

# Professional Qualifications Bill [HL]

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[Amendment 10A omitted in error from HL Bill 36 – I]

CORRECTED  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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[Amendments marked ★ are new or have been altered]

**Amendment  
No.**

**Clause 1**

LORD GRIMSTONE OF BOSCOBEL

**1**

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.*

LORD LANSLEY

**2**

Page 2, line 9, at end insert –

“(3A) Conditions to be specified under subsection (1) must include such conditions as would be necessary for an individual with specified UK qualifications and experience to comply with the professional standards and fitness to practise requirements as determined by the regulator of a regulated profession.”

**Clause 1 - continued**

BARONESS HAYTER OF KENTISH TOWN

3 Page 2, line 27, at end insert –

“(5A) Regulations under this section relating to a regulated profession 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.”

BARONESS MCINTOSH OF PICKERING  
LORD FOULKES OF CUMNOCK  
LORD BRUCE OF BENNACHIE

4 Page 2, line 27, at end insert –

“(5A) The appropriate national authority must consult such persons as it considers appropriate when preparing regulations under subsection (1).”

**Clause 2**

LORD LANSLEY

5 Page 2, line 39, leave out “without unreasonable delays or charges”

LORD LANSLEY  
BARONESS HAYTER OF KENTISH TOWN

6 Page 2, line 40, at end insert –

“(2A) In determining whether the condition in subsection (2) is met, the appropriate national authority must have regard to the availability of professional services in the regulated profession by reference to such factors as appear to the authority to be relevant including, but not limited to –

- (a) the extent of delays in accessing professional services,
- (b) the level of charges for services,
- (c) available workforce data, skills needs or workforce modelling forecasts,
- (d) vacancy levels or recruitment difficulties,
- (e) whether the profession is on the occupation shortage list, and
- (f) the views of the relevant regulator and of professional representative bodies.”

**Clause 3**

BARONESS MCINTOSH OF PICKERING  
LORD FOULKES OF CUMNOCK  
LORD BRUCE OF BENNACHIE

7 Page 3, line 14, at end insert –

“(3A) The appropriate national authority must consult such persons as it considers appropriate when preparing regulations under subsection (1).”

**Clause 5**

BARONESS MCINTOSH OF PICKERING  
LORD FOULKES OF CUMNOCK  
LORD BRUCE OF BENNACHIE

8 Page 4, line 17, at end insert –

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

**Clause 6**

BARONESS MCINTOSH OF PICKERING  
LORD FOULKES OF CUMNOCK

9 Page 4, line 20, at end insert –

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

**Clause 7**

BARONESS MCINTOSH OF PICKERING  
LORD FOULKES OF CUMNOCK  
LORD BRUCE OF BENNACHIE  
LORD HOPE OF CRAIGHEAD

10 Page 5, line 1, at end insert –

“(1A) Before making arrangements under subsection (1), the Secretary of State must –

- (i) consult such persons as the Secretary of State considers appropriate, and
- (ii) following that consultation, seek the consent of the Scottish Ministers, the Welsh Ministers and a Northern Ireland Department.

(1B) If consent to 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 relevant authority.”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to consult such persons as the Secretary of State considers appropriate and seek the consent of the devolved administrations prior to making arrangements for the assistance centre.*

**Clause 9**

BARONESS BLAKE OF LEEDS

10A★ Page 8, line 4, 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.”

**Clause 13**

LORD LANSLEY

11 Page 10, line 20, after “modify” insert “subordinate or EU retained”

**After Clause 13**

LORD GRIMSTONE OF BOSCOBEL

LORD FOX

12 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.
- (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.*

## LORD GRIMSTONE OF BOSCOBEL

13 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.*

**Clause 14**

## BARONESS BLAKE OF LEEDS

14★ Page 11, line 13, at end insert—

- “(7) Subsections (8) to (10) apply where the Secretary of State makes regulations as the appropriate national authority under this Act which extend to the whole of England and Wales, Scotland and Northern Ireland.
- (8) Before making such regulations, the Secretary of State must—
- (a) consult such persons as the Secretary of State considers appropriate, and
  - (b) following that consultation, seek the consent of the Scottish Ministers, the Welsh Ministers and a Northern Ireland department.
- (9) If consent to regulations 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 regulations without that consent.
- (10) If regulations are made in reliance on subsection (9), the Secretary of State must publish a statement explaining why the Secretary of State decided to make the regulations without the consent of the relevant authority.”

**After Clause 15**

## BARONESS HAYTER OF KENTISH TOWN

15 Insert the following new Clause—

**“Saving: autonomy of regulators**

Nothing in this Act affects the autonomy of regulators to act in the interests of their profession, including but not limited to the ability to—

- (a) set and maintain professional standards;
- (b) set requirements to practise a profession;
- (c) determine who is fit to practise;
- (d) set requirements for having insurance;

**After Clause 15 - continued**

- (e) set the training requirements (including requirements about gaining experience);
- (f) determine appropriate levels of flexibility in assessment practices;
- (g) determine to make a regulator recognition agreement.”

BARONESS BLAKE OF LEEDS

16 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

17 Page 13, line 16, 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.”

BARONESS BLAKE OF LEEDS

18 Page 13, line 24, at end insert –

“and the Secretary of State has included that profession on a regularly updated list published on the Government’s website.”

LORD FOX

LORD PURVIS OF TWEED

19★ Page 13, line 24, at end insert –

“(3A) In addition to subsection (3), a profession is not to be considered regulated by law in the United Kingdom for the purposes of this Act unless it appears on the Government’s list of regulators of regulated professions (see subsection (3B)).

(3B) The Secretary of State must by regulations publish a list of regulators of regulated professions.

(3C) The appropriate national authority or the Secretary of State may by regulations amend the list in line with subsection (3).

(3D) When making regulations under subsection (3B) the Secretary of State must consult the devolved administrations.”

**Member's explanatory statement**

*This amendment would require the Secretary of State to publish the list of UK regulators of regulated professions on a statutory footing and would allow the appropriate national authority to amend the list by regulations.*

**After Clause 19**

BARONESS HAYTER OF KENTISH TOWN

20 Insert the following new Schedule –

“REGULATORS OF REGULATED PROFESSIONS

The following are regulators of regulated professions –

Association of Chartered Certified Accountants  
Architects Registration Board  
Association of Costs Lawyers  
Bar Standards Board (England and Wales)  
CAI  
Capita Gas Registration and Ancillary Services Ltd  
Care Quality Commission (England)  
Chartered Institute of Legal Executives  
Chartered Institute of Patent Attorneys  
Civil Aviation Authority  
Costs Lawyer Standards Board  
Council for Licensed Conveyancers  
Department for Education  
Department for Environment  
Department for Environment, Food and Rural Affairs  
Department for Infrastructure (Northern Ireland)  
Department for Transport  
Department of Enterprise, Trade and Investment in 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

**After Clause 19 - continued**

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  
Institute of Chartered Accountants in England and Wales  
Institute of Chartered Accountants Scotland  
Insolvency Practitioners Association  
Insolvency Service  
Insolvency Service (NI)  
Institute of Trade Mark Attorneys  
Intellectual Property Regulation Board  
Law Society of England and Wales  
Law Society of Northern Ireland  
Law Society of Scotland  
Legal Services Board  
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

**After Clause 19 - *continued***

The Bar of Northern Ireland

The Department of Agriculture, Environment and Rural Affairs (Northern Ireland)

The Master of the Faculties

The Nursing & Midwifery Council

Traffic Commissioners for Great Britain as a tribunal of the Department for Transport

Waste Management Industry Training and Advisory Board”

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*8 November 2021*

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