

UK MINISTERS ACTING IN DEVOLVED AREAS

163 - The Professional Qualifications and Services (Miscellaneous Provisions) (EU Exit) 2020

Laid in the UK Parliament: 6 July 2020

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 23
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 2(2) of the European Communities Act 1972, section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 ("the 2018 Act"), and sections 12, 14 and 41(1) of, and paragraph 12 of Schedule 4 to, the European Union (Withdrawal Agreement) Act 2020.

These Regulations implements into domestic law the Recognition of Professional Qualifications ("RPQ") provisions in the EU Withdrawal Agreement, the EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement, that are not covered by existing RPQ EU Exit legislation.

In addition, these Regulations also make changes to the domestic frameworks for RPQ and services, as follows: disapply certain retained

directly effective EU treaty rights relating to RPQ and revoke three pieces of direct EU legislation that would otherwise be retained in domestic law by virtue of sections 4 and 3 of the 2018 Act respectively; make corrections to RPQ EU Exit legislation; change some references to 'exit day' to account for the Transition Period in various RPQ and Services EU Exit legislation; and correct a transposition error in the European Union (Recognition of Professional Qualifications) Regulations 2015.

Legal Advisers agree with the statement laid by the Welsh Government dated 8 July 2020 regarding the effect of these Regulations.

However, it is noted that the statement refers to the instrument as the Professional Qualifications and Services (Miscellaneous Provisions) (EU Exit) 2020, rather than the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 (emphasis added).

The statement also refers to the National Assembly for Wales in two instances, rather than Senedd Cymru/Welsh Parliament.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.