



# Professional Qualifications Act 2022

## 2022 CHAPTER 20

### *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.
- (2) An individual meets the condition in this subsection if—
  - (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.
- (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—
    - (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 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)).
- (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—
    - (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).
- (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).
- (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;
  - (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;
  - (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.
- (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.

## **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, 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
  - (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.
- (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;
  - (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.
- (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.
- (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.

### **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.
- (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
  - (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
    - (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)—
  - (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.

(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;

“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**

- (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).

## **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.