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STATUTORY INSTRUMENTS

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**2023 No. 1286**

The Recognition of Professional Qualifications  
and Implementation of International Recognition  
Agreements (Amendment) Regulations 2023

PART 2

Recognition of professional qualifications obtained in a specified state

**Application of Part 2**

- 6.—(1) Subject to paragraph (2), this Part applies to a regulator that receives an application.
- (2) This Part does not apply to medical regulators<sup>(1)</sup> except in relation to an application—
- (a) for registration in the General Practitioner Register kept under section 34C of the Medical Act 1983<sup>(2)</sup> or in the Specialist Register kept under section 34D of that Act; or
  - (b) to use a title prescribed under section 26(3) of the Dentists Act 1984<sup>(3)</sup>.

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**Commencement Information**

**I1** Reg. 6 in force at 1.12.2023, see [reg. 1](#)

**Recognition of professional qualifications**

- 7.—(1) Subject to regulation 8, where a regulator receives an application, the regulator must recognise the applicant's professional qualifications.
- (2) A regulator that recognises an applicant's professional qualifications under this regulation must—
- (a) enable that person to access and pursue the regulated profession;
  - (b) for the purpose of access to and pursuit of the regulated profession, treat the applicant as if they had obtained their professional qualifications in the United Kingdom or that part of the United Kingdom for which the profession is regulated.

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**Commencement Information**

**I2** Reg. 7 in force at 1.12.2023, see [reg. 1](#)

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(1) Amendments for the purposes of, and in connection with, the implementation of the EEA EFTA free trade agreement that are relevant to the medical regulators are contained in Schedule 3.

(2) 1983 c. 54. Sections 34C and 34D were inserted by [S.I. 2010/234](#). Section 34D has been amended by [S.I. 2019/593](#).

(3) 1984 c. 24.

## Refusal to recognise professional qualifications

- 8.—(1) A regulator may refuse to recognise an applicant’s professional qualifications if—
- (a) those professional qualifications are not comparable to the professional qualifications required to access and pursue the same profession in the United Kingdom or that part of the United Kingdom for which the profession is regulated;
  - (b) one or more of Conditions 1, 2, 3 or 4 is met; or
  - (c) the applicant fails to meet any requirement imposed in accordance with regulation 11 (knowledge of language).
- (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 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 or to undertake both imposed in accordance with regulation 9 (aptitude tests and adaptation periods).
- (3) Condition 2 is met where—
- (a) the 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 or to undertake both imposed in accordance with regulation 9 (aptitude tests and adaptation periods).
- (4) Condition 3 is met where requiring the applicant to take an aptitude test, to complete an adaptation period or to undertake both in accordance with regulation 9 (aptitude tests and adaptation periods) would amount to requiring the applicant to acquire the professional qualifications required to practise the regulated profession.
- (5) Condition 4 is met where access to and pursuit of a regulated profession by a person whose professional qualifications were obtained in 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

**I3** Reg. 8 in force at 1.12.2023, see [reg. 1](#)

## Aptitude tests and adaptation periods

- 9.—(1) A regulator may require an applicant to take an aptitude test, standardised or otherwise, or to complete an adaptation period or to undertake both where—
- (a) there exists a substantial difference between the applicant’s professional qualifications and the essential knowledge or skills required to practise the regulated profession; or
  - (b) the regulated profession comprises one or more professional activities that cover substantially different matters from those covered by the applicant’s professional qualifications.
- (2) A regulator must consider whether any requirement to take an aptitude test or to complete an adaptation period or to undertake both is proportionate to the difference sought to be addressed.
- (3) If requested to do so by an applicant, a 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 or to undertake both.

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

**Commencement Information**

**I4** Reg. 9 in force at 1.12.2023, see [reg. 1](#)

**Procedure to be followed on application for recognition**

**10.**—(1) A regulator must—

- (a) within one month of receiving an application, acknowledge receipt in writing to the applicant 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 regulator may require an applicant to provide, in their application, evidence of their professional qualifications.

(3) The evidence a 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 same profession in the United Kingdom or that part of the United Kingdom for which the profession is regulated.

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

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

(6) Without prejudice to any power of a regulator to make provision about the authentication of copies of documents, a regulator must accept copies of documents in place of originals unless it requires original documents to protect the integrity of the recognition process.

**Commencement Information**

**I5** Reg. 10 in force at 1.12.2023, see [reg. 1](#)

**Knowledge of language**

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

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

**Commencement Information**

**I6** Reg. 11 in force at 1.12.2023, see [reg. 1](#)

## Appeals

12. A 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 10(1)(c).

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### Commencement Information

**I7** Reg. 12 in force at 1.12.2023, see [reg. 1](#)

## Fees

13. Any fee charged by a regulator in connection with an application must be—
- (a) reasonable and proportionate to the cost of administering the application;
  - (b) transparent, and published in advance; and
  - (c) payable by electronic means through the regulator’s website.

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### Commencement Information

**I8** Reg. 13 in force at 1.12.2023, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, PART 2.