
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020.

(2) This Part and Part 2 of these Regulations come into force on the day after the day on which these Regulations are made.

(3) Part 3 of these Regulations and the Schedules come into force immediately before IP completion day.

(4) Parts 4 and 5 of these Regulations come into force on IP completion day.

PART 2

Amendment to the European Union (Recognition of Professional Qualifications) Regulations 2015

Amendment to the European Union (Recognition of Professional Qualifications) Regulations 2015

2. In regulation 8(3)(e) of the European Union (Recognition of Professional Qualifications) Regulations 2015(1), for “in that State” substitute “in one or more relevant European States”.

PART 3

Amendments relating to EU Exit

Amendments to the Provision of Services (Amendment etc.) (EU Exit) Regulations 2018

3.—(1) The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018(2) are amended as follows.

(1) [S.I. 2015/2059](#), amended by [S.I. 2019/312](#); there are other amending instruments, but none is relevant.

(2) [S.I. 2018/1329](#). Regulation 1(1) provides for the Regulations to come into force on exit day. As a result of the application of paragraph 1 of Schedule 5 to the 2020 Act, regulation 1(1) is to be read instead as providing for the Regulations to come into force on IP completion day.

- (2) In the following places, for “exit day” substitute “IP completion day” –
- (a) regulation 6, in paragraphs (2)(b) and (d) and (4)(c);
 - (b) regulation 10(2), in both places it occurs;
 - (c) regulation 14(1)(a).

Amendments to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019

4. Schedule 1 contains amendments to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019(3).

Amendments to the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019

5. Schedule 2 contains amendments to the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019(4).

Amendments to the Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019

6.—(1) The Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019(5) are amended as follows.

- (2) In regulation 3, in the heading and in regulation 3(1) and (2)(a)(ii), for “exit day” substitute “IP completion day”.
- (3) After regulation 4 insert—

“Applications under the Act: Swiss citizens’ rights agreement entitled persons

4A.—(1) In this regulation, “qualifying applicant” has the meaning given by paragraph 51 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 (qualifications begun before IP completion day – extended period for applications under the Swiss citizens’ rights agreement(6)).

(2) In relation to a qualifying applicant, the Act has effect as if the amendments made by regulation 2 did not apply, and as if, in section 7(1)(f), for “the European Union (Recognition of Professional Qualifications) Regulations 2015” there were substituted “the European Communities (Recognition of Professional Qualifications) Regulations 2007, by virtue of the operation of paragraph 51 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019(7),”.

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- (3) *S.I. 2019/312.* Regulation 1(3) provides for certain provisions to come into force on exit day. As a result of the application of paragraph 1 of Schedule 5 to the 2020 Act, regulation 1(3) is to be read instead as providing for the provisions concerned to come into force on IP completion day.
- (4) *S.I. 2019/454.* Regulation 1(1) provides for the Regulations to come into force on exit day. As a result of the application of paragraph 1 of Schedule 5 to the 2020 Act, regulation 1(1) is to be read instead as providing for the Regulations to come into force on IP completion day.
- (5) *S.I. 2019/457.* Regulation 1(1) provides for the Regulations to come into force on exit day. As a result of the application of paragraph 1 of Schedule 5 to the 2020 Act, regulation 1(1) is to be read instead as providing for the Regulations to come into force on IP completion day.
- (6) See section 39(1) of the 2020 Act for the definition of “Swiss citizens’ rights agreement”.
- (7) See paragraph 3 of Schedule 1 to these regulations, which inserts paragraph 51.

Amendments to the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019

7. Schedule 3 contains amendments to the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019(8).

Amendments to the Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019

8. The Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019(9) are amended as follows—

- (a) in regulation 3, in the heading and in both places it occurs, for “exit day”, substitute “IP completion day”;
- (b) omit regulation 4.

PART 4

Cessation of directly effective treaty rights

Interpretation of this Part

9. In this Part, “the Swiss Agreement” means the Agreement between the European Community and its Member States and the Swiss Confederation on the free movement of persons signed at Luxembourg on 21st June 1999(10).

Cessation of freedom of movement in relation to recognition of professional qualifications

10.—(1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

- (a) continue by virtue of section 4(1)(11) of the European Union (Withdrawal) Act 2018; and
- (b) are derived (directly or indirectly) from—
 - (i) Article 45 of the Treaty on the Functioning of the European Union;
 - (ii) Article 28 of the EEA Agreement,

so far as they relate to the recognition of professional qualifications, cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

(2) In paragraph (1), “professional qualifications” has the same meaning as in Article 3(1)(b) of [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications(12), as it had effect immediately before IP completion day.

Cessation of directly effective treaty rights in relation to recognition of professional qualifications under the Swiss Agreement

11. Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—
- (a) continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018; and

(8) [S.I. 2019/717](#). Regulation 1(2) provides for the Regulations to come into force on whichever is the later of exit day, and the day after the day on which the Regulations are made. As a result of the application of paragraph 1 of Schedule 5 to the 2020 Act, regulation 1(2) is to be read instead as providing for the Regulations to come into force on the later of IP completion day and the day after the day on which the Regulations are made.

(9) [S.I. 2019/810](#).

(10) This Agreement was specified as an EU Treaty by [S.I. 2000/3269](#).

(11) Section 4(1) is amended by section 25(3)(a) of the 2020 Act, from a date yet to be appointed.

(12) OJ No L255, 30.09.2005, p 22.

(b) are derived (directly or indirectly) from Article 9 of, and Annex 3 to, the Swiss Agreement, cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

Cessation of discrimination on the grounds of nationality

12. The prohibitions on discrimination on the grounds of nationality which—

(a) continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018; and

(b) are derived from—

(i) Article 18 of the Treaty on the Functioning of the European Union;

(ii) Article 4 of the EEA Agreement;

(iii) Article 2 of the Swiss Agreement,

so far as they relate to the cessation effected by regulations 10(1) and 11, cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

PART 5

Revocation of retained direct EU legislation

Revocation of retained direct EU legislation

13. The following instruments are revoked—

(a) Commission Delegated Regulation (EU) 2019/907 of 14 March 2019 establishing a Common Training Test for ski instructors under Article 49b of [Directive 2005/36/EC](#) of the European Parliament and of the Council on the recognition of the professional qualifications;

(b) Commission Delegated Decision (EU) 2019/608 of 16 January 2019 amending Annex V to [Directive 2005/36/EC](#) of the European Parliament and of the Council as regards the evidence of formal qualifications and titles of training courses;

(c) Commission Delegated Decision (EU) 2017/2113 of 11 September 2017 amending Annex V to [Directive 2005/36/EC](#) of the European Parliament and of the Council as regards evidence of formal qualifications and the titles of training courses.

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