

“ARCHITECT” AS A WORKING TITLE
FOR ONE OF THE SECTORAL PROFESSIONS OF THE EUROPEAN UNION

HANDLIST for use as a guide to the contents of the AARUK website and Wikipedia links:

Introduction; Extracts from articles; Notes.

July 2008

The set of cross-referenced articles noted in this “Handlist” provides factual information and a description of some of the historical and contemporary background to the current legislation (up to June 2008) about the statutory **Register of Architects**, much of which had not been easily obtainable elsewhere.

The Handlist can be used as a means for considering some of the questions about what was meant and what is done, such as questions about the “**three aspects**” of architectural practice, mentioned in the full version of article 1 of this Handlist:

“Opinions had been divided for well over a century about the merits of statutory registration of architects in the United Kingdom. The result was that Parliament, as the legislator and guided by the government of the day, has had to maintain a state of benevolent neutrality among the holders of these contending views, consistent with more general public policies for business competition, employment, professional education and so on. In relation to statutory protection of title, **three aspects** of the field in which architects practise invite examination. In summary:

(1) *The design quality of the built environment*: this is essentially a cultural concern which was and remains one of the principal reasons for the formation and continuance of the **Royal Institute of British Architects** as a chartered body. It has connotations not only for the United Kingdom but world wide. It is beyond the ambit of statutory protection of title.

(2) *The technical sufficiency of buildings*: the public interest is secured in the United Kingdom under **Building Regulations** and other enactments. This too is beyond the statutory protection of the title “architect”.

(3) *The business of architectural practice*: **contracts of engagement** for professional services are always between a business entity (whether individual, firm, partnership, or company) and the client, and are governed by the general law, including consumer protection legislation where applicable. Protection of the title ‘architect’ for business entities is of no practical relevance for securing the performance of architectural services.

In the light of experience since the inception of the Register under the 1931 Act, and more particularly under the Architects Registration Board’s regime from 1997, the recurring question has been whether **protection of title** serves useful purposes in respect of the three aspects mentioned above.”

The **Architects Registration Board** is one among other bodies which have been designated as a “competent authority” under legislation made in compliance with treaty obligations of the United Kingdom as a state of the **European Union**. For this purpose architects continue to be among the “sectoral professions” together with dentists, medical doctors, nurses, midwives, pharmacists and vets. The Departmental and other negotiations leading to present legislative outcomes have been prolonged and intricate.

In recent decades some of the more potent influences have been negotiations connected with the **European Communities Act 1972** of the Westminster Parliament and the successive treaties which have been made in the continuing development of the European Union as a multi-lateral treaty organization and inter-state political entity formed to exert legislative, juridical, social, economic and fiscal controls. An outcome marking a further stage in this development was a set of changes in the laws of the United Kingdom made by four Statutory Instruments coming into force consecutively in the period **October 2007 to June 2008**, namely:

[2007 No. 2781 Professional Qualifications](#)

[2008 No. 1276 Trade Descriptions](#)

[2008 No. 1277 Consumer Protection](#)

[2008 No. 1331 Architects.](#)

Information about the legislative background, concerning the [Treaties of the European Union](#), the [Three Pillars of the European Union](#) and the [Treaty of Lisbon](#), may not as yet be widely known, but can easily be reached by using the internet for Wikipedia articles, with their numerous internal and external links.

The title of the first article of this Handlist is “**Architects Registration in the United Kingdom**”; it is a version of the main contents of the AARUK website as at April 2007. The other articles are designed to give further information and detail, but so that each can be treated as more or less complete about an aspect of the general theme announced in the first title. Where indicated, these are re-edited versions of articles which had been made widely available on the Wikipedia website, with numerous internal and external links. Article 12 (Architectural education) was adapted for Wikipedia from a note contributed to AARUK dated 30 May 2007; article 6 (EU amendment) was adapted from an AARUK note dated 20 June 2008. The articles had been conveniently listed as a group in a [Wikipedia category](#) using the title “Architects Registration in the United Kingdom”.

Articles A1 and A2 indicate a recurrent problem: institutional or administrative convenience may result in questionable outcomes.

* = mentions the question of “regulator” status;

1. *[Architects Registration in the United Kingdom](#) (1834-2008) {derived from AARUK}

In the United Kingdom, the **Architects Act 1997** imposes restrictions on the use of the name, style or title “architect” in connection with a business or a professional practice, and for that purpose requires a statutory **Register of Architects** to be maintained. The **Architects Registration Board** constituted under the Act is responsible for Architects Registration in the United Kingdom and is required to publish the current version of the Register annually. Every person who is entitled to be registered under the Act has the right to be entered in the Register. The Act consolidated previous enactments originating with the **Architects (Registration) Act, 1931** as amended by the **Architects Registration Act 1938**. It applies to England, Wales, Scotland and Northern Ireland. Section 2 of the Act prescribes that the Board shall appoint and regulate the functions ascribed to the Registrar. The Act refers to the Registrar by the masculine pronoun in the singular, but by the usual rules of statutory interpretation, this is not limited to an individual male person. **An amendment under the European Communities Act 1972** came into force on 20 June 2008 [article 6]. The recurring controversy about whether statutory protection of title serves useful purposes has been intensified by the legislative impact of the EU Directive

on Unfair Commercial Practices implemented in May 2008 by two Statutory Instruments under the European Communities Act 1972 , namely, No.1276 (Trade Descriptions) and No.1277 (Consumer Protection). For the purposes of the **legislative and Regulatory Reform Act 2006**, “regulatory function” is defined in subsection 32(2) [of that Act].

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Related articles:

- 1A. [FAS.... Architecture and Surveying Institute](#)
- 1B. [Incorporated Association of Architects and Surveyors](#)
- 1C. [Thomas Graham Jackson](#)
- 1D. [Society of Architects](#) (1884-1925)
- 1E. [William H. White](#)
- 1F. [John Alfred Gotch](#)

2. Warne Report: The Warne Report was published by the United Kingdom Government in **1993** [ISBN0 11 752749 1, Crown copyright]. It was referred to in a government consultation paper on Reform of Architects Registration dated 19 July 1994 [**article 3**]. Eventually, certain changes to the Architects Registration Acts [**article 8**] were enacted in 1996 which now have effect under the Architects Act 1997 [**article 5**].

.... remainder of article omitted from this handlist

3. Reform of Architects Registration: “Reform of Architects Registration” was the title of a UK government consultation paper dated 19 July **1994** which was issued by the Department of the Environment. The introduction stated that in October 1993 the Government had announced that the profession and others would be consulted about measures which could be taken to simplify

the then arrangements for the registration of architects under the Architects Registration Acts, and that broad agreement on what those measures would be had been reached with the **Architects' Registration Council of the United Kingdom (ARCUK)** [article 9] and the **Royal Institute of British Architects (RIBA)**. Eventually, Parliament made certain changes to the Architects Registration Acts which now have effect under the **Architects Act 1997** [article 5]. The consultation paper went on to state that the current proposals for reform stemmed from a request from ARCUK to the Government in 1992 that the Architects Registration Acts should be reviewed; and that a review had been carried out by Mr E.J .D. Warne CB, whose report had been published by HMSO in 1993.

.... remainder of article omitted from this handlist

4. Housing Grants, Construction and Regeneration Act 1996

.... article omitted from this handlist

5. ***Architects Act 1997** (to end of May 2008): [**Citation etc:** Architects Act 1997. Parliament of the United Kingdom. **Long title:** An Act to consolidate the enactments relating to architects. Statute book 1997 Chapter 22. Introduced by: UK Government. Territorial extent: England, Wales, Scotland and Northern Ireland. Royal Assent: 19 March 1997. Commencement: 21 July 1997. Amendments: (1) The Architects' Qualifications (EC Recognition) Order 2002, S.I. 2002 No. 2842; (2) The Architects (Professional Conduct Committee) Amendment Order 2004, S.I. 2004 No. 655]

From 21 July 1997, the governing Act for the keeping and publication of the statutory **Register of Architects** by the **Architects Registration Board** has been the Architects Act 1997... The unbroken continuity from the originating Act of 1931 to the consolidating Act of 1997 is shown by paragraph 19(2)(a) of Schedule 2 in the 1997 Act: "*the Council*" means the *Architects' Registration Council of the United Kingdom established under the 1931 Act, which was renamed as the Board by section 118(1) of the 1996 Act.* However, while the Architects Registration Board (ARB) now has limited powers to make rules in the manner prescribed by the Architects Act 1997, it no longer has the power to make **regulations** which had previously been ascribed when it was constituted as the **Architects' Registration Council of the United Kingdom (ARCUK)**.....

Footnote - Secretary of State: In May 2006 responsibility for the Architects Registration Board [was] transferredto a newly formed Department which ... has a web page for describing the **Architects Registration Board** where it offers [May 2007] an **unreliable summary** of the effect of the legislation, [viz.]: a thread of inaccuracy in three out of four sentences, namely: — stating that ARB "succeeded" ARCUK, when the legislation has expressly stated that it is the same body but with another name as from July 1997; — stating that it was established to guarantee the professional competence of architects to consumers, when this cannot be the case in that ARB has neither the legal powers nor the funds to honour any such guarantee; and — that all architects must be registered by ARB in order to practise legally in the United Kingdom, when in fact an architect, or any other person, is free to perform or supply the services of an architect subject only to the restrictions on the use of the vernacular word "architect" contained in the legislation first enacted by Parliament in the 1938 Act.

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6. Architects Act 1997: amendment of June 2008 under the European Communities Act 1972

The Architects Act has been amended by a statutory instrument made by a minister of the United Kingdom government under the European Communities Act 1972. This was the **Architects (Recognition of European Qualifications etc and Saving and Transitional provision) Regulations 2008** [S.I. 2008 No. 1331], which came into force on 20 June 2008. An Explanatory Memorandum was issued with the Regulations and a fuller [Explanatory Memorandum](#) presented to Parliament.

.... remainder of article omitted from this handlist

OTHER ARTICLES: contents lists only reproduced in this handlist

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12A [Lionel Bailey Budden, FRIBA](#) b.1877 d.1956

OTHER ARTICLES: from AARUK website

A1 The “Wider Remit” [24 February 2006] In a letter to the editor of *Building Design*, published on 24 February 2006, **Mr Humphrey Lloyd QC**, then chairman of the Architects Registration Board, said: ... “*Arb only fulfils its statutory role, no more*” ... This contradicts the policy adopted by the Board when it first took up its powers. The first chairman **Dr Barbara Kelly** considered this freedom from statutory constraint so important that she wrote to all the architects on the Register, saying: ... “*You might not be aware that in addition to the statutory functions ARB is undertaking in place of ARCUK, ARB’s remit is considerably wider*” ... AARUK knows of nothing showing that the Board has ever contradicted this statement. When in 2004 the Board’s solicitor was asked from where the powers for this “wider remit” were derived, he replied with the novel proposition that they were “extra-statutory powers”, clearly overlooking the rule for public authorities that “what is not permitted [by Statute] is prohibited”. AARUK invites inquirers and policy-makers to consider whether the Board’s persistent adherence to the “wider remit” calls Mr Lloyd’s accuracy and objectivity into question when he says his purpose is “To repeat some basic facts ...”.

A2 Practitioners’ Registration Service: Further amendment? [22 August 2007] Policy-makers and others who have considered the information available on this [AARUK] website may have become perplexed about the treatment of some architects by the Board and its Professional Conduct Committee, as described in **Case Study 1 and Case Study 2**. In a brief **Note on Part III of the Architects Act 1997** an AARUK contributor explains that the present Act cannot properly be applied as if it enabled the Board to originate a duty to inform the Board, such as it asserts in Code Standard 8, or enabled the Board’s Professional Conduct Committee to enforce such a claim, irrespective of the validity of the Standard in other respects.

For an outline of the steps by which the Board [and its PCC] has progressively strayed from the Act, in principle and in fact, see the **Notice of Application to Quash in Case Study 1** [in particular: paragraphs: 8-11,14, 27, 28; and disregard of the ruling reported as “In Re P., a barrister” referred to in paragraph 32]. **Should the legislation be further amended to save the Board from the charge of jactitation of power?**

NOTE 1:

In “ARCHITECT” AS A WORKING TITLE: “Articles A1 and A2 indicate a recurrent problem: institutional or administrative convenience may result in questionable outcomes.”

From Case Study 2 [I— S—] : See the judge’s reasons when, on **23 July 2008**, in High Court proceedings by the architect against the ARB, the architect was granted an injunction to

restrain the PCC from proceeding with the case while the architect's application to the High Court for **judicial review of a PCC ruling** against him was pending.

NOTE 2:

In "ARCHITECT" AS A WORKING TITLE: ... "A1: ... The first chairman [of ARB] **Dr Barbara Kelly** considered this **freedom from statutory constraint** so important that she wrote to all the architects on the Register, saying: ... "You might not be aware that in addition to the statutory functions ARB is undertaking in place of ARCUK, ARB's remit is considerably wider".

From AARUK: "[ARCHITECTS ACT 1997: Ambition, Rationalisation... Solution?](#)"

1. AN AMBITION: "Public Relations... It seems that the role of a **statutory regulatory body** is not clearly understood... The fact is that the Architects Act 1997 gives us a clear mandate to operate. The Board's responsibility is to ensure that that mandate is delivered. ARB is not a club you can join if you wish. It is a regulatory body, with extensive responsibilities for registration, consumer support, validation and assessment, and regulation." — **Dr Barbara Kelly, CBE**, first chairperson of the Architects Registration Board in the Board's Annual Report for 1999/2000.

2. A RATIONALISATION: "The raison d'être of ARB is **to regulate the name and title 'architect'**". — **Humphrey Lloyd, Q.C.**, third ARB chairperson, in a paper available from the Society of Construction Law (February 2003).

3. A DESIGNATION: "**Regulation Department.** Use of title 'architect' — Complaints about an architect — Professional Conduct Committee Hearings — Code of Conduct and Professional Standards — Registering as a company"— **ARB website**, eBulletin/November/05 and site index.

4. INFORMATION: "The Board as 'Regulator'. It has been suggested that the Board is not a 'regulator' of the architects profession... The precise generic description that any individual chooses to give to the collection of statutory duties imposed upon, and the powers available to, the Board under the 1997 Act is in any event **irrelevant** for the purposes of the questions asked," [by the Board when obtaining this information for its own use] "for they largely involve issues of statutory interpretation which require the legislation to be construed and not given epithets." — ARB website Press Gallery, summary of a **barrister's opinion** 10/11/2003.

5. AN OBSERVATION: "The words 'regulator' and 'regulation' are not used in the Act and that status is not conferred upon the Board. It could be argued that the Board's assumption of this role is **adverse to the public interest** ... A contrary proposition to the Board's claim is that an essential characteristic of a regulatory body in this context is to have jurisdiction or control over particular functions or activities in the supply of goods or services ... whether or not the regulatory method is in conjunction with a system of certificating or licensing (such as applies to solicitors or places of entertainment)... The Board's claim to regulatory status appears to be the result of want of understanding how it can usefully go about fulfilling the services that have been assigned to it by statute for the public benefit..." — (Signed) article in **RIBA Journal**, June 2003.

6. A SOLUTION? "An Act to amend... statutory provisions and rules of law in order to remove or reduce certain burdens affecting persons in the carrying on of trades, businesses or professions or otherwise and for other **deregulatory purposes...**". — The long title of the **Deregulation & Contracting Out Act 1994**

From [AARUK: ARCHITECTS ACT 1997: Comments on the Government's draft amendments published for consultation in August 2007](#): "If the Register is to have a future this can be simply as a government office for such certifying functions as may be inevitable in this

country pursuant to EU obligations while **chartered bodies** are left free to set their own qualifying standards for membership.”

NOTE 3:

In “ARCHITECT” AS A WORKING TITLE: “A2 ... disregard of the ruling reported as ‘In Re P., a barrister’ referred to in paragraph 32.”

From AARUK: Case Study 1: “32 There is no provision for something like the ‘case stated’ procedure from a magistrates court or an arbitrator, or the like statutory procedure for Employment Tribunals; and it is unreasonable to compel an accused person (or us) to incur the added burden of obtaining an authoritative ruling from the courts, including legal fees and other costs, or in the words of Mr. Justice Colman and another, to incur ‘the risk of a **profligate waste of time and money**’ (In Re P., a Barrister at para 102, decision of Mr Justice Colman and others as Visitors to the Inns of Court reported in [2005] 1 WLR.). (Judicial review or appeal under Section 22 of the Act is unlikely to be appropriate.)”

NOTE 4:

In “ARCHITECT” AS A WORKING TITLE: ... article 1 “For the purposes of the **Legislative and Regulatory Reform Act 2006**, ‘regulatory function’ is defined in subsection 32 (2) [of that Act].”

From EXPLANATORY NOTE for S.I 2007 No.2781 PROFESSIONAL QUALIFICATIONS., *The European Communities (Recognition of Professional Qualifications) Regulations 2007, coming into force 19 October 2007*: A full **regulatory impact assessment** of the effect that this instrument will have on the cost of business and the voluntary sector is available from the Department for Innovation, Universities and Skills.

NOTE 5:

In “ARCHITECT” AS A WORKING TITLE: “The **Architects Registration Board** is one of certain other bodies which have been designated as a “**competent authority**” under legislation made in compliance with treaty obligations of the United Kingdom as a state of the **European Union**. For this purpose architects continue to be among the “**sectoral professions**” together with dentists, medical doctors, nurses, midwives, pharmacists and vets. The Departmental and other negotiations leading to present legislative outcomes have been prolonged and intricate.”

From S.I 2007 No.2781 PROFESSIONAL QUALIFICATIONS., *The European Communities (Recognition of Professional Qualifications) Regulations 2007, coming into force 19 October 2007*:

from Regulation 2 Interpretation

2.—(1)...

“**competent authority**”— (a)in relation to the United Kingdom, has the meaning given by regulation 4(1) to (3), (b)in relation to another relevant European State, has the meaning given by regulation 4(4),and unless the context otherwise requires, a reference to a competent authority is a reference to a competent authority in relation to the United Kingdom;.....

– “**practice**” in relation to any **regulated profession** includes—(a) the taking up or pursuit of that profession in a relevant European State, whether in a self employed capacity or as an employed person; **and (b)in the course of such pursuit**— (i)the right to use a professional title or designatory letters; and (ii) the enjoyment of the **benefit of the status associated with membership of the profession**;

- “profession” includes occupation or trade;
- “**professional association**” means an association or organisation recognised in a special form, the purpose of which is, in particular, to promote and maintain a high standard in the professional field with which it is concerned and which, to that end—**(a)prescribes and enforces respect within its membership for rules of professional conduct and awards professional qualifications to its members; and (b)confers on its members the right to use one or more professional titles or designatory letters or to benefit from a status corresponding to that professional qualification;**
- “professional experience” means the actual and lawful pursuit of the profession concerned;
- “professional qualifications” has the meaning given to it in regulation 7(1);
- “**professional rules**” mean rules of a professional, statutory or administrative nature which are directly linked to professional qualifications, such as the definition of the profession, the use of titles, and **serious professional malpractice which is directly and specifically linked to consumer protection and safety**, as well as disciplinary provisions which are applicable to professionals who pursue the same profession;
- “relevant European State” means an EEA State or Switzerland;
- “same profession” means the profession for which the applicant is qualified in his home State if the activities covered are comparable;
- “**sectoral professions**” means one or more of the following regulated professions namely that of doctor, nurse responsible for general care, dental practitioner, veterinary surgeon , midwife, pharmacist and architect;”third country” means a country other than a relevant European State.(2) References in these Regulations to the Directive or a provision of the Directive are references to the Directive or a provision of the Directive as amended from time to time.

2(4) For the purposes of these Regulations, **an association or organisation established in the United Kingdom shall be taken to have been recognised in special form if the mode of its establishment was incorporation by Royal Charter.**

from Regulation 4 Competent authorities

- 4.—(1) In the case of a **regulated profession listed in any of Parts 1 to 3 of Schedule 1**, the competent authority in the United Kingdom for the purposes of the Directive so far as relating to that profession is the body or authority specified in relation to that profession in that Part of that Schedule.
- (2) In the case of a **regulated profession that is regulated in the United Kingdom but is not listed in Schedule 1**, the competent authority in the United Kingdom for the purposes of the Directive so far as relating to that profession is the governing body of that profession in the United Kingdom.
- (3) In these Regulations “competent authority”, in relation to a **profession listed in Part 4 of Schedule 1** [this includes “**Architect**”], means the body or authority specified in relation to that profession in that Part of that Schedule [namely “**Architects Registration Board**”].
- (4) For the purposes of these Regulations, the competent authority in another relevant European State in relation to— (a) any document, certificate, attestation of competence, diploma or qualification, (b) any period of professional experience, or (c) any application, action or decision, is the authority, body or person who under laws, regulations or administrative provisions is authorised in that State to issue, award or recognise the document or information concerned or

(as the case may be) to certify the period of professional experience, to receive the application or to take the action or decision.

from Regulation 5 Functions of competent authorities in the United Kingdom

5.—(1) Without prejudice to its other powers and functions, a competent authority shall have the function of receiving and considering applications by applicants and taking the actions and decisions referred to in these Regulations.

(2) Competent authorities shall— (a) work in close collaboration with competent authorities of other relevant European States; (b) provide assistance to competent authorities of other relevant European States in order to facilitate application of these Regulations; and (c) ensure the confidentiality of the information which they exchange. (3) Competent authorities shall exchange information with competent authorities of other relevant European States regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of activities under these Regulations.

(4) Pursuant to paragraph (3), a competent authority receiving information from a competent authority of another relevant European State on disciplinary action or criminal sanctions, shall: (a) examine the veracity of the circumstances, (b) decide on the nature and scope of the investigations which need to be carried out, and (c) inform that authority of the conclusions which it draws from the information available to it.

(5) If the holder of a qualification awarded by a competent authority requests, either in writing or by electronic means, that authority to provide him with any information or evidence as listed in Annex VII of the Directive in support of his application to practise a profession in another relevant European State which regulates that profession, the competent authority shall produce that information or evidence to the holder within the time limits set down in that Annex or, if there are no time limits, as soon as is reasonably practicable following the request of the holder.

(6) Competent authorities shall also act as contact points for their **regulated professions**.

(7) Contact points shall in addition to the function set out in regulation 38(2): (a) provide citizens and the contact points of other relevant European States with such information as is necessary concerning the recognition of professional qualifications, such as information on the national legislation governing the regulated profession concerned and pursuit of that profession, including social legislation, and where appropriate the **rules of ethics**; (b) on receipt of an enquiry, **assist citizens in realising the rights conferred on them by the Directive**, in cooperation, where appropriate, with other contact points and competent authorities.

from Regulation 6 Regulated profession, regulated education and training and applicants

6.—(1) In these Regulations, “**regulated profession**” means— (a) in relation to the United Kingdom— (i) a profession listed in any of Parts 1, 3 and 4 of Schedule 1; (ii) a profession practised by members of a professional association who have a title or designation set out in Part 2 of Schedule 1; (iii) a professional activity or group of activities access to which, the pursuit of which or one of the modes of pursuit of which is subject (directly or indirectly) by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications; or (iv) a professional activity or group of activities pursuit of which is by persons using a professional title limited by legislative, regulatory or administrative provisions to holders of a given professional qualification; (b) in relation to another relevant European State, a professional activity, or group of professional activities, which constitutes a profession if and in so far as the activity, or group of activities, is regulated in that State as a professional activity.

(2) “**Regulated education and training**” means education and training which is— (a) listed in Annex III of the Directive; or (b) directly geared to the practice of a profession in a relevant European State, and comprises a course or courses complemented where appropriate by professional training or probationary or professional practice, the structure and level of which are determined by the laws, regulations or administrative provision of that relevant European State or which are monitored or approved by the competent authority in a relevant European State.

(3) For the purposes of Part 2, and of any other provision of these Regulations so far as relating to Part 2, “**applicant**” means an individual— (a) who wishes to **access and pursue a regulated profession in the United Kingdom on a temporary and occasional basis, whether in an employed or self-employed capacity**; (b) who is **a national of a relevant European State** or who, although not a national of such a State, is by virtue of any enforceable Community right entitled to be treated, for the purposes of access to and pursuit of a regulated profession, no less favourably than a national of such a State; (c) whose qualifications were obtained in a relevant European State or a third country; (d) who is legally established in his home State for the purpose of pursuing the same profession there; and (e) who, if neither that profession nor the education and training leading to it is regulated in his home State, has pursued that profession in that State for at least two years during the ten years preceding the provision of services.

(4) For the purposes of Chapters 1, 2 and 4 of Part 3, and of any other provision of these Regulations so far as relating to those Chapters, “applicant” means an individual— (a) who wishes to access and pursue a regulated profession in the United Kingdom on a permanent basis, whether in an employed or self-employed capacity; (b) who is a national of a relevant European State or who, although not a national of such a State, is by virtue of any **enforceable Community right** entitled to be treated, for the purposes of access to and pursuit of a regulated profession, no less favourably than a national of such a State; (c) whose qualifications were obtained in a relevant European State or a third country; and (d) who, if his qualifications were obtained in a third country, has three years’ professional experience in the profession concerned— (i) on the territory of a relevant European State which recognised the formal qualifications obtained in the third country by permitting the individual to pursue the profession on its territory in accordance with its rules, and (ii) certified by that State.

from Regulation 7 Professional qualifications and evidence of formal qualifications

7.—(1) In these Regulations, subject to regulation 8(2), “**professional qualifications**” means— (a) qualifications attested by evidence of formal qualifications, (b) an attestation of competence issued by a competent authority in the home State on the basis as set out in regulation 20(a); and/or (c) professional experience.

(2) “Evidence of formal qualifications” means— (a) diplomas, certificates and other evidence issued by an authority in a relevant European State certifying successful completion of professional training obtained mainly in one or more relevant European States; or (b) where paragraph (a) does not apply, diplomas, certificates and other evidence issued by a third country if the holder has three years’ professional experience— (i) on the territory of a relevant European State which recognised the formal qualifications obtained in the third country by permitting the applicant to pursue the profession on its territory in accordance with its rules, and (ii) certified by that State. (5) OJ No L 255, 30.9.2005, p.22, as amended by Council Directive 2006/100/EC of 20th November 2006,....(end of extract from this Regulation).

End of Handlist

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