
STATUTORY INSTRUMENTS

2002 No. 2934

The European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002

PART 3

RIGHT TO PRACTISE IN THE UNITED KINGDOM

Right to practise – Diploma

11.—(1) This Regulation applies in any case in which the practice of a profession in the United Kingdom is subject to the possession of a Diploma one of the conditions for the issue of which is the completion of a post-secondary course of four years' duration or less.

(2) Subject to paragraph (3), the designated authority for a profession may not, on the grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as those which apply to holders of the required UK Diploma—

- (a) in the case in which the UK Diploma is a First General System Diploma, if any one of paragraphs 1(a) or (b) or 2 of Schedule 4 applies;
- (b) in the case in which the UK Diploma is a Second General System Diploma, if any one of paragraphs 1 to 3 of that Schedule applies.

(3) The requirement in paragraph (2) to authorise on the same conditions as those which apply to a holder of the required UK Diploma shall not restrict the right of the designated authority, in the circumstances and on the conditions laid down in Part 4 of these Regulations to require a migrant—

- (a) to provide evidence of professional experience; or
- (b) successfully to complete an adaptation period; or
- (c) to take and pass an aptitude test.

Right to practise – Certificate

12.—(1) This Regulation applies in any case in which the practice of a profession in the United Kingdom is subject to the possession of a Certificate.

(2) Subject to paragraph (3), the designated authority for a profession may not, on the grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as those which apply to holders of the required UK Certificate if any one of paragraphs 1, 4 or 5 of Schedule 4 applies.

(3) The requirement in paragraph (2) to authorise on the same conditions as those which apply to a holder of the required UK Certificate shall not restrict the right of the designated authority, in the circumstances and on the conditions laid down in Part 4 of these Regulations, to require a migrant—

- (a) successfully to complete an adaptation period; or
- (b) to take and pass an aptitude test.

Status: Point in time view as at 01/01/2003.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Right to practise – Attestation of Competence

13.—(1) This Regulation applies in any case in which the practice of a profession in the United Kingdom is subject to the possession of an Attestation of Competence.

(2) Subject to paragraph (3), the designated authority for a profession may not, on the grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as those which apply to holders of the required UK Attestation of Competence—

- (a) if the migrant holds at least the Attestation of Competence required in another relevant State for the practice of the same profession; or
- (b) if the applicant provides proof of other qualifications obtained in other relevant States.

(3) The designated authority shall be entitled to satisfy itself that the Attestation of Competence or, as the case may be, other qualifications presented by the migrant are the equivalent of the UK Attestation of Competence in terms of the guarantees (in particular in the matter of health, safety, environmental protection and consumer protection) required of those practising the profession in the United Kingdom by laws, regulations or administrative provisions.

(4) In any case in which the designated authority cannot reasonably satisfy itself in the terms of paragraph (3) as to the equivalence of the Attestation of Competence presented by the migrant, the migrant shall be required to comply with such domestic requirements for authorisation as have been laid down for the practice of the profession.

Right to practise – Other cases

14.—(1) This Regulation applies in any case in which the practice of a profession is subject only to the possession of evidence of education attesting to general education at primary or secondary school level.

(2) The designated authority for a profession may not, on the grounds of inadequate qualifications, refuse to authorise a migrant to practise the profession on the same conditions as those which apply to holders of evidence of the required UK attestation of general education if the migrant possesses formal qualifications of the corresponding level or higher satisfying the requirements of paragraph (3).

(3) The formal qualifications will satisfy the requirements of this paragraph if they have been awarded by the competent authority in another relevant State.

Status:

Point in time view as at 01/01/2003.

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