
STATUTORY INSTRUMENTS

2005 No. 18

PROFESSIONAL QUALIFICATIONS

[^{F1}The European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005

Made - - - - *10th January 2005*
Laid before Parliament *18th January 2005*
Coming into force - - *9th February 2005*

The Secretary of State, being a Minister designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations, in exercise of the powers conferred on her by that section, hereby makes the following Regulations:

—

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), [Sch. 6](#)

Marginal Citations

- M1** The European Communities (Designation) Order 2002, [S.I. 2002/248](#). Under section 57 of the Scotland Act (1998 c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in relation to devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by her as regards Scotland.
- M2** [1972 c. 68](#). By virtue of the amendment of section 1(2) of the European Communities Act by section 1 of the European Economic Area Act 1993(c. 51) regulations may be made under section 2(2) of the European Communities Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area dated 2nd May 1992 (Cm 2073) as adjusted by the Protocol dated 17th March 1993 (Cm 2183) and the EEA Enlargement Agreement dated 14th October 2003 (Cm 6171). By virtue of the European Communities (Definition of Treaties) (Agreement between the European Community and its Member States and the Swiss Confederation on the Free Movement of Persons) Order 2000 ([S.I.2000/3269](#)) the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons, dated 21st June 1999 (Cm 5639) is to be regarded as a Community Treaty.

Citation and commencement

1.—(1) These Regulations may be cited as the European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005.

(2) These Regulations shall come into force on 9th February 2005.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), [Sch. 6](#)

Interpretation

2.—(1) In these Regulations 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 relevant State” means a relevant 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 relevant 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 relevant 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 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 relevant 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 equivalent 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 relevant States; 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 relevant State); or

- (b) which was awarded on the successful completion of education and training received within the relevant States, 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^{M3} 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 as amended by Directive 2001/19/EC^{M4};

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

“native applicant” means a national of a relevant 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 relevant 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 association” means an association or organisation, recognised in special form by a relevant State, the purpose of which is, in particular, to promote and maintain a high standard in the professional field with which it is concerned and which, to that end—

- (a) prescribes and enforces respect within it membership for, rules of professional conduct; and awards a diploma to its members; and
- (b) confers on its members the right to use one or more professional titles or designatory letters or to benefit from a status corresponding to that diploma;

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

“regulated education and training” means education or training which—

- (a) is directly geared to the practice of a defined profession in a relevant State and
- (b) comprises a post-secondary course of at least three years' duration, or an equivalent duration part-time, at a university or higher education establishment or in another establishment of equivalent level, and any additional professional training, professional traineeship or professional practice required, the structure and level of which is determined by the laws, regulations or administrative provisions of that relevant State or monitored or approved by the competent authority;

“regulated profession” means –

- (a) in the United Kingdom—
 - (i) 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^{M5} and Article 27(2) of the Companies (Northern Ireland) Order 1990^{M6}, or

- (ii) at any time when a designated authority is not specified, if and in so far as any professional activity or range of activities which constitutes the profession is a regulated professional activity;
- (b) in another relevant State if and in so far as any professional activity or range of such activities which constitutes the profession is regulated as a professional activity;

“regulated professional activity” means that a professional activity is regulated in a relevant State if and in so far as—

- (a) the practice, or any mode of practice, of that activity in that relevant State is subject, directly or indirectly, by virtue of laws, regulations or administrative provisions to the possession of a diploma; or
- (b) it is practiced under a professional title, or designatory letters the use of which is reserved to holders of a diploma governed by laws, regulations or administrative provisions; or
- (c) it relates to health and the remuneration or reimbursement received for the practice of the activity in the relevant state in question is, by virtue of national arrangements for the administration of social security, subject to the possession of a diploma; or
- (d) it is practiced by members of a professional association;

“relevant State” means a member State, Iceland, Norway, Liechtenstein or Switzerland.

(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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

Marginal Citations

M3 O.J. No. L 19, 24.I.89, p.16
M4 O.J. No L 206, 31.07.2001,p.1.
M5 1989 c. 40
M6 S.I. 1009/593 (N.I.5)

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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

Designated authorities

4.—(1) The designated authority for a regulated profession in the United Kingdom, other than 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, is the body or authority specified in relation

to that profession in Schedule 1, or at any time when a designated authority is not so specified is the competent authority for any regulated profession or regulated professional activity.

(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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

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 relevant State for the practice of a corresponding profession regulated by that State, the diploma having been awarded in a relevant State; or
- (b) the migrant produces evidence that he holds formal qualifications which satisfy the requirements of sub-paragraph (2) below and either—
 - (i) the qualifications were awarded on completion of regulated education and training; or
 - (ii) the migrant has within the ten years immediately prior to his application pursued a corresponding profession for at least two years full-time (or equivalent duration part-time) in a relevant State in which the profession is not regulated.

(2) Formal qualifications satisfy the requirements of this sub-paragraph if they are:

- (a) formal qualifications awarded by a competent authority in a relevant 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 equivalent level in a relevant 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 relevant State on the successful completion of education and training within the relevant State, 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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

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 paragraphs (2) and (3)), the migrant may be required either—
 - (i) to complete an adaptation period not exceeding three years with a successful assessment; 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) If a designated authority intends to require the migrant to complete an adaptation period or take an aptitude test it must first examine whether the knowledge acquired by the migrant in the course of his professional experience is such that it fully or partly covers the substantial difference referred to in paragraph (4).

(4) 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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

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 relevant State.

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

- (a) the designated 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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

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 relevant 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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

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 State for the purpose of attesting such matters.

(2) A designated authority which—

- (a) requires of a migrant 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 relevant State of origin of the migrant, the relevant State from which the migrant comes or the relevant 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 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 relevant State of origin of the migrant, the relevant State from which the migrant comes or the relevant 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 migrants 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 relevant State, it shall ensure that an appropriate equivalent form of oath or declaration is available for those nationals.

(6) A designated authority which requires proof of financial standing in respect of a migrant for authorisation to practise shall, in respect of a migrant, regard certificates issued by banks in

the relevant State of origin of the migrant, the relevant State from which the migrant comes or the relevant State in which the migrant formerly qualified or practised as equivalent to those issued by banks in the United Kingdom.

(7) Subject to paragraph (8) a designated authority which requires proof that a migrant for authorisation to practise is insured against the financial risks arising from the migrant's professional liability shall in respect of a migrant accept certificates issued by insurance undertakings of other relevant States as equivalent to those issued by insurance undertakings in the United Kingdom.

(8) Any certificate referred to in paragraph (7) shall state that the insurer has complied with the laws and regulations in force in the United Kingdom regarding the terms and extent of cover and shall be presented no more than three months after the date of issue.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

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 relevant 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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

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 section 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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 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 Enterprise, Trade and Investment 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 Enterprise, Trade and Investment 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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 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 listed in paragraph 1 of Schedule 4 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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

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.

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

Revocation

15. The following Regulations are hereby revoked—

- (a) The European Communities (Recognition of Professional Qualifications) Regulations 1991 ^{M7}
- (b) The European Communities (Recognition of Professional Qualifications) (Amendment) Regulations 2000 ^{M8}
- (c) The European Communities (Recognition of Professional Qualifications) (Amendment) Regulations 2002 ^{M9}

F1 Regulations revoked (except in their application to the profession of company auditor) (19.10.2007) by [The European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#), reg. 1(2), **Sch. 6**

Marginal Citations

M7 [S.I. 1991/824](#)

M8 [S.I. 2000/1960](#).

M9 [S.I. 2002/3051](#).

Department for Education and Skills

Kim Howells
Minister of State

SCHEDULE 1

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

PART 1

PROFESSIONS REGULATED BY LAW OR PUBLIC AUTHORITY

<i>Profession</i>	<i>Designated Authority</i>
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
CHIROPRACTOR	The General Chiropractic Council
EMPLOYMENT IN THE NATIONAL HEALTH SERVICE:	
CHILD PSYCHOTHERAPIST	Association of Child Psychotherapists
CLINICAL PSYCHOLOGIST	The British Psychological Society
REGISTERED HEALTH PROFESSIONS WITH THE HEALTH PROFESSIONS COUNCIL :	Health Professions Council
ARTS THERAPIST,	
BIOMEDICAL SCIENTIST,	
CHIROPODIST OR PODIATRIST,	
CLINICAL SCIENTIST,	
DIETITIAN,	
OCCUPATIONAL THERAPIST,	
ORTHOPTIST,	
PHYSIOTHERAPIST,	
PROSTHETIST AND ORTHOTIST,	
RADIOGRAPHER,	
SPEECH AND LANGUAGE THERAPIST.	
MINE MANAGER	The Health and Safety Executive
MINE SURVEYOR	The Health and Safety Executive
NURSES ADMITTED TO	Nursing and Midwifery Council

SUB-PART 1 OF THE NURSES' PART OF
THE REGISTER MAINTAINED BY THE
NURSING AND MIDWIFERY COUNCIL

NOTARY PUBLIC (England & Wales)	The Faculty Office
OPTOMETRIST (OPHTHALMIC OPTICIAN)	General Optical Council
OSTEOPATH	General Osteopathic Council
PATENT AGENT	The Chartered Institute of Patent Agents
PATENT ATTORNEY	The Chartered Institute of Patent Agents
SCHOOL TEACHER:	
In publicly regulated schools in:	
ENGLAND	The General Teaching Council for England
NORTHERN IRELAND	Department of Education for Northern Ireland
SCOTLAND	General Teaching Council for Scotland
WALES	The General Teaching Council for Wales
SOLICITOR (England and Wales)	The Law Society
SOLICITOR (Northern Ireland)	The Law Society of Northern Ireland
SOLICITOR (Scotland)	The Law Society of Scotland

PART 2

PROFESSIONS REGULATED BY PROFESSIONAL BODIES INCORPORATED BY ROYAL CHARTER

<i>Professional Title (where applicable)</i>	<i>Designatory Letters</i>	<i>Designated Authority</i>
ACTUARY	FIA	Institute of Actuaries
ACTUARY (Scotland)	FFA	The Faculty of Actuaries
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 CERTIFIED ACCOUNTANT	ACCA	The Association of Chartered Certified Accountants
CHARTERED ARBITRATOR	FCI Arb	The Chartered Institute of Arbitrators
CHARTERED BIOLOGIST	C.Biol,	The Institute of Biology

Changes to legislation: There are currently no known outstanding effects for the The European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005. (See end of Document for details)

	MIBiol	
CHARTERED BUILDER	MCIOB	The Chartered Institute of Building
CHARTERED BUILDING SERVICES ENGINEER	MCIBSE	The Chartered Institution of Building Services Engineers
CHARTERED BUILDING SURVEYOR	MRICS	The Royal Institution of Chartered Surveyors
CHARTERED CHEMICAL ENGINEER	MIChemE	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	MEI FEI	The Energy Institute
CHARTERED PETROLEUM ENGINEER	MEI FEI	The Energy Institute
CHARTERED ENGINEER	C.Eng	The Engineering Council
CHARTERED ENVIRONMENTAL HEALTH PRACTITIONER	MCIEH FCIEH	The Chartered Institute of Environmental Health
ENVIRONMENTAL HEALTH OFFICER	MCIEH FCIEH	The Chartered Institute of Environmental Health
CHARTERED ENVIRONMENTAL HEALTH OFFICER	Ch.EHO MREHIS Ch.EHO FREHIS	The Royal Environmental Health Institute of Scotland
ENVIRONMENTAL HEALTH OFFICER	EHO MREHIS EHO FREHIS	The Royal Environmental Health Institute of Scotland
CHARTERED FORESTER	MICFor	The Institute of Chartered Foresters
CHARTERED GAS ENGINEER	MIGasE	The Institution of Gas Engineers and Managers
CHARTERED GEOLOGIST	C.Geol FGS	The Geological Society
CHARTERED IT PROFESSIONAL	MBCS CITP FBCS CITP	The British Computer Society
CHARTERED INSURER	ACII	The Chartered Insurance Institute

CHARTERED INSURANCE PRACTITIONER	ACII	The Chartered Insurance Institute
CHARTERED INSURANCE BROKER	ACII	The Chartered Insurance Institute
CHARTERED LAND SURVEYOR	MRICS	The Royal Institution of Chartered Surveyors
CHARTERED LOSS ADJUSTER	ACILA	The Chartered Institute of Loss Adjusters
CHARTERED MANAGEMENT ACCOUNTANT	ACMA	The Chartered Institute of Management Accountants
CHARTERED MARINE ENGINEER	ImarEST	The Institute of Marine Engineering Science and Technology
CHARTERED MARKETER	MCIM	The Chartered Institute of Marketing
CHARTERED MATHEMATICIAN	C.Math	The Institute of Mathematics and its Applications
CHARTERED MEASUREMENT AND CONTROL TECHNOLOGIST	MInstMC	The Institute of Measurement and Control
CHARTERED MECHANICAL ENGINEER	MIMechE	Institution of Mechanical Engineers
CHARTERED METEOROLOGIST	CMET	The Royal Meteorological Society
CHARTERED MINERALS SURVEYOR	MRICS	The Royal Institution of Chartered Surveyors
CHARTERED PHYSICIST	CPhys MInstP	The Institute of Physics
CHARTERED PSYCHOLOGIST	C.Psychol	The British Psychological Society
CHARTERED PUBLIC FINANCE ACCOUNTANT	CIPFA	The Chartered Institute of Public Finance and Accountancy
CHARTERED QUANTITY SURVEYOR	MRICS	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 Engineers

Changes to legislation: There are currently no known outstanding effects for the The European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005. (See end of Document for details)

CHARTERED SURVEYOR	MRICS	The Royal Institution of Chartered Surveyors
CHARTERED TEXTILE TECHNOLOGIST	CText ATI	The Textile Institute
CHARTERED TOWN PLANNER	MRTPI	The Royal Town Planning Institute
CHARTERED VALUATION SURVEYOR	MRICS	The Royal Institution of Chartered Surveyors
CHARTERED WASTE MANAGER	MCIWM	The Chartered Institution of Wastes Management
INCORPORATED ENGINEER (REGISTERED AT FINAL STAGE IN THE PROFESSIONAL ENGINEER SECTION OF THE ENGINEERING COUNCIL REGISTER)	I.Eng	The Engineering Council
	ACIB	The Chartered Institute of Bankers
	ACIBS	The Chartered Institute of Bankers in Scotland
	MCIH	The Chartered Institute of Housing
	MIMMM	The Institute of Materials, Minerals and Mining
	MLI	The Landscape Institute
	CILIP	The Chartered Institute of Library and Information Professionals
	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.
 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 requirement shall be the passing of an aptitude test:

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:—

<i>Profession</i>	<i>Appeal Body</i>
ADVOCATE (Scotland)	The Court of Session
BARRISTER (England and Wales)	The Visitors to the Inns of Court
BARRISTER (Northern Ireland)	The Benchers of the Honourable Society of the Inn of Court of Northern Ireland
NOTARY PUBLIC (England and Wales)	[^{F2} The Chancellor of the High Court]
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

Changes to legislation: There are currently no known outstanding effects for the The European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005. (See end of Document for details)

F2 Words in Sch. 4 para. 1 substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) Order 2006 \(S.I. 2006/680\)](#), art. 1, **Sch. 1 para. 76(2)**

[^{F3}**1A.** The Chancellor of the High Court may nominate another judge of that court to exercise his functions under paragraph 1.]

F3 Sch. 4 para. 1A inserted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) Order 2006 \(S.I. 2006/680\)](#), art. 1, **Sch. 1 para. 76(3)**

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

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke the European Communities (Recognition of Professional Qualifications) Regulations 1991 and two amending Regulations and consolidate those provisions which are substantially re-enacted and incorporated. In addition, these Regulations have included a wider definition of “regulated profession” in the United Kingdom. Designated authorities are therefore authorities listed in Schedule 1, or when not so listed, the competent authority for any regulated profession or regulated professional activity, this could include new professions established after the Regulations are in force to ensure continued effective implementation of EU obligations. Schedules 1, 3 and 4 within the Regulations have also been updated.

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 as amended by Article 2 of Directive [2001/19 EC](#) (OJ No L 206, 31.07.2001, p 1).

^{M10M11}These Regulations also take note of the decisions of the EEA Joint Committee No 7/94 of 21 March 1994 and No 55/01 of 18 May 2001 amending Annex VII to the EEA Agreement as well as the EEA Enlargement Agreement dated 14 October 2003 and agreement relating to Switzerland dated 21 June 1999 in relation to the Directive. The Regulations therefore also extend to the States of the European Economic Area (EEA) and Switzerland.

The Regulations apply to all professions that are regulated by law or public authority or by membership of a chartered body. Schedule 1 includes 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. Regulation 4 designates a body or authority (a “designated authority”) in relation to regulated professions. The designated authorities have the function of processing applications from migrant applicants having qualifications obtained wholly or partly in another relevant State 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 a relevant 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.

A Transposition Note is available and can be obtained from the Department of Education and Skills, Vocational and 14-19 Reform Division, Moorfoot, Sheffield S1 4 PQ.

Changes to legislation:

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