

1999 No. 67

PROFESSIONAL QUALIFICATIONS

The European Communities (Recognition of Professional Qualifications) (Second General System) (Amendment) Regulations 1999

<i>Made</i> - - - -	<i>13th January 1999</i>
<i>Laid before Parliament</i>	<i>15th January 1999</i>
<i>Coming into force</i>	<i>12th February 1999</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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, commencement and interpretation

- 1.—(1) These Regulations may be cited as the European Communities (Recognition of Professional Qualifications) (Second General System) (Amendment) Regulations 1999.
- (2) These Regulations shall come into force on 12th February 1999.
- (3) In these regulations, references to the “principal Regulations” are references to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996(c).

Amendment of principal Regulations

- 2.—(1) The principal Regulations are amended in accordance with paragraphs (2) to (7) below.
- (2) In Regulation 25,
- (a) after paragraph (2) there is inserted the following:
- “(2A) A migrant who has a right of appeal under this regulation and, in respect of the same issue, a right of appeal under any law, regulation or administrative provision or, as the case may be, rules governing a profession or professional association may not exercise the two rights separately but may take advantage of whichever right of appeal is, in any respect, the more favourable to him.”;
- (b) in paragraph (4), after “sheriff courts,” there is inserted the following:
- “but subject always to paragraph (4B), below,”; and

(a) S.I. 1989/1327.
(b) 1972 c. 68.
(c) S.I. 1996/2374.

(c) after paragraph (4) there is inserted the following:

“(4B) In the case of a migrant exercising the composite right described in paragraph (2A) above, the rules of procedure governing the hearing and determination of the appeal shall apply subject to any modification necessary to give effect to the more favourable provision.”.

(3) The list set out in Schedule 1 to these regulations is substituted for the list set out in Part III of Schedule 1 to the principal Regulations.

(4) The lists set out in Parts I and II of Schedule 2 to these regulations are substituted for the lists set out in Parts I and II, respectively, of Schedule 2 to the principal Regulations.

(5) The list set out in Schedule 3 to these regulations is substituted for the list set out in Schedule 3 to the principal Regulations.

(6) In the list of training in Part II of Schedule 5 to the principal Regulations, which lists certain United Kingdom courses accredited as National Vocational Qualifications or Scottish Vocational Qualifications, after the entry for “engineer officer–freight/passenger ships–unlimited trading area” there shall be added, on a new line, “–trade mark agent”.

(7) The list set out in Schedule 4 to these regulations is substituted for the list set out in Schedule 7 to the principal Regulations.

Signed by order of the Secretary of State.

13th January 1999

Tessa Blackstone
Minister of State,
Department for Education and Employment.

SCHEDULE 1

Regulation 2(3)

List substituted for the list set out in Part III of Schedule 1 to the principal Regulations

“INSTRUMENTS PURSUANT TO WHICH THE TAKING UP AND PURSUIT OF PROFESSIONS IS REGULATED IN THE UNITED KINGDOM

<i>Chapter/SI Number</i>	<i>Short Title/Title</i>
S.I. 1984/1115(a)	The Fishing Vessels (Certification of Deck Officers and Engineers) Regulations 1984
S.I. 1997/348(b)	The Merchant Shipping (Training and Certification) Regulations 1997
S.I. 1992/1675	The Road Works (Qualifications of Supervisors and Operatives) (Scotland) Regulations 1992
S.I. 1992/1687	The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992
S.I. 1998/20	Street Worker (Qualification of Supervisors and Operatives) Regulations (Northern Ireland) 1998”

SCHEDULE 2

Regulation 2(4)

Lists substituted for the lists set out in Parts I and II, respectively, of Schedule 2 to the principal Regulations

“PART I

PROFESSIONS REGULATED BY LAW OR PUBLIC AUTHORITY

<i>Profession</i>	<i>Designated Authority</i>
Air Traffic Controller	Civil Aviation Authority
Aircraft Maintenance Engineer	Civil Aviation Authority
Airport Fire Officer	Civil Aviation Authority
Airport Firefighter	Civil Aviation Authority
Licensed Boatmaster	Secretary of State
Licensed Cab Driver (London)	The Assistant Commissioner of Police of the Metropolis
Licensed Conveyancer	The Council for Licensed Conveyancers
Qualified Conveyancer (Scotland)	The Scottish Conveyancing and Executry Services Board
Dental Hygienist	General Dental Council
Dental Therapist	General Dental Council
Dispensing Optician	General Optical Council
Registered Dispenser of Hearing Aids	Hearing Aid Council
Diver	Health and Safety Executive
Department of Transport Approved Driving Instructor	The Registrar for the purposes of Part V of the Road Traffic Act 1988(c)
Executry Practitioner	The Scottish Conveyancing and Executry Services Board
Registered Gas Installer	The Council for Registered Gas Installers

(a) Amended by S.I. 1995/1428.

(b) Amended by S.I. 1997/1911.

(c) 1988 c. 52. Relevant amendments were made by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c. 31).

Insolvency Practitioner	Secretary of State, The Insolvency Practitioners Association Limited, The Association of Chartered Certified Accountants, The Institute of Chartered Accountants in England and Wales, The Institute of Chartered Accountants in Ireland, The Institute of Chartered Accountants in Scotland, The Law Society, The Law Society of Northern Ireland, The Law Society of Scotland
Inspector of Weights and Measures	Secretary of State
Licensed Lighterman	Port of London Authority
Nurse admitted to any of the following parts of the register– Part 2–Second level nurse trained in general nursing (England and Wales); Part 4–Second level nurse trained in the nursing of persons suffering from mental illness (England and Wales); Part 6–Second level nurse trained in the nursing of persons suffering from learning disabilities (England and Wales); Part 7–Second level nurse (Scotland and Northern Ireland)	United Kingdom Central Council for Nursing, Midwifery and Health Visiting
Certified Technically Competent Person	Waste Management Industry Training and Advisory Board
Registered Trade Mark Agent	The Institute of Trade Mark Agents
Licensed Trainee Driving Instructor	The Registrar for the purposes of Part V of the Road Traffic Act 1988
Listed Veterinary Nurse	The Royal College of Veterinary Surgeons
Licensed Waterman	Port of London Authority

PART II

PROFESSIONS REGULATED BY PROFESSIONAL ASSOCIATIONS

<i>Professional title</i>	<i>Designatory letters</i>	<i>Designated Authority</i>
Associate of the Chartered Institute of Arbitrators	A.C.I.Arb	Chartered Institute of Arbitrators
Associate of the Chartered Institute of Building	ACIOB	Chartered Institute of Building
Associate Member of The Chartered Institute of Marketing	ACIM	The Chartered Institute of Marketing
Associate of the Royal Academy of Dancing	A.R.A.D.	The Royal Academy of Dancing
Associate of the Royal College of Organists	ARCO	The Royal College of Organists
Choir Master	(CHM)	The Royal College of Organists
Engineering Technician	EngTech	The Engineering Council
Fellow of the Royal College of Organists	FRCO	The Royal College of Organists
Housing Practitioner		The Chartered Institute of Housing

Licentiate of The Chartered Institute of Marketing		The Chartered Institute of Marketing
Licentiate of the Royal Academy of Dancing	L.R.A.D.	The Royal Academy of Dancing
Licentiate of The Society of Dyers and Colourists	LSDC	The Society of Dyers and Colourists
Licentiate of the Textile Institute	LTI	The Textile Institute”

SCHEDULE 3

Regulation 2(5)

List substituted for the list set out in Schedule 3 to the principal Regulations

“APPEAL BODIES

<i>Profession</i>	<i>Appeal Body</i>
Executry Practitioner	Court of Session
Licensed Cab Driver (London)	The magistrates’ court
Qualified Conveyancer (Scotland)	Court of Session
Registered Trade Mark Agent	The Comptroller-General of Patents, Designs and Trade Marks”

SCHEDULE 4

Regulation 2(7)

List substituted for the list set out in Schedule 7 to the principal Regulations

“PROFESSIONS IN RESPECT OF WHICH THE RIGHT OF THE MIGRANT TO CHOOSE BETWEEN AN ADAPTATION PERIOD AND AN APTITUDE TEST IS DISPLACED

<i>Profession</i>	<i>Requirement</i>
Licensed Conveyancer	Adaptation Period
Qualified Conveyancer (Scotland)	Adaptation Period
Executry Practitioner	Adaptation Period
Insolvency Practitioner	Aptitude test
Registered Trade Mark Agent	Aptitude test”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996 (S.I. 1996/2374, “the principal Regulations”).

New provision is made in Regulation 25 of the principal regulations for reconciling the right of appeal of a migrant given by that regulation with any right of appeal afforded by any law, regulation or administrative provision or, as the case may be, rules governing a profession or professional association.

The remaining amendments take the form of the substitution of the lists in Schedules 1 to 5 for those in Part III of Schedule 1, Schedule 2, Schedule 3, and Schedule 7, respectively, of the principal Regulations and the addition of “trade mark agent” to the list of training in Part II of Schedule 5. The effect of the new lists is as follows.

Part III of Schedule 1 to the principal Regulations, which lists for the purpose of Regulation 2(2)(c) of the principal Regulations (disapplication of Parts II to V) instruments pursuant to which the taking up and pursuit of professions is regulated in the United Kingdom, contains the following new entries:

<i>Chapter/SI Number</i>	<i>Short Title/Title</i>
S.I. 1997/348	The Merchant Shipping (Training and Certification) Regulations 1997
S.I. 1998/20	Street Works (Qualification of Supervisors and Operatives) Regulations (Northern Ireland) 1998

Part I of Schedule 2 to the principal Regulations, which lists for the purpose of Regulation 4 of the principal Regulations professions which are regulated by law or public authority, contains the following new entries:

<i>Profession</i>	<i>Designated Authority</i>
Qualified Conveyancer (Scotland)	The Scottish Conveyancing and Executry Services Board
Executry Practitioner	The Scottish Conveyancing and Executry Services Board
Registered Gas Installer	The Council for Registered Gas Installers
Insolvency Practitioner	Secretary of State, The Insolvency Practitioners Association Limited, The Association of Chartered Certified Accountants, The Institute of Chartered Accountants in England and Wales, The Institute of Chartered Accountants in Ireland, The Institute of Chartered Accountants in Scotland, The Law Society, The Law Society of Northern Ireland, The Law Society of Scotland

Nurse admitted to any of the following parts of the register– Part 2–Second level nurse trained in general nursing (England and Wales); Part 4–Second level nurse trained in the nursing of persons suffering from mental illness (England and Wales); Part 6–Second level nurse trained in the nursing of persons suffering from learning disabilities (England and Wales); Part 7–Second level nurse (Scotland and Northern Ireland)	United Kingdom Central Council for Nursing, Midwifery and Health Visiting
Certified Technically Competent Person	Waste Management Industry Training and Advisory Board
Registered Trade Mark Agent	The Institute of Trade Mark Agents
Listed Veterinary Nurse	The Royal College of Veterinary Surgeons

Part II of Schedule 2 to the principal Regulations, which lists for the purpose of Regulation 4 of the principal Regulations professions which are regulated by professional associations, contains the following new entries:

<i>Professional title</i>	<i>Designatory letters</i>	<i>Designated Authority</i>
Associate of the Chartered Institute of Arbitrators	A.C.I.Arb	Chartered Institute of Arbitrators
Associate Member of The Chartered Institute of Marketing	ACIM	The Chartered Institute of Marketing
Licentiate of The Chartered Institute of Marketing		The Chartered Institute of Marketing
Licentiate of The Society of Dyers and Colourists	LSDC	The Society of Dyers and Colourists

Schedule 3 to the principal Regulations, which lists for the purpose of Regulation 3(1) of the principal Regulations certain bodies, courts or persons which are the appeal bodies for the professions listed there, contains the following new entries:

<i>Profession</i>	<i>Appeal Body</i>
Qualified Conveyancer (Scotland)	Court of Session
Executry Practitioner	Court of Session
Registered Trade Mark Agent	The Comptroller-General of Patents, Designs and Trade Marks

Schedule 7 to the principal Regulations, which lists for the purpose of Regulation 16(3) of the principal Regulations professions in respect of which the right of the migrant to choose between an adaptation period and an aptitude test is displaced, contains the following new entries:

<i>Profession</i>	<i>Requirement</i>
Qualified Conveyancer (Scotland)	Adaptation Period
Executry Practitioner	Adaptation Period
Insolvency Practitioner	Aptitude test
Registered Trade Mark Agent	Aptitude test

No professions are removed from the principal Regulations by these regulations.

1999 No. 67

PROFESSIONAL QUALIFICATIONS

The European Communities (Recognition of Professional
Qualifications) (Second General System) (Amendment)
Regulations 1999

£2.00

© Crown copyright 1998

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

WO 3994 1/99 ON (MFK)