

UK MINISTERS ACTING IN DEVOLVED AREAS

73 - The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018

Laid in the UK Parliament: XX December 2018

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	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	Not known
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 58
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	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 1972 Act, section 132(1) and (2) of the Education Act 2002(c) and section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.

These Regulations amend the European Union (Recognition of Professional Qualification) Regulations 2015 (the “2015 Regulations”), revokes the effect of the European Communities (Recognition of Professional Qualifications) Regulations 2007 (the “2007 Regulations”) in relation to Switzerland, and makes transitional and savings provisions, in reliance on the powers conferred by section 8(1) and paragraph 21 of schedule 7 to, the European Union (Withdrawal) Act 2018. This instrument will revoke a number of pieces of retained direct EU legislation. These changes are being made to address deficiencies arising as a consequence of the United Kingdom’s withdrawal from the European Union.

These Regulations will update schedules in the 2015 Regulations in reliance on powers in section 2(2) of the European Communities Act 1972. Also, these Regulations will make minor amendments to legislation concerning school teachers in England, in reliance on the powers in section 132 of the Education Act 2002.

These Regulations ensure that a system of recognition of professional qualifications continues and that individuals arriving in the UK with EEA or Swiss qualifications after exit day will have a means to seek recognition of their qualifications. Under the current provisions of the 2007 Regulations and the 2015 Regulations, it is the responsibility of the Member State where the professional is currently registered to decide the level of the qualification of the applicant, and the UK cannot dispute this level. The Explanatory notes state at paragraph 7.15 that, when the UK leaves the EU, it will no longer be “appropriate to allow the EU competent authorities to decide the level of the qualification for the purpose of recognition in the UK. Instead, the UK competent authority will no longer be required to accept the level of qualification certified by another Member State”.

Legal Advisers make the following comments in relation to the Welsh Government’s statement dated 20 December regarding the effect of these Regulations. The statement only notes that the European Union (Recognition and of Professional Qualifications) Regulations 2015 are being amended. This instrument also revokes the effects of the 2007 Regulations in respect of Switzerland. Further, it revokes a number of pieces of retained direct EU legislation, and makes amendments concerning school teachers in England.

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.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.