

## WELSH STATUTORY INSTRUMENTS

# 2023 No. 1294

## The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023

### Title and coming into force

1. The title of these Regulations is the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023 and they come into force on 1 December 2023.

### Commencement Information

II Reg. 1 in force at 1.12.2023, see [reg. 1](#)

### Interpretation

2. In these Regulations—

“the 2022 Act” (“*Deddf 2022*”) means the Professional Qualifications Act 2022;

“the 2023 UK Regulations” (“*Rheoliadau 2023 y DU*”) means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023(1);

“adaptation period” (“*cyfnod ymaddasu*”) means a period of supervised practice, subject to an assessment and which may be accompanied by further training, in a Welsh regulated profession under the responsibility of a qualified member of that profession;

“any other part of the United Kingdom” (“ *unrhyw ran arall o'r Deyrnas Unedig*”) means England, Northern Ireland or Scotland;

“applicant” (“*ceisydd*”) means a specified state professional who—

- wishes to access and pursue a Welsh regulated profession for which the possession of professional qualifications is required,
- possesses professional qualifications for the same profession in a specified state, and
- makes an application;

“application” (“*cais*”) means an application by an applicant to a Welsh regulator for recognition of their professional qualifications in Wales;

“aptitude test” (“*prawf gallu*”) means a test limited to the professional knowledge of a specified state professional, made by the Welsh regulator with the aim of assessing the ability of the professional to pursue a Welsh regulated profession;

“EEA EFTA free trade agreement” (“*cytundeb masnach rydd yr AEE EFTA*”) means the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023*. 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) View outstanding changes

and the United Kingdom of Great Britain and Northern Ireland done at London on 8th July 2021<sup>(2)</sup>;

“profession” (“*proffesiwn*”) has the meaning given in section 19 of the 2022 Act;

“professional activity” (“*gweithgaredd proffesiynol*”) means an activity which forms part of a Welsh regulated profession;

“professional experience” (“*profiad proffesiynol*”) means the lawful and effective practice of the relevant Welsh regulated profession;

“professional qualifications” (“*cymwysterau proffesiynol*”) includes qualifications or professional experience;

“qualification” (“*cymhwyster*”) has the meaning given in section 19 of the 2022 Act;

“specified” (“*penodedig*”) means specified in regulations;

“specified state” (“*gwladwriaeth benodedig*”) means a state specified in Schedule 2;

“specified state professional” (“*proffesiynolyn gwladwriaeth benodedig*”) means a natural person who has obtained professional qualifications in a specified state;

“Welsh regulated profession” (“*proffesiwn rheoleiddiedig Cymreig*”) means any of the professions listed in Schedule 1;

“Welsh regulator” (“*rheoleiddiwr Cymreig*”), in relation to a Welsh regulated profession, means a person having functions under legislation that relate to the regulation of the profession in Wales.

#### Commencement Information

**I2** Reg. 2 in force at 1.12.2023, see [reg. 1](#)

### Amendments to legislation for the purpose of, and in connection with, the EEA EFTA free trade agreement

**3.** Schedule 3 contains amendments to legislation for the purpose of, and in connection with, implementing Chapter 12 of the EEA EFTA free trade agreement (recognition of professional qualifications).

#### Commencement Information

**I3** Reg. 3 in force at 1.12.2023, see [reg. 1](#)

### Amendments to legislation consequent upon the coming into force of section 5(1) of the Professional Qualifications Act 2022

**4.** Schedule 4 contains amendments to legislation consequent upon the coming into force of section 5(1) of the Professional Qualifications Act 2022 (revocation of general EU system of recognition of overseas qualifications).

#### Commencement Information

**I4** Reg. 4 in force at 1.12.2023, see [reg. 1](#)

(2) Miscellaneous Series No.3 (2021); CP 496, done at London on 8th July 2021.

## Recognition of professional qualifications

5.—(1) Subject to regulation 6, where a Welsh regulator receives an application, the Welsh regulator must recognise the applicant’s professional qualifications in Wales where those professional qualifications are comparable to the professional qualifications required to access and pursue the same profession in Wales.

(2) A Welsh regulator that recognises an applicant’s professional qualifications under this regulation must—

- (a) enable that person to access and pursue the Welsh regulated profession;
- (b) for the purpose of access to and pursuit of the Welsh regulated profession, treat the applicant as if they had obtained their professional qualifications in Wales or any other part of the United Kingdom in which the profession is regulated.

### Commencement Information

**I5** Reg. 5 in force at 1.12.2023, see [reg. 1](#)

## Refusal to recognise professional qualifications

6.—(1) A Welsh regulator may refuse to recognise an applicant’s professional qualifications if one or more of Conditions 1, 2, 3 or 4 is met.

(2) Condition 1 is met where—

- (a) there exists a substantial difference between the applicant’s professional qualifications and the essential knowledge or skills required to practise the Welsh regulated profession, and
- (b) the applicant fails to pass, or refuses to take, an aptitude test or fails, or refuses, to complete, an adaptation period imposed in accordance with regulation 7 (aptitude tests and adaptation periods).

(3) Condition 2 is met where—

- (a) the Welsh regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant’s professional qualifications, and
- (b) the applicant fails to pass, or refuses to take, an aptitude test or fails, or refuses to complete, an adaptation period imposed in accordance with regulation 7 (aptitude tests and adaptation periods).

(4) Condition 3 is met where requiring the applicant to take an aptitude test or to complete an adaptation period in accordance with regulation 7 (aptitude tests and adaptation periods) would amount to requiring the applicant to acquire the professional qualifications required to practise the Welsh regulated profession.

(5) Condition 4 is met where access to and pursuit of a Welsh regulated profession by a person whose professional qualifications were obtained in Wales or any other part of the United Kingdom is subject to conditions other than the possession of specific professional qualifications and the applicant fails to meet those conditions.

### Commencement Information

**I6** Reg. 6 in force at 1.12.2023, see [reg. 1](#)

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## Aptitude tests and adaptation periods

7.—(1) A Welsh regulator may require an applicant to take an aptitude test, standardised or otherwise, or to complete an adaptation period where—

- (a) there exists a substantial difference between the applicant’s professional qualifications and the essential knowledge or skills required to practise the Welsh regulated profession, or
- (b) the Welsh regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant’s professional qualifications.

(2) A Welsh regulator must consider whether any requirement to take an aptitude test or to complete an adaptation period is proportionate to the difference sought to be addressed.

(3) If requested to do so by an applicant, a Welsh regulator must, to the extent possible, provide its reasons in writing for requiring the applicant to take an aptitude test or to complete an adaptation period.

(4) Where a Welsh regulator requires applicants to undertake an aptitude test, the Welsh regulator must schedule tests with reasonable frequency and at least once a year, where applicable.

### Commencement Information

I7 Reg. 7 in force at 1.12.2023, see [reg. 1](#)

## Procedure to be followed on application for recognition

8.—(1) A Welsh regulator must—

- (a) acknowledge receipt of the application within one month of receipt and inform the applicant if any document is missing from the application;
- (b) give the applicant adequate time to complete the requirements and procedures of the application process;
- (c) deal promptly with the application and notify the applicant of its decision in writing before the end of the period of four months beginning with the day after the day on which the complete application was submitted.

(2) A Welsh regulator may require an applicant to provide evidence of their professional qualifications.

(3) The evidence a Welsh regulator may require under paragraph (2) must be no more than is necessary to demonstrate that the applicant holds professional qualifications that are comparable to the professional qualifications required to access and pursue the Welsh regulated profession.

(4) Where access to, and pursuit of, a Welsh regulated profession by a person whose professional qualifications were obtained in Wales or any other part of the United Kingdom is subject to conditions other than the possession of specific professional qualifications, a Welsh regulator may require the applicant to provide evidence to demonstrate that they satisfy those conditions.

(5) The evidence a Welsh regulator may require under paragraph (4) must be no more than is necessary to demonstrate that the applicant satisfies those conditions.

(6) A Welsh regulator must accept copies of documents authenticated in accordance with the law of the United Kingdom in place of originals unless it requires original documents to protect the integrity of the recognition process.

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#### Commencement Information

**I8** Reg. 8 in force at 1.12.2023, see [reg. 1](#)

#### Knowledge of language

**9.**—(1) A Welsh regulator may require that an applicant demonstrates they possess the language skills necessary for practice of a Welsh regulated profession.

(2) If a Welsh regulator requires an applicant to undertake a language test, the test must be proportionate to the activity to be pursued.

#### Commencement Information

**I9** Reg. 9 in force at 1.12.2023, see [reg. 1](#)

#### Appeals

**10.** A Welsh regulator must provide a right of appeal for an applicant against its—

- (a) decision to refuse to recognise an applicant's professional qualifications, and
- (b) failure to notify the applicant of its decision in respect of an application within the time period referred to in regulation 8(1)(c).

#### Commencement Information

**I10** Reg. 10 in force at 1.12.2023, see [reg. 1](#)

#### Fees

**11.**—(1) A Welsh regulator may charge such fees as they consider appropriate in connection with an application.

(2) Any fees charged by a Welsh regulator in connection with an application must be—

- (a) reasonable and proportionate to the cost of the application,
- (b) transparent, and made public in advance, and
- (c) payable by electronic means through the Welsh regulator's website.

#### Commencement Information

**I11** Reg. 11 in force at 1.12.2023, see [reg. 1](#)

#### Provision of information

**12.** A Welsh regulator must make available to specified state professionals information about—

- (a) the professional qualifications required and any other conditions that apply to practise a Welsh regulated profession,
- (b) the relevant laws to be applied regarding disciplinary action, financial responsibility or liability and any other relevant matters,

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- (c) the principles of discipline and enforcement of professional standards, including disciplinary jurisdiction and consequential effects on practising a Welsh regulated profession,
- (d) the processes and procedures for the ongoing verification of competence,
- (e) the criteria for, and procedures relating to, revocation of registration,
- (f) the documentation required of professionals and the form in which it should be presented, and
- (g) the acceptance of documents and certificates issued in relation to professional qualifications and other conditions that apply to the practice of a Welsh regulated profession.

#### Commencement Information

**I12** Reg. 12 in force at 1.12.2023, see [reg. 1](#)

### Enquiries relating to professional qualifications and other conditions of practice

**13.** A Welsh regulator must deal promptly with enquiries from specified state professionals about—

- (a) the professional qualifications required to practise the Welsh regulated profession, and
- (b) the conditions that apply to the practice of the Welsh regulated profession.

#### Commencement Information

**I13** Reg. 13 in force at 1.12.2023, see [reg. 1](#)

### Amendments to the 2023 UK Regulations

**14.**—(1) The 2023 UK Regulations are amended as follows.

(2) In regulation 2 (extent and application)—

- (a) in paragraph (1), after “paragraph (2)”, insert “and (3)”;
- (b) after paragraph (2) insert—

“(3) Paragraphs 1, 2, 6 and 7 of Schedule 3 do not apply in relation to Wales.”

(3) In regulation 3(2) (interpretation), after “Schedule 2” insert—

“or a “Welsh regulator” as defined by the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023”.

#### Commencement Information

**I14** Reg. 14 in force at 1.12.2023, see [reg. 1](#)

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At 2.10 p.m. on 30 November 2023

*Jeremy Miles*  
Minister for Education and Welsh Language, one  
of the Welsh Ministers

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 00A1 inserted by [S.I. 2024/613 art. 14\(a\)](#)
- Sch. 1 para. 3A inserted by [S.I. 2024/613 art. 14\(b\)](#)