Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

EXITING THE EUROPEAN UNION PROFESSIONAL QUALIFICATIONS EDUCATION, ENGLAND

The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) ("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(**3**) and section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**4**) ("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.

(**1**) 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").

(**2**) 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 The 1972 Act is repealed with effect from exit day by section 1 of the European Union (Withdrawal) Act 2018.

(**3**) 2002 c.32. For the meaning of "regulations", see section 212(1).

(**4**) 2018 c. 16.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018.

(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(**5**);

"the principal Regulations" means the European Union (Recognition of Professional Qualifications) Regulations 2015(**6**).

Amendment etc. of the principal Regulations and the 2007 Regulations

2. Schedule 1 contains—

(a) amendments of the principal Regulations;

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

Amendment etc. of secondary legislation relating to school teachers

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

Revocation of retained direct EU legislation

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;

(**5**) S.I. 2007/2781, revoked by S.I. 2015/2059 subject to savings.
(**6**) 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.

(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.

Amendment to Annex 20 to EEA Agreement

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.

Signatory text

Name
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

Address
Date

SCHEDULE 1 Regulation 2

Amendments etc. of the principal Regulations and the 2007 Regulations

PART 1

Amendments of the principal Regulations coming into force before exit day

1. The principal Regulations are amended as follows.

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).

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

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".

PART 2

Amendments of the principal Regulations coming into force on exit day

5. The principal Regulations are amended as follows.

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";

"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;";

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(**7**);

(ii) the Dentists Act 1984(**8**);

(iii) the Opticians Act 1989(**9**);

(iv) the Osteopaths Act 1993(**10**);

(**7**) 1983 c. 54.
(**8**) 1984 c. 24.
(**9**) 1989 c. 44.
(**10**) 1993 c. 21.