

Professional Qualifications Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Business, Energy and Industrial Strategy, have been ordered to be published as Bill 194 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Kwasi Kwarteng has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Professional Qualifications Bill [HL] are compatible with the Convention rights.

Professional Qualifications Bill [HL]

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Make provision relating to entitlement to practise certain professions, occupations and trades; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Recognition of overseas qualifications

1 Power to provide for individuals to be treated as having UK qualifications

- (1) The appropriate national authority may by regulations make provision for individuals who meet the condition in subsection (2) or (3) and any other specified condition to be treated, for the purpose of determining whether they are entitled to practise a specified regulated profession in the United Kingdom or a part of it, as if they have a specified UK qualification or specified UK experience. 5
- (2) An individual meets the condition in this subsection if— 10
- (a) the individual has overseas qualifications or overseas experience, and
 - (b) a specified regulator of the specified regulated profession has made a determination that the individual has substantially the same knowledge and skills, to substantially the same standard, as are demonstrated by the specified UK qualification or the specified UK experience. 15
- (3) An individual meets the condition in this subsection if—
- (a) the individual has overseas qualifications or overseas experience,
 - (b) a specified regulator of the specified regulated profession has made a determination— 20
 - (i) that the individual does not have substantially the same knowledge and skills, to substantially the same standard, as are demonstrated by the specified UK qualification or the specified UK experience, and
 - (ii) that the deficiency mentioned in sub-paragraph (i) could be made up by the individual obtaining such further qualifications 25

- or experience or meeting such further condition as is set out in the determination, and
- (c) the individual has obtained the further qualifications or experience or has met the condition (whether before or after the making of the determination mentioned in paragraph (b)). 5
- (4) For the purposes of subsections (1) to (3) –
- (a) a condition may be specified under subsection (1) whether or not it is connected to the specified UK qualification or specified UK experience concerned, and
- (b) a determination mentioned in subsection (2)(b) or (3)(b)(i) may be made – 10
- (i) on the basis only of the overseas qualifications or overseas experience concerned, or
- (ii) on such other basis as the specified regulator considers appropriate (such as on the basis of the overseas qualifications or overseas experience concerned together with the results of any test or other assessment given by any person). 15
- (5) Regulations under this section may include provision for, and in connection with, the making by an individual of an application for a determination mentioned in subsection (2)(b) or (3)(b). 20
- (6) The provision that may be made by virtue of subsection (5) includes –
- (a) provision as to the form and manner of an application;
- (b) provision for an application to be combined with an application under other legislation;
- (c) provision as to the information to be included in an application; 25
- (d) provision as to the documents to accompany an application;
- (e) provision for fees to be paid in connection with an application;
- (f) provision requiring a specified regulator to have regard to guidance issued from time to time by a specified person when determining an application; 30
- (g) provision as to the other duties of a specified regulator in connection with an application;
- (h) provision as to the powers of a specified regulator in connection with an application;
- (i) provision as to appeals against the determination of an application. 35
- (7) A UK qualification or UK experience may be specified by reference to –
- (a) its having been accredited or otherwise approved in a specified manner;
- (b) its having been issued by a body or obtained at an institution accredited or otherwise approved in a specified manner. 40

2 Power conferred by section 1 exercisable only if necessary to meet demand

- (1) Regulations under section 1 may not be made in respect of a regulated profession unless the appropriate national authority is satisfied that the condition in subsection (2) is met.
- (2) The condition is that it is necessary to make the regulations for the purpose of enabling the demand for the services of the profession in the United Kingdom, 45

or in the part of it to which the regulations relate, to be met without unreasonable delays or charges.

- (3) This section does not apply to regulations under section 1 in so far as they –
- (a) modify earlier regulations under that section without adding to the professions, or the parts of the United Kingdom, to which the earlier regulations relate, or 5
 - (b) make provision authorised by section 13(1)(c).

3 Implementation of international recognition agreements

- (1) The appropriate national authority may by regulations make such provision as the authority considers appropriate for the purpose of, or in connection with, implementing any international recognition agreement to which the United Kingdom is a party. 10
- (2) The provision that may be made by regulations under this section includes –
- (a) provision conferring functions on any person, including a discretion but not including a power to make subordinate legislation; 15
 - (b) provision for the sharing of information;
 - (c) provision for the charging of fees.
- (3) Regulations under this section may not impose a duty requiring, or confer a power authorising, the disclosure of information where the disclosure would (taking the duty or power into account) contravene the data protection legislation. 20
- (4) An “international recognition agreement” means so much of any international agreement as provides for, or relates to, the recognition of overseas qualifications or overseas experience for the purpose of determining whether individuals are entitled to practise a regulated profession in the United Kingdom or a part of it. 25
- (5) The reference in this section to an international recognition agreement to which the United Kingdom is a party includes a reference to such an agreement as modified or supplemented from time to time in accordance with any provision of it. 30

4 Authorisation to enter into regulator recognition agreements

- (1) The appropriate national authority may by regulations make such provision as the authority considers appropriate for the purpose of, or in connection with, authorising a regulator of a regulated profession to enter into regulator recognition agreements. 35
- (2) A “regulator recognition agreement” means an agreement that –
- (a) is between –
 - (i) a regulator of a regulated profession, and
 - (ii) an overseas regulator of a corresponding profession practised in a country or territory outside the United Kingdom, and 40
 - (b) provides for, or relates to, either or both of the following matters –
 - (i) the recognition of UK qualifications or UK experience for the purpose of determining whether individuals are entitled to practise the corresponding profession in that country or territory, and 45

(ii)	the recognition of qualifications or experience obtained in that country or territory for the purpose of determining whether individuals are entitled to practise the regulated profession in the United Kingdom or a part of it.	
(3)	For the purposes of subsection (2) –	5
(a)	qualifications are obtained in the country or territory mentioned in that subsection if they are issued by a body that is based in that country or territory, and	
(b)	experience is obtained in the country or territory mentioned in that subsection if it is obtained mainly in that country or territory.	10
(4)	In subsection (2) –	
	“corresponding profession” means a profession that ordinarily consists of activity that is the same as, or substantially corresponds to, activity that ordinarily comprises the practice of the regulated profession mentioned in that subsection;	15
	“overseas regulator”, in relation to the corresponding profession mentioned in that subsection, means a person exercising functions that relate to the regulation of the profession in the country or territory mentioned in that subsection.	
5	Revocation of general EU system of recognition of overseas qualifications	20
(1)	The European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) are revoked.	
(2)	The appropriate national authority may by regulations make such modifications of legislation as the appropriate national authority considers to be appropriate in consequence of subsection (1).	25
6	Revocation of other retained EU recognition law	
(1)	The appropriate national authority may by regulations modify any retained EU recognition law so as to cause it to cease to have effect to any extent.	
(2)	“Retained EU recognition law” means retained EU law that provides for, or relates to, the recognition of overseas qualifications or overseas experience for the purpose of determining whether individuals are entitled to practise a regulated profession in the United Kingdom or a part of it.	30
<i>Assistance and information</i>		
7	Assistance centre	
(1)	The Secretary of State must make arrangements for another person (“the assistance centre”) to –	35
(a)	provide advice and assistance relating to the entry requirements for regulated professions to –	
(i)	individuals seeking to practise a regulated profession in the United Kingdom or a part of it, and	40
(ii)	such other persons as the Secretary of State considers appropriate,	

- (b) provide advice and assistance relating to the entry requirements for overseas professions to –
 - (i) individuals with UK qualifications or UK experience seeking to practise an overseas profession in a country or territory outside the United Kingdom, and 5
 - (ii) such other persons as the Secretary of State considers appropriate, and
- (c) publish advice and information relating to –
 - (i) the entry requirements for regulated professions, and
 - (ii) the entry requirements for overseas professions. 10
- (2) A regulator of a regulated profession must provide to the assistance centre any information that –
 - (a) is held by the regulator of the regulated profession, and
 - (b) is requested by the assistance centre for the purposes of enabling it to discharge its functions under the arrangements. 15
- (3) The assistance centre must provide to the Secretary of State any information relating to the discharge of its functions under the arrangements that –
 - (a) is held by the assistance centre, and
 - (b) is requested by the Secretary of State.
- (4) A disclosure of information required under this section does not breach – 20
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (5) Nothing in this section requires the making of a disclosure which contravenes the data protection legislation (save that the duties imposed by this section are to be taken into account in determining whether any disclosure contravenes that legislation). 25
- (6) In this section –
 - “the entry requirements” means – 30
 - (a) in relation to a regulated profession, the requirements as to qualifications, experience or otherwise that must be met by an individual to become entitled to practise the profession in the United Kingdom or a part of it;
 - (b) in relation to an overseas profession, the requirements as to qualifications, experience or otherwise that must be met by an individual to become entitled to practise the profession in the country or territory concerned; 35
 - “overseas profession” means a profession practised in a country or territory outside the United Kingdom. 40

8 Duty of regulator to publish information on requirements to practise

- (1) A regulator of a regulated profession must –
 - (a) publish the information mentioned in subsection (2) on a website that –
 - (i) is maintained by the regulator,
 - (ii) is publicly accessible, and
 - (iii) is easy to use, and 45

- (b) keep that information up to date.
- (2) The information is –
- (a) information as to the qualifications or experience an individual must obtain to become entitled to practise the profession (disregarding any exception to the need to obtain those qualifications or that experience); 5
 - (b) information as to any application process by which an individual who has not obtained the qualifications or experience mentioned in paragraph (a) may seek to become entitled to practise the profession in reliance on overseas qualifications or overseas experience;
 - (c) information as to any application process to which section 26 of the United Kingdom Internal Market Act 2020 applies by which an individual who has not obtained the qualifications or experience mentioned in paragraph (a) may seek to become entitled to practise the profession in reliance on UK qualifications or UK experience; 10
 - (d) in a case where there is an application process of a sort mentioned in paragraph (b) or (c), information as to – 15
 - (i) the number of individuals who have sought to become entitled to practise the profession by means of the process;
 - (ii) the number of individuals who have become entitled to practise the profession by means of the process; and 20
 - (iii) the qualifications or experience held by individuals who have become entitled to practise the profession by means of the process;
 - (e) information as to any requirement for an individual to be registered, licensed or similarly authorised in order to become entitled to practise the profession; 25
 - (f) information as to any other requirement that must be met by an individual to become entitled to practise the profession;
 - (g) information as to any requirement as to training, learning or otherwise that must be met by an individual to continue to be entitled to practise the profession; 30
 - (h) information as to how any requirement mentioned in paragraph (g) may be met (such as information as to the institutions from which any training or learning may be obtained);
 - (i) information as to any fees payable to the regulator by individuals seeking to become or to continue to be entitled to practise the profession (such as fees payable on making an application to be registered to practise the profession); and 35
 - (j) such other information relating to the regulation of the profession as may be specified by the appropriate national authority. 40
- (3) Where –
- (a) there is no application process of a sort mentioned in subsection (2)(b),
 - (b) there is no application process of a sort mentioned in subsection (2)(c),
 - (c) there is no requirement of a sort mentioned in subsection (2)(e),
 - (d) there is no requirement of a sort mentioned in subsection (2)(f), 45
 - (e) there is no requirement of a sort mentioned in subsection (2)(g), or
 - (f) there are no fees of a sort mentioned in subsection (2)(i),
- the regulator mentioned in subsection (1) must publish a statement that this is the case on the website mentioned in that subsection.

- (4) Where the regulator mentioned in subsection (1) is not the only regulator of the regulated profession –
- (a) that regulator must publish on the website mentioned in subsection (1) a statement that identifies the other regulator,
 - (b) the reference in subsection (2)(i) to that regulator is to be read as including a reference to the other regulator, 5
 - (c) anything done by that regulator is to be taken for the purposes of this section to have also been done by the other regulator, and
 - (d) the website mentioned in subsection (1) is to be taken for the purposes of this section to also be maintained by the other regulator. 10
- (5) Where the regulatory functions of the regulator mentioned in subsection (1) are exercisable throughout the United Kingdom, the references in subsection (2) to becoming or continuing to be entitled to practise the regulated profession are to be read as references to becoming or continuing to be entitled to practise the regulated profession in the United Kingdom. 15
- (6) Where the regulatory functions of the regulator mentioned in subsection (1) are exercisable only in a part of the United Kingdom –
- (a) the references in subsection (2) to becoming or continuing to be entitled to practise the regulated profession are to be read as references to becoming or continuing to be entitled to practise the regulated profession in that part of the United Kingdom, and 20
 - (b) the reference in subsection (4) to a case where that regulator is not the only regulator of the regulated profession is to be read as a reference to a case where that regulator is not the only regulator of the regulated profession with regulatory functions exercisable in that part of the United Kingdom. 25
- (7) In this section “regulatory functions” means functions under legislation that relate to the regulation of the regulated profession mentioned in subsection (1).

9 Duty of regulator to provide information to regulator in another part of UK

- (1) This section applies where – 30
- (a) an individual is, or has been, entitled to practise a regulated profession in a part of the United Kingdom, and
 - (b) the individual is seeking to practise a corresponding regulated profession in another part of the United Kingdom.
- (2) A regulator of the regulated profession mentioned in subsection (1)(a) (“the first regulator”) must provide to a regulator of the corresponding regulated profession mentioned in subsection (1)(b) (“the second regulator”) any information – 35
- (a) that is held by the first regulator,
 - (b) that relates to the individual, 40
 - (c) that –
 - (i) is requested by the second regulator, or
 - (ii) is requested by the individual to be provided to the second regulator, and
 - (d) that is required by the second regulator for the purpose of determining any question relating to the entitlement of the individual to practise the corresponding regulated profession in the part of the United Kingdom mentioned in subsection (1)(b). 45

- (3) A disclosure of information under this section does not breach—
- (a) any obligation of confidence owed by the first regulator, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (4) Nothing in this section requires the making of a disclosure which contravenes the data protection legislation (save that the duty imposed by this section is to be taken into account in determining whether any disclosure contravenes that legislation). 5
- (5) In this section, “corresponding regulated profession” means a regulated profession that ordinarily consists of activity that is the same as, or substantially corresponds to, activity that ordinarily comprises the practice of the regulated profession mentioned in subsection (1)(a). 10

10 Duty of regulator to provide information to overseas regulator

- (1) This section applies where—
- (a) an individual is, or has been, entitled to practise a regulated profession in the United Kingdom or a part of the United Kingdom, and
 - (b) the individual is seeking to practise a corresponding profession in a country or territory outside the United Kingdom.
- (2) A regulator of the regulated profession must provide to an overseas regulator of the corresponding profession any information—
- (a) that is held by the regulator of the regulated profession,
 - (b) that relates to the individual,
 - (c) that—
 - (i) is requested by the overseas regulator, or
 - (ii) is requested by the individual to be provided to the overseas regulator, and
 - (d) is required by the overseas regulator for the purpose of determining any question relating to the entitlement of the individual to practise the corresponding profession in the country or territory mentioned in subsection (1)(b). 25 30
- (3) But the duty imposed by subsection (2) does not apply by reason of a request by the overseas regulator unless it is made with the permission of the individual.
- (4) The appropriate national authority may by regulations make such provision as the authority considers appropriate in connection with the duty imposed by subsection (2) (including provision limiting the duty). 35
- (5) The regulations may in particular provide that—
- (a) the duty applies only in relation to information of a specified description;
 - (b) the duty applies only if the request by the overseas regulator or the individual is made in a specified manner;
 - (c) the duty applies by reason of a request by the overseas regulator only if the request is accompanied by specified evidence that it is made with the permission of the individual;
 - (d) the duty applies only on the payment of a specified fee, or a fee determined in a specified manner, to the regulator of the regulated profession. 40 45

- (e) the duty is to be complied with within a specified period.
- (6) A disclosure of information under this section does not breach—
- (a) any obligation of confidence owed by the regulator of the regulated profession, or
 - (b) any other restriction on the disclosure of information (however imposed). 5
- (7) Nothing in this section requires the making of a disclosure which contravenes the data protection legislation (save that the duty imposed by this section is to be taken into account in determining whether any disclosure contravenes that legislation). 10
- (8) In this section—
- “corresponding profession” means a profession that ordinarily consists of activity that is the same as, or substantially corresponds to, activity that ordinarily comprises the practice of the regulated profession mentioned in subsection (1)(a); 15
 - “overseas regulator”, in relation to a corresponding profession, means any person having functions under the law of a country or territory outside the United Kingdom that relate to the regulation of the corresponding profession in that country or territory.

Architects 20

11 Amendments to the Architects Act 1997

- (1) The Architects Act 1997 is amended as follows.
- (2) In section 2 (the Registrar), after subsection (3) insert—
- “(3ZA) The Registrar may delegate any of those functions to a member of the staff of the Board who is nominated by the Board for the purpose of this subsection.” 25
- (3) In section 3 (the Register), after subsection (4) insert—
- “(4A) The Board may exclude the whole or any part of the regular business address of a registered person from the published version of the Register if—
- (a) the registered person has applied in the prescribed manner requesting the address or part of it to be excluded from the published version, and
 - (b) the Board is satisfied that the address is also a residential address of the registered person.” 30 35
- (4) In section 4 (registration: general)—
- (a) after subsection (1) insert—
- “(1A) But the Board may by rules provide that a person who satisfies subsection (1)(a) by reason of holding overseas qualifications or gaining overseas practical experience is entitled to be registered only if the person has undertaken such training, passed such test or met such other condition as is prescribed.”, 40
- (b) in subsection (3)—
 - (i) in the words before paragraph (a) omit “prescribing”,

- (ii) in paragraph (a) at the beginning insert “prescribing”,
- (iii) after paragraph (a) (but before “or”) insert –
 - “(aa) making rules under subsection (1A);”, and
- (iv) in paragraph (b) at the beginning insert “prescribing”, and
- (c) after subsection (7) insert – 5
 - “(8) In this section –
 - “overseas practical experience” means practical experience obtained mainly outside the United Kingdom;
 - “overseas qualification” means a qualification issued by a body that is based outside the United Kingdom. 10
 - (9) For the purposes of subsection (8) a body is based –
 - (a) where its registered office is,
 - (b) if it does not have a registered office, where its head office is, or
 - (c) if it does not have a registered office or a head office, where its principal place of operation is.” 15
- (5) In Schedule 1 (the Board and its Committees) in paragraph 18(2)(b) (functions which may not be discharged by a committee) after “section 4(1)” insert “, (1A)”.

Crown application 20

12 Crown application

This Act binds the Crown.

Regulations

13 General provision about regulations

- (1) Subject to subsections (2) to (4), any power to make regulations under this Act includes power – 25
 - (a) to modify legislation,
 - (b) to make different provision for different purposes, and
 - (c) to make supplementary, incidental, consequential, transitional, transitory or saving provision. 30
- (2) The power to make regulations under section 8 does not include power to modify legislation, other than earlier regulations made under that section.
- (3) A power to make regulations under section 10 or 20 does not include power to amend, repeal or revoke legislation, other than earlier regulations made under either of those sections. 35
- (4) Subsection (1)(b) and (c) does not apply in relation to a power to make regulations under section 20.

14 Protection of regulator autonomy

- (1) The appropriate national authority may make regulations under section 1, 3 or 4 only if satisfied that the conditions in subsections (2) and (3) are met. 40

- (2) The condition in this subsection is that the regulations do not remove the ability of any regulator of a regulated profession to prevent individuals who are unfit to practise the profession from doing so.
- (3) The condition in this subsection is that the regulations will not have a material adverse effect on any regulated profession in terms of the knowledge, skills or experience of the individuals practising it. 5
- (4) The reference in subsection (2) to individuals who are unfit to practise the profession is a reference to individuals who are unfit to practise the profession by reason of their character, a lack of knowledge, skills or experience or otherwise. 10
- (5) A reference in this section to practising a profession includes a reference to undertaking activities that comprise the practise of the profession or using a title associated with the practise of the profession.
- 15 Consultation with regulators**
- Before making regulations under section 1, 3 or 4, the appropriate national authority must consult a regulator of a regulated profession if the authority considers that – 15
- (a) the regulator is likely to be affected by the regulations, or
 - (b) it is otherwise appropriate to consult the regulator.
- 16 Authority by whom regulations may be made** 20
- (1) In this Act “appropriate national authority” means the Secretary of State or the Lord Chancellor, subject as follows.
- (2) The Welsh Ministers are also an appropriate national authority in relation to regulations under this Act which contain only provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown). 25
- (3) The Scottish Ministers are also an appropriate national authority in relation to regulations under this Act which contain only provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament. 30
- (4) A Northern Ireland department is also an appropriate national authority in relation to regulations under this Act which contain only provision which, if contained in an Act of the Northern Ireland Assembly – 35
- (a) would be within the legislative competence of the Assembly, and
 - (b) would not require the consent of the Secretary of State.
- (5) The consent of a Minister of the Crown is required before any provision is made by the Welsh Ministers in regulations under this Act so far as that provision, if contained in an Act of Senedd Cymru, would require the consent of a Minister of the Crown. 40
- (6) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

17 Parliamentary procedure

- (1) Regulations under this Act are subject to the affirmative resolution procedure where they contain provision amending, repealing or revoking primary legislation or retained direct principal EU legislation.
- (2) Otherwise, regulations under this Act are subject to the negative resolution procedure. 5
- (3) Any power conferred on the Secretary of State, the Lord Chancellor or the Welsh Ministers to make regulations under this Act is exercisable by statutory instrument.
- (4) For regulations made under this Act by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments). 10
- (5) Any power conferred on a Northern Ireland department to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument). 15
- (6) Where regulations under this Act are subject to the affirmative resolution procedure, the regulations –
 - (a) if made by the Secretary of State or the Lord Chancellor, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament. 20
 - (b) if made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru; 25
 - (c) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
 - (d) if made by a Northern Ireland department, may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly. 30
- (7) Where regulations under this Act are subject to the negative resolution procedure –
 - (a) if made by the Secretary of State or the Lord Chancellor, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament; 35
 - (b) if made by the Welsh Ministers, the statutory instrument containing them is subject to annulment in pursuance of a resolution of Senedd Cymru;
 - (c) if made by the Scottish Ministers, the regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)); 40
 - (d) if made by a Northern Ireland department, the regulations are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act. 45

- (8) Any provision that may be made in regulations under this Act subject to the negative resolution procedure may be made in regulations subject to the affirmative resolution procedure.
- (9) This section does not apply to regulations under section 20.

Final provisions

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18 Interpretation

- (1) In this Act –

- “appropriate national authority” has the meaning given by section 16;
- “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act); 10
- “legislation” means primary legislation, subordinate legislation and retained direct EU legislation;
- “modify” includes amend, repeal or revoke;
- “overseas experience” means experience obtained mainly outside the United Kingdom; 15
- “overseas qualification” means a qualification issued by a body that is based outside the United Kingdom;
- “part of the United Kingdom” means England, Wales, Scotland or Northern Ireland;
- “primary legislation” means – 20
- (a) an Act of Parliament,
 - (b) an Order in Council made in exercise of Her Majesty’s Prerogative,
 - (c) an Act or Measure of Senedd Cymru,
 - (d) an Act of the Scottish Parliament, or 25
 - (e) Northern Ireland legislation;
- “profession” includes –
- (a) an occupation or trade, and
 - (b) any subdivision of, or distinct specialism within, a profession;
- “qualification” means any record, issued by a body whose ordinary activities include the issuing of such records, of having attained a particular standard following a course of study or training; 30
- “regulated profession” means a profession that is regulated by law in the United Kingdom or a part of it (see subsection (3));
- “regulator”, in relation to a regulated profession, means a person having functions under legislation that relate to the regulation of the profession in the United Kingdom or, as the case may be, in a part of it in which the profession is regulated by law (see subsection (3)); 35
- “specified” means specified in regulations;
- “subordinate legislation” means an instrument made under primary legislation or under retained direct EU legislation; 40
- “UK experience” means experience obtained mainly in the United Kingdom;
- “UK qualification” means a qualification issued by a body that is based in the United Kingdom. 45

- (2) In this Act, a reference to entitlement to practise a profession includes a reference to entitlement to –
- (a) undertake activities that comprise the practice of the profession,
 - (b) use a particular title associated with the practice of the profession, or
 - (c) be registered, licensed or similarly authorised, where that is required to undertake such activities or use such a title. 5
- (3) For the purposes of this Act, a profession is regulated by law in the United Kingdom, or in a part of it, if by reason of legislation –
- (a) individuals are entitled to practise the profession in the United Kingdom, or in that part of it, only if they have certain qualifications or experience, or 10
 - (b) individuals are entitled to practise the profession in the United Kingdom, or in that part of it, only if –
 - (i) they have certain qualifications or experience, or
 - (ii) they meet an alternative condition or requirement. 15
- (4) For the purposes of this Act, a body is based –
- (a) where its registered office is,
 - (b) if it does not have a registered office, where its head office is, or
 - (c) if it does not have a registered office or a head office, where its principal place of operation is. 20

19 Extent

This Act extends to England and Wales, Scotland and Northern Ireland.

20 Commencement

- (1) The following provisions come into force on the day on which this Act is passed – 25
- (a) sections 1 to 4;
 - (b) section 5(2);
 - (c) section 6;
 - (d) section 8 so far as it confers power to make regulations;
 - (e) section 10 so far as it confers power to make regulations; 30
 - (f) sections 12 to 19;
 - (g) this section;
 - (h) section 21.
- (2) Subsections (1), (2) and (3) of section 11 come into force at the end of the period of 3 months beginning with the day on which this Act is passed. 35
- (3) Section 8, so far as not already in force by virtue of subsection (1), comes into force at the end of the period of 6 months beginning with the day on which this Act is passed.
- (4) The following provisions come into force on such day as the Secretary of State may by regulations appoint – 40
- (a) section 5(1);
 - (b) section 7;
 - (c) section 9;
 - (d) section 10 so far as not already in force by virtue of subsection (1);

- (e) subsections (4) and (5) of section 11.
- (5) Different days may be appointed for different purposes.
- (6) The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of a provision mentioned in subsection (4). 5
- (7) The power to make regulations under subsection (6) includes power to make different provision for different purposes.
- (8) Regulations under this section are to be made by statutory instrument.

21 Short title

- (1) This Act may be cited as the Professional Qualifications Act 2021. 10
- (2) Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.

Professional Qualifications Bill [HL]

A

B I L L

To make provision relating to entitlement to practise certain professions, occupations and trades; and for connected purposes.

Brought from the Lords, 18th November 2021

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Commons 18th November 2021*

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