



United Kingdom Internal Market Act 2020

2020 CHAPTER 27

PART 3

UK MARKET ACCESS: PROFESSIONAL QUALIFICATIONS AND REGULATION

28 Professional regulation not within section 24: equal treatment

- (1) This section applies in relation to provision that—
 - (a) is not of the sort described in section 24(1),
 - (b) makes the ability to practise a particular profession in a part of the United Kingdom (“the relevant part”) subject to a requirement or restriction, and
 - (c) applies differently to individuals according to—
 - (i) where any qualifications or experience of an individual were obtained, or
 - (ii) what qualifications or experience an individual has.
- (2) “Requirement or restriction” includes, for example, a requirement as to registration, monitoring, insurance or continuing professional development, or a restriction on the undertaking of particular activities in the course of practising the profession.
- (3) Subsection (4) applies to the extent that—
 - (a) the differential application is within subsection (1)(c)(i), and
 - (b) because of that differential application, the provision has the effect of imposing a more onerous requirement or restriction on an externally qualified UK practitioner than it would have the effect of imposing on a locally qualified practitioner.
- (4) The externally qualified UK practitioner is to be treated for the purposes of the provision (and any related provision) as if the practitioner's external UK qualifications or experience had been obtained in the relevant part.
- (5) Subsection (6) applies to the extent that—
 - (a) the differential application is within subsection (1)(c)(ii),

Changes to legislation: There are currently no known outstanding effects for the United Kingdom Internal Market Act 2020, Section 28. (See end of Document for details)

- (b) because of that differential application, the provision has the effect of imposing a more onerous requirement or restriction on an externally qualified UK practitioner than it would have the effect of imposing on a locally qualified practitioner, and
 - (c) the external UK qualifications or experience are of a sort that cannot be obtained in the relevant part.
- (6) The externally qualified UK practitioner is to be treated for the purposes of the provision (and any related provision) as if the practitioner's external UK qualifications or experience were the nearest equivalent qualifications or experience that can be obtained in the relevant part.
- (7) Subsection (6) does not apply if the more onerous requirement or restriction can reasonably be justified on the grounds of differences between the external UK qualifications or experience and the nearest equivalent qualifications or experience.
- (8) In this section—
- “locally qualified practitioner” means a UK resident all of whose qualifications and experience were obtained in the relevant part;
 - “externally qualified UK practitioner” means a UK resident any of whose qualifications or experience was obtained in a part of the United Kingdom other than the relevant part;
 - “external UK qualifications or experience” means the qualifications or experience by virtue of which a UK resident is an externally qualified UK practitioner.

Commencement Information

II S. 28 in force at 31.12.2020 by S.I. 2020/1621, reg. 2(c)

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