

Professional Qualifications Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS HAYTER OF KENTISH TOWN
LORD HUNT OF KINGS HEATH
LORD PATEL
LORD HOPE OF CRAIGHEAD

Page 2, line 23, at end insert –

- “() Regulations under this section relating to priority professions may not be made unless –
- (a) they have been published in draft form, and
 - (b) the relevant regulators have been consulted on them for a period of three months beginning with the day on which they are published.
- () In this section “priority professions” means –
- (a) healthcare professionals,
 - (b) social workers,
 - (c) teachers, and
 - (d) veterinary surgeons and veterinary nurses.
- () In this section, the relevant regulators are the –
- (a) Nursing and Midwifery Council,
 - (b) General Medical Council,
 - (c) General Pharmaceutical Council,
 - (d) Health and Care Professions Council,
 - (e) General Optical Council,
 - (f) General Dental Council,
 - (g) Pharmaceutical Society of Northern Ireland,
 - (h) General Osteopathic Council,
 - (i) General Chiropractic Council,
 - (j) Social Work England,
 - (k) Scottish Social Services Council,
 - (l) Social Care Wales,
 - (m) Northern Ireland Social Care Council,

Clause 1 - continued

- (n) Teaching Regulation Agency,
- (o) General Teaching Council for Scotland,
- (p) Education Workforce Council,
- (q) General Teaching Council for Northern Ireland, and
- (r) Royal College of Veterinary Surgeons.”

Clause 2

BARONESS HAYTER OF KENTISH TOWN

Page 2, leave out line 34 and insert “fulfilling a domestic skills shortage in the profession or implementing any international recognition agreement,”

Page 2, line 36, at end insert –

“(2A) In considering whether the condition in subsection (2) is met, the appropriate national authority must consult representatives of consumer interests.”

BARONESS HAYTER OF KENTISH TOWN
BARONESS FINLAY OF LLANDAFF

Page 2, line 36, at end insert –

“() Where the appropriate national authority considers that a skills shortage is relevant to its consideration of whether the condition in subsection (2) is met, it must consult with relevant regulators before making regulations.”

Page 2, line 36, at end insert –

“() Where the appropriate national authority considers that the condition in subsection (2) is met owing to a skills shortage in the United Kingdom, the authority must publish a report with the draft regulations which includes –

- (a) how the appropriate national authority is investing in skills domestically to address the shortage;
- (b) how the appropriate national authority is upskilling those currently working in the profession to address the shortage;
- (c) how many overseas workers started working in the profession in the United Kingdom, or in the part of the United Kingdom to which the regulations relate, in the previous year;
- (d) how many people work in the profession in the United Kingdom, or in the part of the United Kingdom to which the regulations relate, are –
 - (i) female, and
 - (ii) male;
- (e) workforce modelling and skills forecasting used to identify the shortage;
- (f) current vacancy levels in the profession;
- (g) retention rates in the profession;
- (h) what consultation has taken place with regulators;
- (i) other arrangements which might fulfil the skills shortage.”

After Clause 2

BARONESS HAYTER OF KENTISH TOWN
LORD TREES

Insert the following new Clause –

“International recognition agreements: consultation

- (1) This section applies where a Minister of the Crown is negotiating, or preparing to negotiate, an international agreement on behalf of the United Kingdom which might constitute an international recognition agreement.
- (2) Before commencing negotiations or, where negotiations have begun, as soon as possible after this section applies, a Minister of the Crown must consult the relevant regulator and then publish negotiating objectives.
- (3) A Minister of the Crown must consult the relevant regulator regularly while conducting negotiations.
- (4) If the Secretary of State lays a report under section 42 of the Agriculture Act 2020 in relation to a free trade agreement to which this section has applied, the report must include how standards in the relevant areas are maintained through the recognition of professional qualifications in the agreement.
- (5) When a Minister of the Crown lays an international recognition agreement under the under Part 2 of the Constitutional Reform and Governance Act 2010, a Minister of the Crown must publish an impact assessment which includes an assessment of how regulatory independence is maintained in relation to the recognition of professional qualifications in the agreement.
- (6) An “international recognition agreement” means so much of any international agreement as provides for, or relates to, the recognition of overseas qualifications or overseas experience for the purpose of determining whether individuals are entitled to practice a regulated profession in the United Kingdom or a part of it.”

Clause 3

BARONESS HAYTER OF KENTISH TOWN
LORD TREES

Page 3, line 11, at end insert –

- “() Regulations under this section may not implement any international recognition agreement, or any part of such an agreement, which undermines the independence and autonomy of a regulator of a regulated profession.”

BARONESS HAYTER OF KENTISH TOWN
LORD PATEL
LORD HUNT OF KINGS HEATH
LORD HOPE OF CRAIGHEAD

Page 3, line 11, at end insert –

- “() Regulations under this section relating to priority professions may not be made unless –
- (a) they have been published in draft form, and

Clause 3 - continued

- (b) the relevant regulators have been consulted on them for a period of three months beginning with the day on which they are published.
- () In this section “priority professions” means—
 - (a) healthcare professionals,
 - (b) social workers,
 - (c) teachers, and
 - (d) veterinary surgeons and veterinary nurses.
- () In this section, the relevant regulators are the—
 - (a) Nursing and Midwifery Council,
 - (b) General Medical Council,
 - (c) General Pharmaceutical Council,
 - (d) Health and Care Professions Council,
 - (e) General Optical Council,
 - (f) General Dental Council,
 - (g) Pharmaceutical Society of Northern Ireland,
 - (h) General Osteopathic Council
 - (i) General Chiropractic Council,
 - (j) Social Work England,
 - (k) Scottish Social Services Council,
 - (l) Social Care Wales
 - (m) Northern Ireland Social Care Council,
 - (n) Teaching Regulation Agency,
 - (o) General Teaching Council for Scotland,
 - (p) Education Workforce Council
 - (q) General Teaching Council for Northern Ireland, and
 - (r) Royal College of Veterinary Surgeons.”

BARONESS NOAKES

Page 3, line 11, at end insert—

- “() Regulations under this section may permit but may not require a regulator or any other person to recognise overseas qualifications or overseas experience for the purpose of determining whether individuals are entitled to practise a regulated profession in the UK or part of it.”

Member’s explanatory statement

This ensures that regulated professions are not required to recognise individuals or experience, for example if they do not meet the regulatory body’s recognition standards.

Clause 4

BARONESS HAYTER OF KENTISH TOWN

Page 3, line 25, at end insert “, provided that the regulator has a consumer representative on its board.”

After Clause 4

BARONESS HAYTER OF KENTISH TOWN

Insert the following new Clause—

“Recognition of foreign auditors and foreign audit qualifications

- (1) Section 1221 of the Companies Act 2006 (approval of overseas qualifications) is amended as follows.
- (2) In subsection 1A(a), leave out “covers all” and insert “sufficiently covers”.
- (3) In subsection 1A(b), leave out “covers all” and insert “sufficiently covers”.
- (4) In subsection 1B, leave out “is” and insert “may be”.
- (5) In subsection 3, remove “equivalent” and insert “sufficiently comparable”.
- (6) In subsection 5, after “qualifications” insert “or experience”.
- (7) In subsection 7A(a)(ii), after “not” insert “sufficiently”.

Member’s explanatory statement

This new Clause amends the Companies Act 2006 such that the Financial Reporting Council, the statutory regulator for audit, would gain greater discretion over which foreign auditors and foreign audit qualifications could be accepted in the UK.

Clause 8

BARONESS NOAKES

Page 5, line 35, at end insert—

- “() Subsection (1) does not apply to a regulator of a regulated profession if—
- (a) the regulator oversees the regulation of a regulated profession carried out by another person or persons,
 - (b) the regulator is satisfied that the information required by this section is available on the website of that other person or persons, and
 - (c) the regulator’s website states where the information may be found.”

Member’s explanatory statement

This makes provision for a regulator which does not regulate a profession directly but oversees the regulation carried out by professional bodies which are not within scope of this Bill.

Clause 9

BARONESS NOAKES

Page 7, line 35, at end insert—

- “() If the first regulator—
- (a) oversees the regulation of a regulated profession carried out by another person or persons, and
 - (b) does not itself hold all or any of the information covered by subsection (2),
- the first regulator must seek to ensure that the information is provided by that other person or persons to the second regulator.”

Member's explanatory statement

This makes provision for a regulator which does not regulate a profession directly but oversees the regulation by another body to receive the required information provided by that professional body.

BARONESS HAYTER OF KENTISH TOWN

Page 7, line 47, at end insert –

- “() Nothing in this section affects the establishment or operation of a common framework agreement relating to professional qualifications.
- () A “common framework agreement” is any agreement between a Minister of the Crown and one or more devolved authorities as to how devolved or transferred matters previously governed by EU law are to be regulated.”

After Clause 15

BARONESS BLAKE OF LEEDS
LORD PATEL
LORD HOPE OF CRAIGHEAD
LORD HUNT OF KINGS HEATH

Insert the following new Clause –

“Protection for existing recognised qualifications

Nothing in this Act prevents, qualifies or otherwise affects the ability of those with existing recognised qualifications to continue practising the profession to which the qualifications relate in the United Kingdom or any part of the United Kingdom.”

Clause 16

BARONESS HAYTER OF KENTISH TOWN
BARONESS NOAKES

Page 13, line 11, leave out subsection (3) and insert –

- “(3) For the purposes of this Act, a regulator is a regulator of regulated profession if it is listed in Schedule (*Regulators of regulated professions*).
- (3A) The appropriate national authority or Secretary of State may by regulations amend Schedule (*Regulators of regulated professions*) so as to insert additional regulators.”

After Clause 19

BARONESS HAYTER OF KENTISH TOWN
BARONESS NOAKES

Insert the following new Schedule –

“REGULATORS OF REGULATED PROFESSIONS

The following are regulators of regulated professions –

Architects Registration Board
Bar Standards Board (England and Wales)
Capita Gas Registration and Ancillary Services Ltd

After Clause 19 - continued

Care Quality Commission (England)
Chartered Institute of Legal Executives
Civil Aviation Authority
Costs Lawyer Standards Board
Council for Licensed Conveyancers
Department for Environment, Food and Rural Affairs
Department for Infrastructure (Northern Ireland)
Driver and Vehicle Agency Northern Ireland
Driver and Vehicle Standards Agency
Early Years Workforce Team
Education Workforce Council
Environment Agency
Faculty of Advocates
Faculty Office
Farriers Registration Council
Financial Reporting Council
Food Standards Agency
Food Standards Scotland
General Chiropractic Council
General Dental Council
General Medical Council
General Optical Council
General Osteopathic Council
General Pharmaceutical Council
General Teaching Council for Northern Ireland
General Teaching Council for Scotland
Health and Care Professions Council
Health and Safety Authority for Northern Ireland
Health and Safety Executive
Highways England
Insolvency Service
Insolvency Service (NI)
Institute of Trade Mark Attorneys
Intellectual Property Regulation Board
Law Society of Northern Ireland
Law Society of Scotland

After Clause 19 - continued

Maritime & Coastguard Agency
Northern Ireland Social Care Council
Office for Rail and Road
Pharmaceutical Society of Northern Ireland
Royal College of Veterinary Surgeons
Royal Society of Chemistry
Scottish Social Services Council
Security Industry Authority
Social Care Wales
Social Work England
Solicitors Regulation Authority (England & Wales)
Street Works Qualification Register
Teaching Regulation Agency
The Bar of Northern Ireland
The Department of Agriculture, Environment and Rural Affairs (Northern Ireland)
The Nursing & Midwifery Council
Traffic Commissioners for Great Britain as a tribunal of the Department for Transport
Waste Management Industry Training and Advisory Board”

Professional Qualifications Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

2 June 2021
