 2023](#) (S.I. 2023/1294), regs. 1, [14\(3\)](#)

**Commencement Information**

- I3** Reg. 3 in force at 1.12.2023, see [reg. 1](#)

**Amendments to legislation for the purpose of, and in connection with, the EEA EFTA free trade agreement**

4. Schedule 3 contains amendments to legislation for the purpose of, and in connection with, implementing Chapter 12 of the EEA EFTA free trade agreement (recognition of professional qualifications).

**Commencement Information**

- I4** Reg. 4 in force at 1.12.2023, see [reg. 1](#)

**Amendments to legislation consequent upon the commencement of section 5(1) of the Professional Qualifications Act 2022 and revoking other retained EU recognition law**

5. Schedule 4 contains amendments to legislation—
- (a) consequent upon the commencement of section 5(1) of the 2022 Act (revocation of general EU system of recognition of overseas qualifications); and
  - (b) revoking other retained EU recognition law<sup>(5)</sup>.

**Commencement Information**

- I5** Reg. 5 in force at 1.12.2023, see [reg. 1](#)

## PART 2

### Recognition of professional qualifications obtained in a specified state

#### Application of Part 2

- 6.—(1) Subject to paragraph (2), this Part applies to a regulator that receives an application.
- (2) This Part does not apply to medical regulators<sup>(6)</sup> except in relation to an application—
- (a) for registration in the General Practitioner Register kept under section 34C of the Medical Act 1983<sup>(7)</sup> or in the Specialist Register kept under section 34D of that Act; or
  - (b) to use a title prescribed under section 26(3) of the Dentists Act 1984<sup>(8)</sup>.

(5) “Retained EU recognition law” is defined in section 6(2) of the 2022 Act.

(6) Amendments for the purposes of, and in connection with, the implementation of the EEA EFTA free trade agreement that are relevant to the medical regulators are contained in Schedule 3.

(7) 1983 c. 54. Sections 34C and 34D were inserted by S.I. 2010/234. Section 34D has been amended by S.I. 2019/593.

(8) 1984 c. 24.

**Commencement Information**

**I6** Reg. 6 in force at 1.12.2023, see [reg. 1](#)

**Recognition of professional qualifications**

7.—(1) Subject to regulation 8, where a regulator receives an application, the regulator must recognise the applicant’s professional qualifications.

(2) A regulator that recognises an applicant’s professional qualifications under this regulation must—

- (a) enable that person to access and pursue the regulated profession;
- (b) for the purpose of access to and pursuit of the regulated profession, treat the applicant as if they had obtained their professional qualifications in the United Kingdom or that part of the United Kingdom for which the profession is regulated.

**Commencement Information**

**I7** Reg. 7 in force at 1.12.2023, see [reg. 1](#)

**Refusal to recognise professional qualifications**

8.—(1) A regulator may refuse to recognise an applicant’s professional qualifications if—

- (a) those professional qualifications are not comparable to the professional qualifications required to access and pursue the same profession in the United Kingdom or that part of the United Kingdom for which the profession is regulated;
- (b) one or more of Conditions 1, 2, 3 or 4 is met; or
- (c) the applicant fails to meet any requirement imposed in accordance with regulation 11 (knowledge of language).

(2) Condition 1 is met where—

- (a) there exists a substantial difference between the applicant’s professional qualifications and the essential knowledge or skills required to practise the regulated profession; and
- (b) the applicant fails to pass, or refuses to take, an aptitude test or fails, or refuses to complete, an adaptation period or to undertake both imposed in accordance with regulation 9 (aptitude tests and adaptation periods).

(3) Condition 2 is met where—

- (a) the regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant’s professional qualifications; and
- (b) the applicant fails to pass, or refuses to take, an aptitude test or fails, or refuses to complete, an adaptation period or to undertake both imposed in accordance with regulation 9 (aptitude tests and adaptation periods).

(4) Condition 3 is met where requiring the applicant to take an aptitude test, to complete an adaptation period or to undertake both in accordance with regulation 9 (aptitude tests and adaptation periods) would amount to requiring the applicant to acquire the professional qualifications required to practise the regulated profession.

(5) Condition 4 is met where access to and pursuit of a regulated profession by a person whose professional qualifications were obtained in the United Kingdom is subject to conditions other than the possession of specific professional qualifications and the applicant fails to meet those conditions.

**Commencement Information**

**18** Reg. 8 in force at 1.12.2023, see [reg. 1](#)

**Aptitude tests and adaptation periods**

**9.—(1)** A regulator may require an applicant to take an aptitude test, standardised or otherwise, or to complete an adaptation period or to undertake both where—

- (a) there exists a substantial difference between the applicant’s professional qualifications and the essential knowledge or skills required to practise the regulated profession; or
- (b) the regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant’s professional qualifications.

(2) A regulator must consider whether any requirement to take an aptitude test or to complete an adaptation period or to undertake both is proportionate to the difference sought to be addressed.

(3) If requested to do so by an applicant, a regulator must, to the extent possible, provide its reasons in writing for requiring the applicant to take an aptitude test or to complete an adaptation period or to undertake both.

(4) Where a regulator requires applicants to undertake an aptitude test, the regulator must schedule tests with reasonable frequency and at least once a year.

**Commencement Information**

**19** Reg. 9 in force at 1.12.2023, see [reg. 1](#)

**Procedure to be followed on application for recognition**

**10.—(1)** A regulator must—

- (a) within one month of receiving an application, acknowledge receipt in writing to the applicant and inform the applicant if any document is missing from the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process;
- (c) deal promptly with the application and notify the applicant of its decision in writing before the end of the period of four months beginning with the day after the day on which the complete application was submitted.

(2) A regulator may require an applicant to provide, in their application, evidence of their professional qualifications.

(3) The evidence a regulator may require under paragraph (2) must be no more than is necessary to demonstrate that the applicant holds professional qualifications that are comparable to the professional qualifications required to access and pursue the same profession in the United Kingdom or that part of the United Kingdom for which the profession is regulated.

(4) Where access to, and pursuit of, a regulated profession by a person whose professional qualifications were obtained in the United Kingdom is subject to conditions other than the possession

of specific professional qualifications, a regulator may require the applicant to provide, in their application, evidence to demonstrate that they satisfy those conditions.

(5) The evidence a regulator may require under paragraph (4) must be no more than is necessary to demonstrate that the applicant satisfies those conditions.

(6) Without prejudice to any power of a regulator to make provision about the authentication of copies of documents, a regulator must accept copies of documents in place of originals unless it requires original documents to protect the integrity of the recognition process.

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**Commencement Information**

**I10** Reg. 10 in force at 1.12.2023, see [reg. 1](#)

**Knowledge of language**

**11.**—(1) A regulator may require that an applicant demonstrates they possess the language skills necessary for practice of a regulated profession.

(2) If a regulator requires an applicant to undertake a language test, the test must be proportionate to the activity to be pursued.

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**Commencement Information**

**I11** Reg. 11 in force at 1.12.2023, see [reg. 1](#)

**Appeals**

**12.** A regulator must provide a right of appeal for an applicant against its—

- (a) decision to refuse to recognise an applicant’s professional qualifications; and
- (b) failure to notify the applicant of its decision in respect of an application within the time period referred to in regulation 10(1)(c).

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**Commencement Information**

**I12** Reg. 12 in force at 1.12.2023, see [reg. 1](#)

**Fees**

**13.** Any fee charged by a regulator in connection with an application must be—

- (a) reasonable and proportionate to the cost of administering the application;
- (b) transparent, and published in advance; and
- (c) payable by electronic means through the regulator’s website.

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**Commencement Information**

**I13** Reg. 13 in force at 1.12.2023, see [reg. 1](#)

## PART 3

### Provision of information and dealing with enquiries

#### Application of Part 3

- 14.** This Part does not apply to medical regulators except in relation to an application—
- (a) for registration in the General Practitioner Register kept under section 34C of the Medical Act 1983 or in the Specialist Register kept under section 34D of that Act; or
  - (b) to use a title prescribed under section 26(3) of the Dentists Act 1984.

#### Commencement Information

**I14** Reg. 14 in force at 1.12.2023, see [reg. 1](#)

#### Provision of information

**15.** A regulator must, in relation to a regulated profession, make information about the following matters available to specified state professionals—

- (a) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and any other relevant matters;
- (b) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising a regulated profession;
- (c) the processes and procedures for the ongoing verification of competence;
- (d) the criteria for, and procedures relating to, revocation of registration;
- (e) the documentation required of professionals and the form in which it should be presented; and
- (f) the acceptance of documents and certificates issued in relation to professional qualifications and other conditions that apply to the practice of a regulated profession.

#### Commencement Information

**I15** Reg. 15 in force at 1.12.2023, see [reg. 1](#)

#### Enquiries relating to professional qualifications and other conditions of practice

- 16.** A regulator must deal promptly with enquiries from specified state professionals about—
- (a) the professional qualifications required to practise the regulated profession; and
  - (b) the conditions that apply to the practice of the regulated profession.

#### Commencement Information

**I16** Reg. 16 in force at 1.12.2023, see [reg. 1](#)

**Changes to legislation:** *There are currently no known outstanding effects for the The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023. (See end of Document for details)*

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29th November 2023

*Kevin Hollinrake*  
Parliamentary Under Secretary of State  
Department for Business and Trade



**Changes to legislation:**

There are currently no known outstanding effects for the The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.