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Report Stage: Friday 25 February 2022

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# Professional Qualifications Bill [Lords], As Amended

## (Amendment Paper)

This document lists all amendments tabled to the Professional Qualifications Bill [Lords]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: 5 and NC3 and NC4

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Secretary Kwasi Kwarteng

NC1

To move the following Clause—

**“Consultation with devolved authorities**

- (1) Before making regulations under this Act, the Secretary of State or the Lord Chancellor must consult—
  - (a) the Welsh Ministers, to the extent that the regulations contain provision which could also be made by the Welsh Ministers by virtue of section 16(2) (ignoring any requirement for the consent of a Minister of the Crown under section 16(5));
  - (b) the Scottish Ministers, to the extent that the regulations contain provision which could also be made by the Scottish Ministers by virtue of section 16(3);
  - (c) a Northern Ireland department, to the extent that the regulations contain provision which could also be made by a Northern Ireland department by virtue of section 16(4).
- (2) The Northern Ireland department which is to be consulted in accordance with subsection (1)(c) is such Northern Ireland department as the Secretary of State or (as the case may be) the Lord Chancellor considers appropriate having regard to the provision which is to be contained in the regulations concerned.
- (3) Before making regulations under this Act in relation to which the Secretary of State or the Lord Chancellor has consulted a devolved authority (or more than one devolved authority) in accordance with subsection (1), the Secretary of State or (as the case may be) the Lord Chancellor must publish a report on the consultation.

- (4) But the Secretary of State or (as the case may be) the Lord Chancellor may not publish the report unless either—
- (a) the devolved authority concerned (or, if more than one, each of them) has agreed to the description included in the report for the purposes of subsection (5)(a), or
  - (b) there is no such agreement but the period of 30 days, beginning with the day on which a draft of the report was first sent to the devolved authority concerned (or, if more than one, the last of them), has expired.
- (5) The report on the consultation must include—
- (a) a description of—
    - (i) the process undertaken in order to comply with subsection (1), and
    - (ii) any agreement, objection or other views expressed as part of that process by the devolved authority (or devolved authorities) concerned, and
  - (b) an explanation of whether and how such views have been taken into account in the regulations (including, in a case where the Secretary of State or (as the case may be) the Lord Chancellor proposes to make the regulations despite an objection, an explanation of the reasons for doing so).
- (6) The duty to consult in subsection (1) does not apply in relation to any revision of the regulations which arises from the consultation; and, for the purposes of subsection (4)(b), the draft report need not be identical to the published report for the period of 30 days to begin.
- (7) In this section “devolved authority” means the Scottish Ministers, the Welsh Ministers or a Northern Ireland department.”

#### **Member’s explanatory statement**

This new clause requires the Secretary of State or Lord Chancellor to consult the devolved authorities before making regulations under the Bill that contain provision which could be made under the Bill by the devolved authorities themselves and to publish a report on the consultation.

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Wendy Chamberlain

NC2

☆ To move the following Clause—

#### **“Authority by whom regulations may be made (No. 2)**

- (1) In this Act “appropriate national authority” means as follows.
- (2) Where the regulations—
- (a) contain provision relating to England only,
  - (b) apply to the United Kingdom as a whole, or
  - (c) contain provision which is not within the legislative competence of Senedd Cymru, the Scottish Parliament or the Northern Ireland Assembly,
- the Secretary of State or the Lord Chancellor is the appropriate national authority.

- (3) The Welsh Ministers are the 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).
- (4) The Scottish Ministers are the 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.
- (5) A Northern Ireland department is the 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—
  - (a) would be within the legislative competence of the Assembly, and
  - (b) would not require the consent of the Secretary of State.
- (6) 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.
- (7) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”

#### **Member’s explanatory statement**

This new clause is intended to replace the current Clause 16. It would mean that the Secretary of State would only make regulations under this Act if they relate to England or the whole of the UK, or are outside the legislative competencies of the Devolved Administrations.

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Bill Esterson

NC3

★ To move the following Clause—

#### **“List of regulators and regulated professions**

- (1) The Secretary of State must publish a list of all regulators of regulated professions and the associated professions.
- (2) The list must be updated on a regular basis.”

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Bill Esterson

NC4

★ To move the following Clause—

#### **“Guidance and assistance concerning mutual recognition**

Upon the request of a regulator, the Secretary of State must provide guidance and all reasonable assistance on how to make the most of the provisions in the EU-UK Trade and Co-operation Agreement.”

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Wendy Chamberlain

2

☆ Clause 7, page 5, line 16, at end insert—

“(1A) Before making the arrangements, the Secretary of State must consult the devolved authorities on the functions and operations of the assistance centre.”

**Member’s explanatory statement**

This amendment would require the Secretary of State to undertake consultation with the Devolved Authorities on the functions and operations of the Assistance Centre before it comes into being.

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Wendy Chamberlain

3

☆ Clause 7, page 5, line 16, at end insert—

“(1A) Before making the arrangements, the Secretary of State must ensure there are representatives from each of the devolved nations on the board of the assistance centre.”

**Member’s explanatory statement**

This amendment would require the Secretary of State to ensure there are representatives for each of the devolved nations on the board of the Assistance Centre.

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Bill Esterson

5

★ Clause 14, page 11, line 21, at end insert—

“(6) Before making regulations as the appropriate national authority under this Act which extend to the whole of England and Wales, Scotland and Northern Ireland, the Secretary of State must consult and seek the consent of the relevant Scottish Ministers, Welsh Ministers and a Northern Ireland department.”

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Wendy Chamberlain

4

☆ Page 11, line 28, leave out Clause 16

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Secretary Kwasi Kwarteng

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Clause 16, page 12, line 7, at end insert—

- “(7) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) in paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown)—
- (a) omit the “or” at the end of paragraph (vi), and
  - (b) after paragraph (vii) insert “; or
  - (viii) the Professional Qualifications Act 2022”.

**Member’s explanatory statement**

This amendment means that the Secretary of State’s consent is not needed for Senedd Cymru to be able to remove the powers that the Secretary of State and the Lord Chancellor have under the Bill to make regulations that are within the legislative competence of the Senedd.

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## Order of the House

**[15 December 2021]**

That the following provisions shall apply to the Professional Qualifications Bill [Lords]:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 20 January 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Proceedings on Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.
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