

**2013 No. 732**

**PROFESSIONAL QUALIFICATIONS**

**The European Communities (Recognition of Professional Qualifications) (Amendment) Regulations 2013**

<i>Made</i> - - - -	<i>26th March 2013</i>
<i>Laid before Parliament</i>	<i>27th March 2013</i>
<i>Coming into force</i> - -	<i>18th April 2013</i>

The Secretary of State for Business, Innovation and Skills is a Minister designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to measures relating to the access to, the training for, the pursuit of, and the award of qualifications in the professions of dentistry, medicine, midwifery, nursing and pharmacy and their specialities.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

**Citation and commencement**

1. These Regulations may be cited as the European Communities (Recognition of Professional Qualifications) (Amendment) Regulations 2013 and come into force on 18th April 2013

**Amendment**

2.—(1) The European Communities (Recognition of Professional Qualifications) Regulations 2007<sup>(c)</sup> are amended as follows.

(2) In regulation 26(b) for sub-paragraph (i) substitute “(i) regulation 3(9)(a) (except for nurses responsible for general care and midwives) and (b)”.

26th March 2013

*Stephen Green*  
Minister of State for Trade and Investment  
Department for Business, Innovation and Skills

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(a) S.I. 1995/3207.

(b) 1972 c.68, section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(c) S.I. 2007/2781 to which there are amendments not relevant to these Regulations.

## Explanatory Note

*(This note is not part of the Regulations)*

These Regulations amend the European Communities (Recognition of Professional Qualifications) Regulations 2007 (“the 2007 Regulations”). The 2007 Regulations implement in part Council Directive 2005/36/EC on the recognition of professional qualifications (OJ No. L255, 30.09.2005 p 22) as amended by Council Directive 2006/100/EC (OJ No. L 363 of 20.12.2006 p.141).

Regulation 3 alters the implementation of article 14(3) of the Directive in relation to the derogation from the choice of compensation measures for midwives and nurses responsible for general care who do not meet the professional requirements which would grant them acquired rights. The 2007 Regulations only permitted these nurses and midwives to undertake an adaptation period of training. Regulation 3 amends regulation 26 of the 2007 Regulations to remove these nurses and midwives from inclusion within the derogation and permit them a choice of compensation measures: an aptitude test or an adaptation period in order to meet the practising requirements.

An impact assessment of the effect that the amendment in regulation 3 of this instrument will have on the costs of business and the voluntary sector is available from the BIS website ([www.bis.gov.uk](http://www.bis.gov.uk)). It is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies have also been placed in the Libraries of both Houses of Parliament.

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