
STATUTORY INSTRUMENTS

1996 No. 2374

The European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996

PART II

ADMINISTRATION

Competent authority

8.—(1) For the purposes of these Regulations, the expression “competent authority” means

(a) in relation to

(i) any document (including any evidence of education and training or any set of such evidence), statement, attestation or notification,

(ii) subject to sub-paragraph (b), below, any function of deciding, recognising, monitoring or approving,

the authority, body or person in the relevant State in question authorised to issue, make, award or give such document, statement, attestation or notification or invested with such function under the laws regulations or administrative provisions of that State;

(b) in relation to any profession which is regulated in a relevant State, the person, body or authority in that relevant State invested by any enactment, rule of law, charter, by-law or other rule (however described) governing the conduct of the profession or activity, with the function—

(i) of authorising the practice of the profession in that State or,

(ii) if no person, body or authority has that function in the case in question, of conferring membership of the professional association for the professional field concerned or the right to the use of certain professional titles or designatory letters or other benefits of such membership.

(2) For the purposes of paragraph (1) above, if in a relevant State a profession is regulated by different persons, bodies or authorities for different parts of the relevant State, the competent authority for that relevant State shall be the person, body or authority which has the function in question for the part of the relevant State in respect of which the identity of the competent authority falls to be determined.

Designated Authorities

9.—(1) For the purposes of these Regulations, the following shall be regarded as the designated authorities for their profession—

(a) in respect of any profession for the time being listed in Schedule 1 to the First General System Regulations, the person, body or authority there specified as the designated authority in relation to that profession;

- (b) in respect of any profession for the time being listed in Part I of Schedule 2 to these Regulations, the person, body or authority there specified as the designated authority in relation to that profession or activity;
- (c) in respect of any professional title or designatory letters listed for the time being in Part II of Schedule 2 to these regulations, the person, body or authority there specified as the designated authority in relation to that title or those letters.

(2) If at any time a profession is regulated within the United Kingdom, or a part of it, but is not listed in one of the ways mentioned in paragraph (1), the designated authority in respect of that profession or, as the case may be, professional activity shall be the competent authority, determined in accordance with Regulation 8(1)(b).

10.—(1) Without prejudice to its other powers and functions, a designated authority shall have the functions of considering applications and granting authorisations under these Regulations.

(2) If, for purposes other than those of these Regulations, a designated authority has as its function or one of its functions the conferring of a professional title or designatory letters then for the purposes of paragraph (1) above as it affects that body the function of authorising the practice of a profession or activity shall include the authorising of the use of that professional title or those designatory letters.

(3) Nothing in this Regulation shall be taken to require a designated authority to authorise the practice of any profession save in so far as it has that function in relation to the holders of the relevant UK qualification.