

Professional Qualifications Bill [HL]

[Corrected to begin with the Question that Clause 3 stand part of the Bill]

CORRECTED SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 3

LORD FOX
LORD TREES
LORD HUNT OF KINGS HEATH
BARONESS NOAKES

The above-named Lords give notice of their intention to oppose the Question that Clause 3 stand part of the Bill.

Clause 4

BARONESS HAYTER OF KENTISH TOWN

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

BARONESS NOAKES

30 Page 3, line 25, at end insert—
“(1A) Regulations made under subsection (1) may not require a regulator of a regulated profession to enter into a regulator recognition agreement.”

Member’s explanatory statement

This is a probing amendment in connection with the extent of the rule making power.

BARONESS HAYTER OF KENTISH TOWN

31 Page 3, line 36, after “qualifications” insert “approved by the regulator of the regulated profession”

BARONESS NOAKES

32 Page 3, line 36, after “qualifications” insert “approved by the overseas regulator”

Clause 4 - continued

BARONESS RANDERSON
BARONESS GARDEN OF FROGNAL

32A Page 3, line 45, at end insert –

“(3A) Before making regulations under this section the appropriate national authority must consult with –

- (a) higher education institutions;
- (b) training providers; and
- (c) any other bodies or organisations the national authority considers appropriate.”

Member’s explanatory statement

This amendment would require the appropriate national authority to consult with HEIs and training providers before making regulations under this section.

BARONESS GARDEN OF FROGNAL

33 Page 4, line 2, leave out “substantially”

LORD HUNT OF KINGS HEATH

Lord Hunt of Kings Heath gives notice of his intention to oppose the Question that Clause 4 stand part of the Bill.

After Clause 4

BARONESS HAYTER OF KENTISH TOWN
LORD PALMER OF CHILDS HILL

34 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), for “covers all” substitute “sufficiently covers”.
- (3) In subsection (91A)(b), for “covers all” substitute “sufficiently covers”.
- (4) In subsection (1B), for “is” substitute “may be”.
- (5) In subsection (3), for “equivalent” substitute “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.

LORD LANSLEY

34A Insert the following new Clause—

“Indemnity and insurance

In exercising functions under section 1 or 4, or under any regulations made under section 3, a regulator of a regulated profession must ensure that an individual is properly indemnified or insured against liabilities that may be incurred in the course of practising the profession.”

Clause 5

BARONESS MCINTOSH OF PICKERING
LORD HOPE OF CRAIGHEAD

35 Page 4, line 14, at end insert—

“(3) Before regulations under subsection (2) may be laid before Parliament, Senedd Cymru, the Scottish Parliament or the Northern Ireland Assembly, the appropriate national authority must undertake a formal consultation with the devolved administrations, regulators and the Lord President of the Court of Session.”

LORD FOULKES OF CUMNOCK

36 Page 4, line 14, at end insert—

“(3) The appropriate national authority must consult such persons as it considers appropriate when preparing regulations under subsection (2).”

LORD PALMER OF CHILDS HILL
LORD FOX

BARONESS BENNETT OF MANOR CASTLE

37 Page 4, line 14, at end insert—

“(3) Nothing in this section affects individuals whose qualifications were recognised by virtue of the European Union (Recognition of Professional Qualifications) Regulations 2015 before subsection (1) comes into force.”

Member’s explanatory statement

This amendment makes it explicit that qualifications recognised before the EU regulations were revoked are not affected.

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 5 stand part of the Bill.

Clause 6

LORD FOULKES OF CUMNOCK

38 Page 4, line 17, at end insert—

“(1A) The appropriate national authority must consult such persons as it considers appropriate when preparing regulations under subsection (1).”

Clause 6 - continued

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 6 stand part of the Bill.

Clause 7

LORD FOULKES OF CUMNOCK

39 Page 4, line 41, at end insert –

“(d) publish advice and information about immigration requirements for entry to the United Kingdom for purposes of practising a regulated profession.”

BARONESS MCINTOSH OF PICKERING

LORD HOPE OF CRAIGHEAD

40 Page 4, line 41, at end insert –

“(1A) Before advice or information is published under subsection (1)(c), the Secretary of State must undertake a formal consultation with the devolved administrations and regulators.”

LORD FOULKES OF CUMNOCK

41 Page 4, line 41, at end insert –

“(1A) Before making arrangements under subsection (1), the Secretary of State must seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.

(1B) If consent to the making of the arrangements is not given by any of those authorities within the period of one month beginning with the day on which it is sought from that authority, the Secretary of State may make the arrangements without that consent.

(1C) If arrangements are made in reliance on subsection (1B), the Secretary of State must publish a statement explaining why the Secretary of State decided to make the arrangements without the consent of the authority or authorities concerned.”

BARONESS RANDERSON

42 Page 4, line 41, at end insert –

“(1A) Before making the arrangements, the Secretary of State must consult the devolved authorities on the functions and operations of the assistance centre.”

Member’s explanatory statement

This amendment would require the Secretary of State to undertake consultation with the Devolved Authorities on the functions and operations of the Assistance Centre before it comes into being.

BARONESS GARDEN OF FROGNAL

42A★ Page 4, line 41, at end insert –

“(1A) The arrangements in subsection (1) may include information about language requirements in the United Kingdom, or country or territory outside the United Kingdom, if relevant.”

Member’s explanatory statement

This amendment probes the language requirements needed for professionals working in the UK and overseas.

LORD FOX

43 Page 5, line 8, leave out subsection (4)

Member’s explanatory statement

This amendment is to probe the intention of this subsection.

LORD FOULKES OF CUMNOCK

44 Page 5, line 15, leave out “taken into account” and insert “considered a defence”

BARONESS HAYTER OF KENTISH TOWN

BARONESS NOAKES

The above-named Lords give notice of their intention to oppose the Question that Clause 7 stand part of the Bill.

Clause 8

BARONESS NOAKES

45 Page 5, line 35, at end insert –

“(1A) 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 other professional bodies.

Clause 9

BARONESS NOAKES

46 Page 7, line 35, at end insert –

“(2A) 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),

Clause 9 - continued

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.

LORD FOULKES OF CUMNOCK
LORD HOPE OF CRAIGHEAD

47 Page 7, line 42, leave out “taken into account” and insert “considered a defence”

BARONESS GARDEN OF FROGNAL

48 Page 7, line 46, leave out “substantially”

BARONESS HAYTER OF KENTISH TOWN
BARONESS RANDERSON

49 Page 7, line 47, at end insert –

“(6) Nothing in this section affects the establishment or operation of a common framework agreement relating to professional qualifications.

(7) 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.”

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 9 stand part of the Bill.

Clause 10

LORD FOULKES OF CUMNOCK
LORD HOPE OF CRAIGHEAD

50 Page 8, line 44, leave out “taken into account” and insert “considered a defence”

BARONESS GARDEN OF FROGNAL

51 Page 9, line 2, leave out “substantially”

After Clause 10

LORD PALMER OF CHILDS HILL
BARONESS BENNETT OF MANOR CASTLE

52 Insert the following new Clause –

“Report on the impact of this Act on SMEs

(1) Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the impact of this Act on small and medium-sized enterprises (“SMEs”).

After Clause 10 - continued

- (2) The report must include but is not limited to—
 - (a) the financial implications of the Act for SMEs in the United Kingdom, and
 - (b) the impact of the change in mutual recognition of qualifications on workforce availability for SMEs.”

Member’s explanatory statement

This amendment would require a report on the impact of this Act on SMEs.

LORD FOX

53 Insert the following new Clause—

“Report on the impact of this Act on innovation

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the impact of this Act on innovation in the United Kingdom.
- (2) The report must include but is not limited to—
 - (a) the impact of the change in mutual recognition of qualifications on innovation;
 - (b) the impact of changes in workforce availability as a result of this Act on horizon scanning and the creation of new industries in the United Kingdom.
- (3) The report must make a recommendation as to whether further action is needed from the Government to ensure the United Kingdom remains a centre for innovation.”

Member’s explanatory statement

This amendment would require a report on the impact of the Act on innovation in the UK.

54 Insert the following new Clause—

“Report on financial impact on regulators and applicants

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a report on the impact of this Act on regulators and applicants.
- (2) The report must include but is not limited to the financial impact of any fees introduced as a consequence of this Act on—
 - (a) regulators, and
 - (b) individuals seeking to practise a regulated profession in the United Kingdom.”

Member’s explanatory statement

This amendment would require a report on the financial impact of this Act on regulators and applicants.

BARONESS BENNETT OF MANOR CASTLE

55 Insert the following new Clause—

“Report on impact

- (1) Within two years of the day on which this Act is passed, and every five years thereafter, the Secretary of State must lay before Parliament a report on the impact of this Act taking account of the following factors—
 - (a) how this Act has helped skill shortages in the United Kingdom to be addressed, including but not limited to medical, construction and food production sectors;
 - (b) how immigration rules have assisted or prevented the aims of this Act being achieved;
 - (c) how many skilled professional people have immigrated to meet demand for the services of a profession in the United Kingdom, and how much overseas development the United Kingdom has given to help develop professional services in the countries from which such people originate, including support for education and professional bodies;
 - (d) the extent to which the demand for the services of doctors, nurses and associated health professionals in the United Kingdom is met by training in the United Kingdom.
- (2) Within two months of the day on which each report is laid, a Minister of the Crown must table a motion in the House of Lords to take note of the report.”

LORD MOYLAN

55A★ Insert the following new Clause—

“Regulators: information on the status of international regulator recognition agreements

- (1) Regulators of regulated professions must ensure that information on the status of negotiations of international regulator recognition agreements is included in annual reports.
- (2) To promote the increase in the number of international regulator recognition agreements, regulators must—
 - (a) publish criteria for the initiation of negotiations of international regulator recognition agreements within their sector, and
 - (b) establish a process to allow for consultation within their sector on the potential for new international regulator recognition agreements.”

Member’s explanatory statement

This amendment makes provision for the establishment and publication of a clear pathway within a regulated profession for the agreement of international regulator recognition agreements. This will enable all of those in regulated professions to understand the status of negotiations and enable them to highlight opportunities for new international regulator recognition agreements.

Clause 13

LORD LANSLEY

56 Page 10, line 18, at end insert –

“(1A) The power to make regulations under section 3 does not include power to modify legislation, other than subordinate legislation.”

Member’s explanatory statement

This amendment would limit the power to implement international recognition agreements and require changes to statute to be implemented by primary legislation.

LORD HUNT OF KINGS HEATH

LORD PATEL

LORD FOX

The above-named Lords give notice of their intention to oppose the Question that Clause 13 stand part of the Bill.

Clause 14

BARONESS FINLAY OF LLANDAFF

LORD THOMAS OF CWMGIEDD

56A★ Page 11, line 2, leave out subsections (5) and (6)

LORD PURVIS OF TWEED

BARONESS RANDERSON

57 Leave out Clause 14 and insert the following new Clause –

“Authority by whom regulations may be made

- (1) In this Act “appropriate national authority” means as follows.
- (2) Where the regulations –
 - (a) contain provision relating to England only,
 - (b) apply to the United Kingdom as a whole, or
 - (c) contain provision which is not within the legislative competence of Senedd Cymru, the Scottish Parliament or the Northern Ireland Assembly,

the Secretary of State or the Lord Chancellor is the appropriate national authority.
- (2) The Welsh Ministers are the appropriate national authority in relation to regulations under this Act which contain only provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown).
- (3) The Scottish Ministers are the appropriate national authority in relation to regulations under this Act which contain only provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.

Clause 14 - continued

- (4) A Northern Ireland department is the appropriate national authority in relation to regulations under this Act which contain only provision which, if contained in an Act of the Northern Ireland Assembly –
- (a) would be within the legislative competence of the Assembly, and
 - (b) would not require the consent of the Secretary of State.
- (5) The consent of a Minister of the Crown is required before any provision is made by the Welsh Ministers in regulations under this Act so far as that provision, if contained in an Act of Senedd Cymru, would require the consent of a Minister of the Crown.
- (6) In this section “Minster of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”

Member’s explanatory statement

This amendment would mean that the Secretary of State would only make regulations under this Act if they relate to England or the whole of the UK, or are outside the legislative competencies of the Devolved Administrations.

Clause 15

BARONESS RANDERSON
BARONESS BENNETT OF MANOR CASTLE

58 Page 11, leave out lines 10 to 13

Member’s explanatory statement

This amendment would mean all regulations made under the Act are subject to the affirmative procedure.

After Clause 15

LORD HUNT OF KINGS HEATH
LORD PATEL

59 Insert the following new Clause –

“Expiry

- (1) The appropriate national authority may not make regulations under this Act after a period of four years beginning with the day on which this Act is passed.
- (2) Any regulations made under this Act expire on the day after that period.”

After Clause 15 - continued

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

60 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.”

LORD LANSLEY

60A Insert the following new Clause—

“Fitness to practise

- (1) Nothing in this Act may be interpreted to prejudge a determination by a regulator that an individual has failed to demonstrate that they are fit to practise their regulated profession.
- (2) The recognition of overseas qualifications or overseas experience for the purposes of determining an entitlement to practise a regulated profession does not confer such an entitlement if an individual has any impairment of their fitness to practise, as would be applicable to an individual with UK qualifications or UK experience.
- (3) The absence of evidence of fitness to practise or the failure to supply information in relation to overseas experience may be treated by a regulator as sufficient to withhold an individual’s entitlement to practise a regulated profession in the United Kingdom or a part of it.”

Clause 16

LORD PALMER OF CHILDS HILL

61 Page 12, line 40, at end insert “, or a chartered accountancy profession (see subsection (3A)(a)).”

Member’s explanatory statement

See explanatory statement for the amendment in the name of Lord Palmer of Childs Hill to page 13, line 19.

62 Page 12, line 44, at end insert “, or a chartered accountancy regulator (see subsection (3A)(b)).”

Member’s explanatory statement

See explanatory statement for the amendment in the name of Lord Palmer of Childs Hill to page 13, line 19.

BARONESS HAYTER OF KENTISH TOWN
BARONESS NOAKES

- 63 Page 13, line 11, leave out subsection (3) and insert—
- “(3) For the purposes of this Act, a regulator is a regulator of a regulated profession if it is listed in Schedule (*Regulators of regulated professions*).
- (3A) The appropriate national authority or the Secretary of State may by regulations amend Schedule (*Regulators of regulated professions*) so as to insert additional regulators.”

LORD PALMER OF CHILDS HILL

- 64 Page 13, line 19, at end insert—
- “(3A) For the purposes of this Act—
- (a) “chartered accountancy profession” means an accountancy profession that is voluntarily regulated by a chartered accountancy regulator;
- (b) “chartered accountancy regulator” means the Institute of Chartered Accountants in England and Wales.”

Member’s explanatory statement

This amendment and the others in the name of Lord Palmer of Childs Hill to Clause 16 would include the chartered accountancy profession as a regulated profession, and chartered accountancy regulators as regulators in this bill. The amendments also define both the chartered accountancy profession and chartered accountancy regulator.

Clause 18

LORD PURVIS OF TWEED
LORD FOX

- 65 Page 13, line 32, leave out paragraph (c)

Member’s explanatory statement

See explanatory statement for the amendment in the name of Lord Purvis of Tweed to page 14, line 6.

- 66 Page 14, line 1, at end insert—

“(aa) section 6;”

Member’s explanatory statement

See explanatory statement for the amendment in the name of Lord Purvis of Tweed to page 14, line 6.

- 67 Page 14, line 6, at end insert—

“(5A) The day appointed for the coming into force of section 5(1) or 6 must not be within 12 months of the day on which this Act is passed.”

Member’s explanatory statement

This amendment, and the other amendments to Clause 18 in the name of Lord Purvis of Tweed, would mean Clause 5(1) and Clause 6 do not come into force until at least 1 year after the passing of this Act.

After Clause 19

BARONESS HAYTER OF KENTISH TOWN
BARONESS NOAKES

68 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
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

After Clause 19 - continued

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
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]

CORRECTED SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

9 June 2021
