
STATUTORY INSTRUMENTS

1991 No. 824

The European Communities (Recognition of Professional Qualifications) Regulations 1991

Decisions of designated authorities and appeals

13.—(1) A designated authority for a regulated profession shall consider the migrant's application as soon as is reasonably practicable, and shall notify him of its decision together with the reasons upon which it is based within four months of receipt of all the relevant documents.

(2) Where a designated authority imposes a requirement pursuant to paragraph (1) of regulation 6, the decision referred to above shall include—

- (a) in the case of a period of professional experience, a determination of the length of that period;
- (b) in the case of an adaptation period, a determination of the length of the period and the training, if any, required;
- (c) in the case of an aptitude test, a determination of the matters to be covered by the test.

(3) For the purposes of this regulation, if a designated authority fails to take a decision and notify it to the migrant within the period mentioned in paragraph (1) of this regulation, it shall be deemed to have taken a decision to reject his application and to have notified it to him on the last day of that period.

(4) Within three months of the notification to him of the designated authority's decision, or thereafter with leave of the appeal body, the migrant may appeal against the decision to the appeal body specified in Schedule 4.

(5) An appeal body for a regulated profession may, for the purpose of determining any appeal under these Regulations against the decision of a designated authority—

- (a) give any authorisation to practise and impose any condition which the designated authority could give or impose in relation to that profession; or
- (b) remit the matter to the designated authority with such directions as the appeal body sees fit.

(6) Without prejudice to any powers of the Court of Session in Scotland to regulate the proceedings of itself and those of the sheriff courts, an appeal body in England and Wales or Northern Ireland may make rules of procedure governing the hearing and determination of any appeal under these Regulations against the decision of a designated authority. Such rules may make different provision for different cases.