

Professional Qualifications Bill [HL]

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

LORD GRIMSTONE OF BOSCOBEL

Page 2, line 9, at end insert –

“(3A) For the purposes of subsections (1) to (3) –

- (a) a condition may be specified under subsection (1) whether or not it is connected to the specified UK qualification or specified UK experience concerned, and
- (b) a determination mentioned in subsection (2)(b) or (3)(b)(i) may be made –
 - (i) on the basis only of the overseas qualifications or overseas experience concerned, or
 - (ii) on such other basis as the specified regulator considers appropriate (such as on the basis of the overseas qualifications or overseas experience concerned together with the results of any test or other assessment given by any person).”

Member’s explanatory statement

This amendment makes provision about the additional conditions that may be specified in regulations under subsection (1) of the Clause and makes provision about the basis on which a determination mentioned in subsection (2)(b) or (3)(b)(i) of the Clause may be made.

After Clause 13

LORD GRIMSTONE OF BOSCOBEL

Insert the following new Clause –

“Regulations: protection of regulator autonomy

- (1) The appropriate national authority may make regulations under section 1, 3 or 4 only if satisfied that the conditions in subsections (2) and (3) are met.
- (2) The condition in this subsection is that the regulations do not remove the ability of any regulator of a regulated profession to prevent individuals who are unfit to practise the profession from doing so.

After Clause 13 - continued

- (3) The condition in this subsection is that the regulations will not have a material adverse effect on any regulated profession in terms of the knowledge, skills or experience of the individuals practising it.
- (4) The reference in subsection (2) to individuals who are unfit to practise the profession is a reference to individuals who are unfit to practise the profession by reason of their character, a lack of knowledge, skills or experience or otherwise.
- (5) A reference in this section to practising a profession includes a reference to undertaking activities that comprise the practise of the profession or using a title associated with the practise of the profession.”

Member’s explanatory statement

This amendment prevents the appropriate national authority making regulations under section 1, 3 or 4 unless satisfied that the conditions in subsections (2) and (3) of the new Clause are met.

Insert the following new Clause—

“Regulations: consultation with regulators

Before making regulations under section 1, 3 or 4, the appropriate national authority must consult a regulator of a regulated profession if the authority considers that—

- (a) the regulator is likely to be affected by the regulations, or
- (b) it is otherwise appropriate to consult the regulator.”

Member’s explanatory statement

This amendment requires the appropriate national authority to consult a regulator of a regulated profession before making regulations under Clause 1, 3 or 4 if the authority considers that the regulator is likely to be affected by the regulations or it is otherwise appropriate to consult the regulator.

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2 November 2021
