



# Professional Qualifications Act 2022

## 2022 CHAPTER 20

### *Final provisions*

#### **19 Interpretation**

(1) In this Act—

“appropriate national authority” has the meaning given by section 16;

“data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);

“legislation” means primary legislation, subordinate legislation and [F1assimilated direct] legislation;

“modify” includes amend, repeal or revoke;

“overseas experience” means experience obtained mainly outside the United Kingdom;

“overseas qualification” means a qualification issued by a body that is based outside the United Kingdom;

“part of the United Kingdom” means England, Wales, Scotland or Northern Ireland;

“primary legislation” means—

- (a) an Act of Parliament,
- (b) an Order in Council made in exercise of Her Majesty’s Prerogative,
- (c) an Act or Measure of Senedd Cymru,
- (d) an Act of the Scottish Parliament, or
- (e) Northern Ireland legislation;

“profession” includes—

- (a) an occupation or trade, and
- (b) any subdivision of, or distinct specialism within, a profession;

“qualification” means any record, issued by a body whose ordinary activities include the issuing of such records, of having attained a particular standard following a course of study or training;

“regulated profession” means a profession that is regulated by law in the United Kingdom or a part of it (see subsection (3));

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**Changes to legislation:** There are currently no known outstanding effects for the Professional Qualifications Act 2022, Section 19. (See end of Document for details)

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“regulator”, in relation to a regulated profession, means a person having functions under legislation that relate to the regulation of the profession in the United Kingdom or, as the case may be, in a part of it in which the profession is regulated by law (see subsection (3));

“specified” means specified in regulations;

“subordinate legislation” means an instrument made under primary legislation or under [<sup>F1</sup>assimilated direct] legislation;

“UK experience” means experience obtained mainly in the United Kingdom;

“UK qualification” means a qualification issued by a body that is based in the United Kingdom.

- (2) In this Act, a reference to entitlement to practise a profession includes a reference to entitlement to—
- (a) undertake activities that comprise the practice of the profession,
  - (b) use a particular title associated with the practice of the profession, or
  - (c) be registered, licensed or similarly authorised, where that is required to undertake such activities or use such a title.
- (3) For the purposes of this Act, a profession is regulated by law in the United Kingdom, or in a part of it, if by reason of legislation—
- (a) individuals are entitled to practise the profession in the United Kingdom, or in that part of it, only if they have certain qualifications or experience, or
  - (b) individuals are entitled to practise the profession in the United Kingdom, or in that part of it, only if—
    - (i) they have certain qualifications or experience, or
    - (ii) they meet an alternative condition or requirement.
- (4) For the purposes of this Act, a body is based—
- (a) where its registered office is,
  - (b) if it does not have a registered office, where its head office is, or
  - (c) if it does not have a registered office or a head office, where its principal place of operation is.

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#### Textual Amendments

**F1** Words in s. 19(1) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 103\(3\)](#)

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#### Commencement Information

**I1** S. 19 in force at Royal Assent, see [s. 21\(1\)\(f\)](#)

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