
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (except Part 2) are made in exercise of the powers conferred by—

- section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”), in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union (and in particular, the deficiencies under paragraphs (c), (d), (e) and (g) of section 8(2), and paragraph (a) of section 8(3) of that Act);

- sections 12 and 41 of, and paragraph 12 of Schedule 4 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1).

Part 2 amends the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) (“the 2015 Regulations”) in exercise of powers conferred by the European Communities Act 1972 (c. 68).

Part 3 amends EU Exit S.I.s. In particular, the amendments make transitional provision relating to the following agreements made between the United Kingdom and the European Union, and the United Kingdom and the EFTA States (Iceland, Liechtenstein, Norway and Switzerland)—

- the Withdrawal Agreement signed at Brussels and London on 24th January 2020 between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU;

- the EEA EFTA separation agreement signed at London on 2 April 2019 on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom’s membership of the European Union; and

- the Swiss citizens’ rights agreement signed at Bern on 25 February 2019 between the United Kingdom and the Swiss Confederation on citizens’ rights following the withdrawal of the United Kingdom from the European Union, and the free movement of persons agreement,

so far as those agreements relate to the mutual recognition of professional qualifications and the temporary and occasional provision of professional services.

Regulation 3 amends the Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1329) to change references to “exit day” to “IP completion day”.

Regulation 4 and Schedule 1 amend the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/312) (“the 2019 Regulations”) to –

- make minor corrections to amendments to the 2015 Regulations coming into force on IP completion day, and to change references to “exit day” to “IP completion day”;

- replace the existing transitional provisions, in particular to make further provision for administrative cooperation in accordance with the Withdrawal Agreement, EEA EFTA separation agreement and Swiss citizens’ rights agreement, and for extended rights to provide professional services and for recognition of a professional qualification in accordance with the Swiss citizens’ rights agreement; and

- amend provisions amending the Education (School Teachers’ Qualifications) (England) Regulations 2003 (S.I. 2003/1662).

Changes to legislation: *There are currently no known outstanding effects for the The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020. (See end of Document for details)*

Regulation 5 and Schedule 2 amend the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/454) to make transitional provision relating to the recognition of veterinary qualifications held by Swiss citizens' rights agreement entitled persons.

Regulation 6 amends the Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/457) to make transitional provision relating to the recognition of farriery qualifications held by Swiss citizens' rights agreement entitled persons.

Regulations 7 and 8 and Schedule 3 make amendments to the modifications made to the Architects Act 1997 (c. 22) by the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), and the amendments to those Regulations by the Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/810), to replace the references to "exit day" with "IP completion day".

In Part 4, regulation 10 provides that certain provisions on free movement of workers, so far as they relate to the recognition of professional qualifications, which continue as directly effective rights in domestic law by virtue of section 4 of the 2018 Act, cease. These provisions derive from the Treaty on the Functioning of the EU and the Agreement on the European Economic Area.

Regulation 11 provides that any directly effective rights in domestic law which continue by virtue of section 4 of the 2018 Act, and which are derived from certain provisions on recognition of professional qualifications in the Agreement between the European Community and its Member States and the Swiss Confederation on the free movement of persons, cease.

Regulation 12 provides that the prohibitions on discrimination on the grounds of nationality in the agreements listed in regulations 10 and 11 cease to be recognised so far as those prohibitions relate to the cessation of the provisions on free movement of workers and recognition of professional qualifications provided for in regulations 10 and 11.

Part 5 revokes retained direct EU legislation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020.