
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996 and two amending Regulations and consolidate those provisions which are now substantially re-enacted and incorporated. These Regulations also implement Article 2 of Directive [2001/19/EC](#) of the European Parliament and of the Council of 14th May 2001 – see Regulations 19(2) and (4), 20(2), 23(9), (10) and (11).

These Regulations therefore give effect in the United Kingdom to Council Directive 92/51 EEC(1) on a second general system for the regulation of professional education and training supplementing Directive [89/48/EEC](#), Commission Directives [94/38/EC](#) of 26 July 1994(2), [95/43/EC](#) of 20 July 1995(3), [2000/5/EC](#) of 25 February 2000(4) and Article 2 of Directive [2001/19/EC](#) of the European Parliament and of the Council(5). These Regulations also take note of the Decisions of the EEA Joint Committee No. 7/94 of 21 March 1994(6) and No. 55/01 of 18 May 2001(7) amending Annex VII to the EEA Agreement and agreement relating to Switzerland dated 21 June 1999 in relation to the Directive. The Regulations therefore also extend to the States of the European Economic Area (EEA) and Switzerland.

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, Liechtenstein or Switzerland 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 1 of the Regulations contains provisions relating to citation, commencement, application and interpretation. Part 2 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, Liechtenstein or Switzerland (the “relevant States”) and wishing to practice the relevant profession in the United Kingdom.

Part 3 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 4 of the Regulations permits the designated authorities, in certain cases,

(1) O.J. No. L209, 24.7.92., p. 25.

(2) O.J. No. L217, 23.8.94, p. 8.

(3) O.J. No. L184, 3.8.95, p. 21.

(4) O.J. No. L54, 26.2.2000 p.42.

(5) O.J. No. L206, 31.7.01, p.1.

(6) O.J. No. L160, 28.6.94, p. 1.

(7) O.J. No. L165, 21.6.2001,p.60.

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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 5 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.

A Transposition Note is available and can be obtained from the Department for Education and Skills, Qualifications for Work Division, Moorfoot, Sheffield S1 4PQ.