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STATUTORY INSTRUMENTS

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**1991 No. 824**

**PROFESSIONAL QUALIFICATIONS**

**The European Communities (Recognition of Professional Qualifications) Regulations 1991**

<i>Made</i>	- - - -	<i>25th March 1991</i>
<i>Laid before Parliament</i>		<i>27th March 1991</i>
<i>Coming into force</i>		
	<i>Regulation 11 In accordance with regulation 1(2)(a)</i>	
	<i>Regulation 12 In accordance with regulation 1(2)(b)</i>	
<i>Remainder</i>		<i>17th April 1991</i>

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to recognition of higher-education diplomas or formal qualifications required for the pursuit of professions or other occupations, in exercise of the powers conferred on him by that section, hereby makes the following Regulations:—

**Citation and commencement**

1.—(1) These Regulations may be cited as the European Communities (Recognition of Professional Qualifications) Regulations 1991.

(2) These Regulations shall come into force as follows:—

- (a) regulation 11, on the date of coming into force of section 25 of the Companies Act 1989<sup>(3)</sup>;
- (b) regulation 12, on the date of coming into force of Article 28 of the Companies (Northern Ireland) Order 1990<sup>(4)</sup>;
- (c) all other regulations on 17th April 1991.

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(1) S.I. 1989/1327.

(2) 1972 c. 68.

(3) 1989 c. 40. (No date has yet been appointed for the coming into force of section 25.)

(4) S.I. 1990/593 (N.I.5). (No date has yet been appointed for the coming into force of Article 28.)

## Interpretation

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

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

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

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

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

“competent authority” means, in relation to any

(a) document, certificate, diploma or qualification, or

(b) period of professional experience,

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

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

“designated authority” means a body or authority designated in relation to a regulated profession by regulation 4 and Schedule 1 and any qualifying body referred to in regulations 11(2) and 12(3);

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

(a) which shows that the holder:

(i) has successfully completed a post-secondary course of at least three years' duration (or of an equivalent duration part-time) at a university or an establishment of higher education or an establishment of similar level;

(ii) has successfully completed any additional professional training required; and

(iii) has the qualifications required for the practice of a regulated profession in that State; provided that either:

(A) the education and training attested were received mainly within the Economic Community; or

(B) the holder has had at least three years' professional experience certified by a competent authority in that State (being a State which recognised a diploma, certificate or other evidence of formal qualifications obtained in a non-member State);

or

which was awarded on the successful completion of education and training received within the Economic Community, and which—

(i) has been recognised by a competent authority in that State as equivalent in level to a diploma to which sub-paragraph (a) applies; and

(ii) confers the same rights in respect of the practice of a regulated profession in that State;

“the Directive” means Council Directive 89/48/EEC(5) on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration;

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

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

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

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

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

“regulated profession” means a profession in respect of which a designated authority is specified in Schedule 1 and the profession of company auditor as defined in section 24(2) of the Companies Act 1989 and Article 27(2) of the Companies (Northern Ireland) Order 1990.

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

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

### **Application**

3. These Regulations shall apply notwithstanding any enactment or rule of law, including any provision in any charter, bye-law or other rule (however described) governing any designated authority.

### **Designated authorities**

4.—(1) The designated authority for a regulated profession in the United Kingdom is the body or authority specified in relation to that profession in Schedule 1.

(2) Without prejudice to its other powers and functions, a designated authority shall have the function of considering applications and granting authorisations under these Regulations.

### **Right to practise in the United Kingdom**

5.—(1) Subject to regulation 6, a designated authority for a regulated profession may not, on grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as apply to someone who holds the diploma required of native applicants, if—

- (a) the migrant holds the diploma required in another member State for the practice of a corresponding profession regulated by that State, the diploma having been awarded in another member State; or

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(5) OJ No. L 19, 24.1.89, p.16.

- (b) the migrant has within the ten years immediately prior to his application pursued a corresponding profession for at least two years full-time in a member State which does not regulate that profession, and produces the evidence specified in paragraph (2) below.
- (2) The evidence referred to in sub-paragraph (1)(b) of this regulation is of the following:
  - (a) formal qualifications awarded by a competent authority in a member State which—
    - (i) show that the migrant has successfully completed a post-secondary course of at least three years' duration (or equivalent duration part-time) at a university or an establishment of higher education or an establishment of similar level in a member State;
    - (ii) show the migrant has successfully completed any additional professional training required; and
    - (iii) prepared the migrant for the corresponding profession;
  - or
  - (b) formal qualifications awarded by a competent authority in a member State on the successful completion of education and training within the Economic Community, and recognised by a competent authority in that State as equivalent to the qualifications specified in sub-paragraph (2)(a) of this regulation; provided that notification of such recognition has been duly given in accordance with Article 3(b) of the Directive.

#### **Professional experience, adaptation periods and aptitude tests**

6.—(1) A designated authority may, before authorising the migrant to practise the regulated profession, require him to satisfy one or other of the following conditions (but not both)—

- (a) where the duration of the education and training received by the migrant, as appears from the matters established by him pursuant to regulation 5, is at least one year less than that required of native applicants, he may be required to provide evidence of a period of professional experience; and the provisions of Schedule 2 shall have effect with respect to the length of that period;
- (b) in the circumstances specified in paragraph (3) of this regulation (but subject to paragraph (2)), the migrant may be required either—
  - (i) successfully to complete an adaptation period not exceeding three years; or
  - (ii) to pass an aptitude test.

(2) Where a requirement is imposed pursuant to sub-paragraph (1)(b) of this regulation, the choice between an adaptation period and an aptitude test shall be that of the migrant, except in the case of the regulated professions specified in Schedule 3 (where the provisions of that Schedule shall apply).

(3) The circumstances referred to in sub-paragraph (1)(b) of this regulation are where the matters covered by the education and training received by the migrant, as established by him pursuant to regulation 5, differ substantially from those covered by the diploma required of native applicants.

#### **Requirements in relation to aptitude tests**

7.—(1) An aptitude test shall be limited to the professional knowledge of the migrant and shall have the aim of assessing his ability to pursue the relevant regulated profession in the United Kingdom. The test shall take into account that he is a qualified professional in another member State.

(2) The designated authority shall determine the matters to be covered by the aptitude test as follows:

- (a) the authority shall establish which subjects covered by the diploma required of native applicants are not already covered by the migrant's diploma or other evidence of formal qualifications;
  - (b) the test shall cover subjects selected from those so established, the knowledge of which is essential for the pursuit of the regulated profession in the United Kingdom;
  - (c) the test may include knowledge of the relevant rules of professional conduct.
- (3) The professional status of a migrant preparing for the aptitude test shall be a matter for the designated authority.

#### **Requirements in relation to adaptation periods**

- 8.—(1) The designated authority shall determine the detailed requirements of the adaptation period, having regard to the circumstances of each individual migrant and, in particular, to the fact that he is a qualified professional in another member State.
- (2) The migrant may be required to undergo further training during the adaptation period.
  - (3) The migrant's performance during the adaptation period shall be assessed by the designated authority.
  - (4) The professional status of a migrant during the adaptation period shall be a matter for the designated authority.

#### **Evidence from competent authorities**

- 9.—(1) A designated authority shall, in connection with any matter requiring to be established pursuant to regulation 5 or 6, accept as sufficient evidence thereof the certificates or other documents duly issued by a competent authority of the relevant member State for the purpose of attesting such matters.
- (2) A designated authority which—
    - (a) requires of an applicant for authorisation to practice proof that he is of good character or repute, or that he has not been declared or adjudged bankrupt, or had a bankruptcy or similar order made against him or in relation to his estate; or
    - (b) suspends or prohibits practise in the event of serious professional misconduct or the commission of a criminal offence;

shall accept as sufficient evidence in relation to the foregoing:

- (i) the documents showing the relevant conditions are met, duly issued by the competent authorities of the member State of origin of the migrant, the member State from which the migrant comes or the member State in which the migrant formerly qualified or practised; or
  - (ii) where those authorities do not issue such documents, a declaration on oath or solemn declaration to the required effect, made by the migrant before a competent judicial or administrative authority or (where appropriate) a notary or duly qualified professional body of the relevant member State; provided that in each case such declaration is authenticated by a certificate issued by the authority, notary or body.
- (3) A designated authority which requires of persons wishing to practise a certificate of physical or mental health, shall accept as sufficient evidence thereof the documents required for such a purpose in the member State of origin of the migrant, the member State from which the migrant comes or the member State in which the migrant formerly qualified or practised, or (where none are required in those States) a certificate issued by a competent authority there which corresponds to the certificate issued for that purpose in the United Kingdom.

(4) A designated authority may require any document or certificate referred to in paragraph (2) or (3) of this regulation to be presented no more than three months after the date of its issue.

(5) Where a designated authority requires applicants to take an oath or make a solemn declaration, the form of which is such that it cannot be taken or made by nationals of another member State, it shall ensure that an appropriate equivalent form of oath or declaration is available for those nationals.

### **Use of professional title**

**10.**—(1) A migrant who has been granted authorisation to practise a regulated profession pursuant to these Regulations shall have the right to use—

- (a) the professional title and designatory letters applicable to that profession in the United Kingdom; and
- (b) the lawful academic title (and where appropriate the abbreviation thereof) acquired by him in the member State in which he formerly qualified and in the language of that State.

(2) Where the migrant makes use of the possibility provided for in sub-paragraph (1)(b) of this regulation, the designated authority may require that the title shall be followed by the name and location of the establishment or examining board which awarded it.

(3) Where the migrant makes use of the possibility provided for in sub-paragraph (1)(a) of this regulation, and the profession is one of those specified in Part 2 of Schedule 1 (Professions regulated by professional bodies incorporated by Royal Charter), he shall only be entitled to use the professional title or designatory letters on proof of membership of the relevant body.

(4) Where membership of a professional body is subject to any qualification requirements, such requirements may be applied to a migrant who satisfies condition (a) or (b) of regulation 5(1) only so far as they are consistent with the provisions of these Regulations.

### **Special provisions for company auditors**

**11.**—(1) In this regulation—

- (a) “the Act” means the Companies Act 1989;
- (b) “company auditor” has the meaning given in s.24(2) of the Act;
- (c) “qualifying body” means a body offering a qualification in respect of which there is for the time being in force an order made by the Secretary of State pursuant to paragraph 2 of Schedule 12 to the Act; and
- (d) “supervisory body” means a body in respect of which there is for the time being in force an order made by the Secretary of State pursuant to paragraph 2 of Schedule 11 to the Act.

(2) Any qualifying body is a designated authority for the regulated profession of company auditor and may accordingly authorise a migrant as qualified to practise that profession.

(3) A migrant so authorised shall be eligible for appointment as a company auditor only if he satisfies the conditions for eligibility laid down in Part II of the Act.

(4) Notwithstanding anything in Part II of Schedule 11 to the Act, in the case of a migrant who has been granted authorisation to practise by a qualifying body pursuant to these Regulations and who has satisfied any requirements imposed by that body under regulation 6, a supervisory body may not exclude the migrant from membership, or otherwise limit his eligibility for appointment, on any ground related to his previous education and training or to the length of his previous professional experience or practice.

(5) Regulation 9 shall apply to supervisory bodies as it applies to designated authorities.

(6) References, in Part II of the Act, to individuals holding an appropriate qualification are to be construed as including individuals who have been authorised to practise by a qualifying

body pursuant to these Regulations and who have fulfilled any requirements imposed pursuant to regulation 6.

### **Special provisions for company auditors in Northern Ireland**

**12.**—(1) This regulation applies to Northern Ireland only.

(2) In this regulation—

- (a) “the Order” means the Companies (Northern Ireland) Order 1990;
- (b) “company auditor” has the meaning given in Article 27(2) of the Order;
- (c) “qualifying body” means a body offering a qualification in respect of which there is for the time being in force an order made by the Department of Economic Development pursuant to paragraph 2 of Schedule 12 to the Order;
- (d) “supervisory body” means a body in respect of which there is for the time being in force an order made by the Department of Economic Development pursuant to paragraph 2 of Schedule 11 to the Order.

(3) Any qualifying body in Northern Ireland is a designated authority for the regulated profession of company auditor and may accordingly authorise a migrant as qualified to practise that profession.

(4) A migrant so authorised shall be eligible for appointment as a company auditor only if he satisfies the conditions for eligibility laid down in Part III of the Order.

(5) Notwithstanding anything in Part II of Schedule 11 to the Order, in the case of a migrant who has been granted authorisation to practise by a qualifying body pursuant to these Regulations and who has satisfied any requirements imposed by that body under regulation 6, a supervisory body may not exclude the migrant from membership, or otherwise limit his eligibility for appointment, on any ground related to his previous education and training or to the length of his previous professional experience or practice.

(6) Regulation 9 shall apply to supervisory bodies in Northern Ireland as it applies to designated authorities.

(7) References, in Part III of the Order, to individuals holding an appropriate qualification are to be construed as including individuals who have been authorised to practise by a qualifying body pursuant to these Regulations and who have fulfilled any requirements imposed pursuant to regulation 6.

### **Decisions of designated authorities and appeals**

**13.**—(1) A designated authority for a regulated profession shall consider the migrant’s application as soon as is reasonably practicable, and shall notify him of its decision together with the reasons upon which it is based within four months of receipt of all the relevant documents.

(2) Where a designated authority imposes a requirement pursuant to paragraph (1) of regulation 6, the decision referred to above shall include—

- (a) in the case of a period of professional experience, a determination of the length of that period;
- (b) in the case of an adaptation period, a determination of the length of the period and the training, if any, required;
- (c) in the case of an aptitude test, a determination of the matters to be covered by the test.

(3) For the purposes of this regulation, if a designated authority fails to take a decision and notify it to the migrant within the period mentioned in paragraph (1) of this regulation, it shall be deemed to have taken a decision to reject his application and to have notified it to him on the last day of that period.

(4) Within three months of the notification to him of the designated authority's decision, or thereafter with leave of the appeal body, the migrant may appeal against the decision to the appeal body specified in Schedule 4.

(5) An appeal body for a regulated profession may, for the purpose of determining any appeal under these Regulations against the decision of a designated authority—

(a) give any authorisation to practise and impose any condition which the designated authority could give or impose in relation to that profession; or

(b) remit the matter to the designated authority with such directions as the appeal body sees fit.

(6) Without prejudice to any powers of the Court of Session in Scotland to regulate the proceedings of itself and those of the sheriff courts, an appeal body in England and Wales or Northern Ireland may make rules of procedure governing the hearing and determination of any appeal under these Regulations against the decision of a designated authority. Such rules may make different provision for different cases.

#### **Information from designated authorities**

**14.** Designated authorities shall provide the Secretary of State with such information (including statistical information) as he may require concerning applications made and decisions taken under these Regulations.

25th March 1991

*Tim Sainsbury*  
Minister for Trade,  
Department of Trade and Industry



## SCHEDULE 1

Regulations 2(1), 4, and 10(3)

## PART 1

## PROFESSIONS REGULATED BY LAW OR PUBLIC AUTHORITY

Profession	Designated Authority
ACTUARY	Institute of Actuaries
ACTUARY (Scotland)	Faculty of Actuaries
ADVOCATE (Scotland)	Faculty of Advocates
ANALYTICAL CHEMIST	The Royal Society of Chemistry
BARRISTER (England and Wales)	The General Council of the Bar for England and Wales
BARRISTER (Northern Ireland)	The Executive Council of the Inn of Court of Northern Ireland
DECK OFFICER CLASS 1 (Master Mariner)	Secretary of State for Transport
MARINE ENGINEERING OFFICER CLASS 1	Secretary of State for Transport
MINE MANAGER	Mining Qualifications Board
MINE SURVEYOR	Mining Qualifications Board
OPTOMETRIST (OPHTHALMIC OPTICIAN)	General Optical Council
PATENT AGENT	The Chartered Institute of Patent Agents
PATENT ATTORNEY	The Chartered Institute of Patent Agents
SCHOOL TEACHER IN ENGLAND AND WALES (In publicly regulated schools)	Secretary of State for Education and Science
SCHOOL TEACHER IN NORTHERN IRELAND (In publicly regulated schools)	Department of Education for Northern Ireland
SCHOOL TEACHER IN SCOTLAND (In publicly regulated schools)	General Teaching Council for Scotland
SOLICITOR (England and Wales)	The Law Society
SOLICITOR (Northern Ireland)	The Law Society of Northern Ireland
SOLICITOR (Scotland)	The Law Society of Scotland
EMPLOYMENT IN THE NATIONAL HEALTH SERVICE IN THE FOLLOWING PROFESSIONS:	
ART THERAPIST	Council for Professions Supplementary to Medicine
CHILD PSYCHOTHERAPIST	Association of Child Psychotherapists
CLINICAL PSYCHOLOGIST	The British Psychological Society

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Profession	Designated Authority
DRAMATHERAPIST	Council for Professions Supplementary to Medicine
MUSIC THERAPIST	Council for Professions Supplementary to Medicine
SPEECH THERAPIST	The College of Speech Therapists
STATE REGISTERED PRACTICE IN THE FOLLOWING PROFESSIONS:	Relevant Board of the Council for Professions Supplementary to Medicine:
CHIROPODIST	The Chiropodists Board
DIAGNOSTIC AND THERAPEUTIC RADIOGRAPHERS	The Radiographers Board
DIETITIAN	The Dietitians Board
OCCUPATIONAL THERAPIST	The Occupational Therapists Board
ORTHOPTIST	The Orthoptists Board
PHYSIOTHERAPIST	The Physiotherapists Board

## PART 2

### PROFESSIONS REGULATED BY PROFESSIONAL BODIES INCORPORATED BY ROYAL CHARTER

Professional Title (where applicable)	Designatory Letters	Designated Authority
ACTUARY	FIA	Institute of Actuaries
ACTUARY (Scotland)	FFA	The Faculty of Actuaries
CERTIFIED ACCOUNTANT	ACCA	The Chartered Association of Certified Accountants
CHARTERED ACCOUNTANT	ACA	The Institute of Chartered Accountants in England and Wales
CHARTERED ACCOUNTANT	ACA	The Institute of Chartered Accountants in Ireland
CHARTERED ACCOUNTANT	CA	The Institute of Chartered Accountants of Scotland
CHARTERED BIOLOGIST	C.Biol, MIBiol	The Institute of Biology
CHARTERED BUILDER	MCIQB	The Chartered Institute of Building
CHARTERED BUILDING SERVICES ENGINEER	MCIBSE	The Chartered Institution of Building Services Engineers
CHARTERED BUILDING SURVEYOR	ARICS	The Royal Institution of Chartered Surveyors

Professional Title (where applicable)	Designatory Letters	Designated Authority
CHARTERED CHEMICAL ENGINEER	MIChemE, MRSC	The Institution of Chemical Engineers
CHARTERED CHEMIST	C.Chem, MRSC	The Royal Society of Chemistry
CHARTERED CIVIL ENGINEER	MICE	The Institution of Civil Engineers
CHARTERED COLOURIST	C.Col.	The Society of Dyers and Colourists
CHARTERED ELECTRICAL ENGINEER	MIEE	The Institution of Electrical Engineers
CHARTERED ENERGY ENGINEER	MInstE	The Institute of Energy
CHARTERED ENGINEER	C.Eng	The Engineering Council
CHARTERED ENVIRONMENTAL HEALTH OFFICER	MIEH	The Institution of Environmental Health Officers
CHARTERED FORESTER	MICFor	The Institute of Chartered Foresters
CHARTERED GAS ENGINEER	MIGasE	The Institution of Gas Engineers
CHARTERED GEOLOGIST	C.Geol, FGS	The Geological Society
CHARTERED INSURANCE PRACTITIONER (Broking)	ACII	The Chartered Insurance Institute
CHARTERED INSURER (Insurance underwriting)	ACII	The Chartered Insurance Institute
CHARTERED LAND SURVEYOR	ARICS	The Royal Institution of Chartered Surveyors
CHARTERED LOSS ADJUSTER	ACILA	The Chartered Institute of Loss Adjusters
CHARTERED MANUFACTURING ENGINEER	MIMfgE	The Institution of Manufacturing Engineers
CHARTERED MARINE ENGINEER	MIMarE	The Institute of Marine Engineers
CHARTERED MARKETER	MCIM	The Chartered Institute of Marketing
CHARTERED MEASUREMENT AND CONTROL TECHNOLOGIST	MInstMC	The Institute of Measurement and Control
CHARTERED MECHANICAL ENGINEER	MIMechE	Institution of Mechanical Engineers

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Professional Title (where applicable)	Designatory Letters	Designated Authority
CHARTERED MINERALS SURVEYOR	ARICS	The Royal Institution of Chartered Surveyors
CHARTERED MINING ENGINEER	MIMinE	The Institution of Mining Engineers
CHARTERED PSYCHOLOGIST	C.Psychol	The British Psychological Society
CHARTERED PHYSICIST	C.Phys, MInstP	The Institute of Physics
CHARTERED PHYSIOTHERAPIST	MCSP	The Chartered Society of Physiotherapy
CHARTERED QUANTITY SURVEYOR	ARICS	The Royal Institution of Chartered Surveyors
CHARTERED SECRETARY	ACIS	The Institute of Chartered Secretaries and Administrators
CHARTERED SHIPBROKER	MICS	The Institute of Chartered Shipbrokers
CHARTERED STRUCTURAL ENGINEER	MIStructE	The Institution of Structural Surveyors
CHARTERED SURVEYOR	ARICS	The Royal Institution of Chartered Surveyors
CHARTERED TEXTILE TECHNOLOGIST	C.Text, ATI	The Textile Institute
CHARTERED TOWN PLANNER	MRTPI	The Royal Town Planning Institute
CHARTERED VALUATION SURVEYOR	ARICS	The Royal Institution of Chartered Surveyors
INCORPORATED ENGINEER	I.Eng	The Engineering Council
PUBLIC FINANCE ACCOUNTANT	CIPFA	The Chartered Institute of Public Finance and Accountancy
REGISTERED AT STAGE 3 IN THE PROFESSIONAL ENGINEER SECTION OF THE ENGINEERING COUNCIL REGISTER		The Engineering Council
	MBCS	The British Computer Society
	ACBSI	The Chartered Building Societies Institute
	FCIArb	The Chartered Institute of Arbitrators

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Professional Title (where applicable)	Designatory Letters	Designated Authority
	ACIB	The Chartered Institute of Bankers
	ACMA	The Chartered Institute of Management Accountants
	AIB (Scot)	The Institute of Bankers in Scotland
	MIH	The Institute of Housing
	AFIMA	The Institute of Mathematics and its Applications
	MIM	The Institute of Metals
	MIMM	The Institution of Mining and Metallurgy
	ALA	The Library Association
	MRAeS	The Royal Aeronautical Society
	M.Hort (RHS)	The Royal Horticultural Society
	MRINA	The Royal Institution of Naval Architects

## SCHEDULE 2

Regulation 6(1)

### PROVISIONS REGARDING THE LENGTH OF A REQUIRED PERIOD OF PROFESSIONAL EXPERIENCE

1. For the purposes of this Schedule, “the shortfall” means the difference between—
  - (a) the period of education and training received by the migrant (as established by him pursuant to regulation 5); and
  - (b) the period required of native applicants.
2. Subject to paragraph 6 of this Schedule, to the extent that the shortfall (or part of it) relates to post-secondary studies, or to a period of supervised probationary practice ending with an examination, the required period may not exceed twice the shortfall (or that part of it).
3. Subject to paragraph 6 of this Schedule, to the extent that the shortfall (or part of it) relates to professional practice acquired with the assistance of a qualified member of the profession, the required period may not exceed the shortfall (or that part of it).
4. Where the migrant’s qualification is one which, for the purposes of regulation 2(1) (definition of “diploma”) or of regulation 5(2), has been recognised as equivalent to one involving a post-secondary course, the duration of the education and training received by the migrant shall be deemed to be that required for the latter qualification.
5. In determining the length of the required period, the period of practice referred to in regulation 5(1)(b) shall be taken into account.

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6. A period may be required in respect of both of the matters referred to in paragraphs 2 and 3 of this Schedule, but the total period so required may not in any event exceed four years.

### SCHEDULE 3

Regulation 6(2)

In the case of the following regulated professions, where a requirement is imposed pursuant to regulation 6(1)(b), the requirements shall be the passing of an aptitude test:

ADVOCATE (Scotland)  
 ASSOCIATE OF THE CHARTERED INSTITUTE OF MANAGEMENT ACCOUNTANTS  
 BARRISTER (England and Wales)  
 BARRISTER (Northern Ireland)  
 CERTIFIED ACCOUNTANT  
 CHARTERED ACCOUNTANT (England and Wales)  
 CHARTERED ACCOUNTANT (Northern Ireland)  
 CHARTERED ACCOUNTANT (Scotland)  
 COMPANY AUDITOR  
 PATENT AGENT  
 PATENT ATTORNEY  
 PUBLIC FINANCE ACCOUNTANT  
 SOLICITOR (England and Wales)  
 SOLICITOR (Northern Ireland)  
 SOLICITOR (Scotland)

### SCHEDULE 4

Regulation 13(4)

1. In the case of the following regulated professions, the appeal body shall be the body, court or person specified below in relation to that profession, namely:—

Profession	Appeal Body
ADVOCATE (Scotland)	the Court of Session
BARRISTER (England and Wales)	the Visitors to the Inns of Court
BARRISTER (Northern Ireland)	the Benchers of the Honorable Society of the Inn of Court of Northern Ireland
PATENT AGENT	the Comptroller-General of Patents, Designs and Trade Marks
SOLICITOR (England and Wales)	the Master of the Rolls
SOLICITOR (Northern Ireland)	the Lord Chief Justice of Northern Ireland
SOLICITOR (Scotland)	the Court of Session

2. In the case of all other regulated professions the appeal body shall be a county court or a sheriff court.

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## EXPLANATORY NOTE

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

These Regulations give effect in the United Kingdom to Council Directive [89/48/EEC](#) (OJ No. L19, 24.1.89, p.16) on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration.

The Regulations apply to the professions listed in Schedule 1 being professions which are regulated by law or public authority or by membership of a chartered body and for which the entry qualification is of degree level or equivalent. Schedule 1 designates a body (a "designated authority") in respect of each of the listed regulated professions. The designated authorities have the function of processing applications from migrant applicants having qualifications obtained wholly or partly in another member State of the Economic Community and wishing to practise the relevant profession in the United Kingdom.

The scheme of the Regulations (subject to certain conditions and exceptions) is to impose a duty upon the designated authorities not to refuse, on grounds of inadequate qualifications, an application from a migrant to practise the relevant profession in the United Kingdom if he holds the qualification required by another member State to practise the profession in that State (regulation 5). The Regulations further provide for the designated authorities, in certain cases, to require a migrant applicant to complete an adaptation period or to pass an aptitude test (regulations 6, 7 and 8) and make provision for a migrant applicant, who has been granted authorisation to practise, to have the right to use the professional title and designatory letters applicable to that profession in the United Kingdom (regulation 10).

Special provision is made for the profession of company auditor (regulations 11 and 12) having regard to the detailed legislation already governing that profession and an appeals procedure is provided (regulation 13) for migrant applicants to challenge decisions of the designated authorities made under the Regulations.