

2018 No. 166

PROFESSIONAL QUALIFICATIONS

The School Teachers (Recognition of Professional Qualifications) (Amendment) Regulations 2018

<i>Made</i> - - - -	<i>7th February 2018</i>
<i>Laid before Parliament</i>	<i>9th February 2018</i>
<i>Coming into force</i> - -	<i>1st April 2018</i>

The Secretary of State is designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.

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 School Teachers (Recognition of Professional Qualifications) (Amendment) Regulations 2018 and come into force on 1st April 2018.

Amendment to the European Union (Recognition of Professional Qualifications) Regulations 2015

2.—(1) The European Union (Recognition of Professional Qualifications) Regulations 2015(c) are amended as follows.

(2) In Schedule 1 (Regulated Professions), in the table in Part 1 (Professions Regulated by Law or Public Authority), in relation to the entry listed in the first column as “School Teacher in a publicly regulated school in England”, in the second column headed “Competent authority”, for “The National College for Teaching and Leadership (NCTL) on behalf of the Secretary of State” substitute “Secretary of State”.

(a) Article 2 of and Schedule 1 to S.I. 2002/248, to which there are amendments not relevant to these Regulations. Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under European Union law by virtue of section 53 of that Act, any function of a Secretary of State continues to be exercisable by the Secretary of State as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.

(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. 2015/2059, to which there are amendments not relevant to these Regulations.

7th February 2018

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part 1 of Schedule 1 to the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) (“the RPQ Regulations”) to specify the Secretary of State as competent authority for the profession of School Teacher in a publicly regulated school in England in place of the National College for Teaching and Leadership (“NCTL”) on behalf of the Secretary of State. The role of the competent authority includes the recognition of professional qualifications obtained in member states of the European Economic Area other than the United Kingdom.

NCTL will change its name to the Teaching Regulation Agency on 1st April 2018. In any event, NCTL is an executive agency of the Department for Education and as such has no separate legal personality; rather it is an emanation of the Secretary of State. The instrument therefore amends the relevant entry in Part 1 of Schedule 1 to the RPQ Regulations so that it reflects the true position in law.

The RPQ Regulations implement the EU Directive on the recognition of Professional Qualifications (Directive 2005/36/EC as amended by Directive 2013/55/EU) (“the MRPQ Directive”). The MRPQ Directive sets out rules for the recognition of professional qualifications enabling qualified persons from the states of the European Economic Area to gain access to the profession in which they are qualified and to practise the profession under the same conditions as professionals in the United Kingdom where those professions are regulated. A transposition note for the RPQ Regulations is available alongside those Regulations on the www.legislation.gov.uk website. A copy has also been placed in the Library of each House of Parliament.

An impact assessment has not been prepared for this instrument as only a minor impact on the public, private and voluntary sectors is foreseen.

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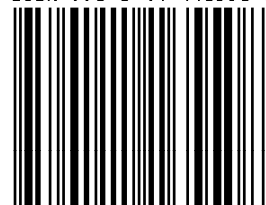
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.25

UK201802081002 02/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/166>

ISBN 978-0-11-116550-8



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