
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in the United Kingdom to Council Directive 92/51 EEC (O.J. No. L209, 24.7.92., p. 25) on a second general system for the regulation of professional education and training to supplement Directive 89/48/EEC and Commission Directives 94/38/EC of 26 July 1994 (O.J. No. L217, 23.8.94, p. 8) and 95/43/EC of 20 July 1995 (O.J. No. L184, 3.8.95, p. 21) which amend it and to the Decision of the EEA Joint Committee No. 7/94 of 21 March 1994 (O.J. No. L160, 28.6.94, p. 1) amending Annex VII to the EEA Agreement in relation to the Directive.

The Regulations apply to all professions that are regulated by law or public authority or by membership of a chartered body other than those professions or professional activities which are the subject of one of the measures listed in Schedule 1.

Where they apply, the Regulations provide a scheme for the recognition of the qualifications of migrants from member States of the European Community or from Iceland, Norway or Liechtenstein seeking to take up or pursue a profession which is regulated in the United Kingdom. In respect of professions already the subject of the European Communities (Recognition of Professional Qualifications) Regulations 1991 (S.I. 1991/824) these Regulations supplement the scheme for recognition contained in those Regulations.

Part I of the Regulations contains provisions relating to citation, commencement, application and interpretation.

Part II of the Regulations provides for the identification of the competent authorities exercising functions in relation to the taking up or pursuit of professions and for the designation of bodies (“designated authorities”) in relation to each of the regulated professions. The designated authorities have the function of processing applications from migrants having qualifications obtained wholly or mainly in another member State of the European Community or Iceland, Norway or Liechtenstein (the “relevant States”) and wishing to practice the relevant profession in the United Kingdom.

Part III of the Regulations sets out the rights of migrants to practise in the United Kingdom. It imposes duties, subject to certain conditions and exceptions, upon designated authorities not to refuse, on grounds of inadequate qualifications, applications by migrants to practise the relevant profession in the United Kingdom if they hold the qualification required by a relevant State to practice the profession in that State.

Part IV of the Regulations permits the designated authorities, in certain cases, to require a migrant to complete an adaptation period or to take an aptitude test or to provide evidence of professional experience and lays down conditions affecting such requirements.

Part V of the Regulations makes provision for the acceptance of evidence issued by a competent authority in a relevant State, for the right of a migrant to use the professional title or designatory letters applicable to the profession in the United Kingdom, or the lawful academic title acquired by the migrant in a relevant State, for appeals against the decisions of designated authorities and for the provision of information by designated authorities and competent authorities in the United Kingdom.