



Department for
Business, Energy
& Industrial Strategy

Professional Qualifications Act 2022

Guidance: Assessing demand for the services of regulated professions

Disclaimer:

This guidance is primarily for “appropriate national authorities”, as defined in the Professional Qualifications Act 2022 (the PQ Act). The guidance clarifies and explains the practical operation of how to assess whether regulations under the PQ Act are necessary to enable the demand for the services of a regulated profession to be met without unreasonable delays or charges. It will be possible to assess whether regulations are necessary through alternative means. It also suggests steps for appropriate national authorities to take as they make these regulations. Legislation governing the relevant profession should also be referred to.



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Introduction

1. Professions provide a range of services to our citizens and businesses, as well as providing services overseas. In many areas professions are regulated in law, so an individual must fulfil certain legal requirements to carry out specific professional activities or use a protected title, such as 'architect'. Professional qualification recognition can enable the UK to access international talent in the form of skilled professionals from overseas.

2. The Professional Qualifications (PQ) Act received Royal Assent on 28 April 2022. The PQ Act allows for a new approach for assessing individuals with overseas professional qualifications or experience. As part of this approach and in line with existing powers, regulators' autonomy is protected in relation to determining entry requirements for a profession and assessing whether individuals are fit to practise.

3. The PQ Act will revoke the current system for recognising overseas qualifications, based on EU rules. It allows for the creation of new routes for assessing individuals with qualifications or experience from overseas where there is unmet demand for the services of a profession in the UK. It contains provisions to enable the implementation of the UK's international agreements which contain provisions on the recognition of professional qualifications (e.g., with Norway, Iceland, and Liechtenstein). It also provides powers to enable regulators to conclude recognition agreements with their overseas counterparts. The PQ Act also takes targeted steps to improve the regulation of professions, such as through improving information sharing between regulators and increasing transparency of entry and practice requirements.

4. Under section 1 of the PQ Act, regulations can be made which would require a regulator to have processes in place to assess individuals with overseas gained qualifications or experience. This assessment is whether that individual has the same knowledge and skills as a person with the qualifications or experience required to practise the profession in the UK, or part of the UK. Other applicable regulatory criteria (such as language proficiency or indemnity arrangements) and relevant visa requirements will, of course, still need to be met before the individual can work in a regulated profession in the UK.

5. Assessing individuals with qualifications or experience gained overseas can enable demand for the services of a profession in the UK, or part of the UK, to be met. In this context, enabling demand to be met primarily means addressing labour market shortages within professions. Assessing these individuals can help where consumer demand for the services of a regulated profession outstrips the services that can be supplied by that profession, causing unreasonable delays or charges for those services. It does so by better enabling those with overseas qualifications and experience to work in the UK. This in turn means there are more regulated professionals to deliver the key services for our citizens. Which in turn addresses unreasonable costs or delays in accessing those services.

6. Where there is a need to enable demand for services of a profession to be met, the PQ Act provides a means to take action. Section 1 of the PQ Act enables a relevant Secretary of State, the Lord Chancellor, a devolved administration minister or Northern Irish department

(defined collectively as the “appropriate national authority”) to make regulations within their legislative competence. Those regulations can specify professions whose regulators must put in place a process to be able to:

- receive applications from individuals with overseas gained qualifications or experience.
- assess the individual.
- decide whether that individual has demonstrated that they have substantially the same knowledge and skills to substantially the same standard as is demonstrated by the specified UK qualification or experience.

7. These regulations can only be made under section 1 of the PQ Act for the purpose of enabling demand to be met. This is set out as a condition in section 2 of the PQ Act:

The condition is that it is necessary to make the regulations for the purpose of enabling the demand for the services of the profession in the United Kingdom, or in the part of it to which the regulations relate, to be met without unreasonable delays or charges.

8. This condition means that an appropriate national authority can only take action where there is a clear need to do so. It ensures any action by an appropriate national authority is targeted. Where this condition is not satisfied, appropriate national authorities and regulators must act in accordance with existing sectoral legislation.

9. This guidance document explains how the appropriate national authority can consider whether such regulations are necessary for enabling demand to be met. It suggests factors to consider and relevant information to gather. An appropriate national authority can decide which factors and information are relevant to tailor their approach to the circumstances of the profession. There may also be other evidence that appropriate national authorities wish to consider as part of their decision making; suggested factors and information are not exhaustive. This guidance document also sets out a suggested process to follow. Illustrative scenarios are set out in the Appendix for further information. Ultimately, the appropriate national authority is the decision maker on whether there is a need to make regulations under section 1 of the PQ Act for the purpose of enabling demand to be met.

10. This guidance is relevant to:

- the appropriate national authority, who may use this guidance to consider whether there is a need to make regulations under section 1 of the PQ Act to enable demand to be met.
- regulators, in understanding the consultation process and their role in shaping regulations.
- professional associations, users of professional services or individuals with overseas gained qualifications or experience, who may be affected by whether or not there is a need to make regulations under section 1 of the PQ Act for the purpose of enabling demand to be met.

The main concepts in considering whether regulations can enable demand to be met

Demand, delays and charges

11. The demand condition is a means to ensuring that regulations are only made under section 1 of the PQ Act when they are necessary. It helps the appropriate national authority manage risk, like the ability of a regulated profession to supply its services sufficiently to meet the demand for those services.

12. By making regulations under section 1 of the PQ Act that require regulators to be able to receive applications from, assess and decide whether to allow individuals with overseas gained qualifications or experience to practise, an appropriate national authority would be acting to attract international talent to help provide services to UK customers. Section 2 of the PQ Act means that this can only happen in situations where the current regulated professional workforce is unable to meet the consumer demand for their services without unreasonable delays or charges.

13. This will generally be the case where an assessment is made which determines that the number of professionals are insufficient to provide the amount of a service required by consumers.

14. When a profession is unable to meet consumer demand, consumers of their services, including individuals or businesses, may face one or both of:

- Unreasonable delays: there are detrimental waiting times to receive services. This could be because the profession is unable to provide its services quickly enough without more professionals in the workforce.
- Unreasonable charges: there are detrimental levels of fees. This is because of a lack of professionals in the workforce increases the scarcity and thus cost of the service.

15. Indicators that demand is failing to be met may vary across professions. As such, appropriate national authorities should use their judgement when deciding if consumers face unreasonable delays and charges for the professions they oversee.

Existing recognition processes and demand

16. The regulators of some professions may already have processes for assessing individuals with overseas gained qualifications or experience when they apply to practise in the UK, or part of the UK. These existing recognition processes could be open to individuals from all nations, or they could only be for individuals from a select number of nations.

17. Before following the stages in the next section, the appropriate national authority should establish if the regulator in question currently has any existing recognition processes, and if so, how effective they are. They should also consider whether there are already legal powers

available to ensure a regulator has recognition processes. The appropriate national authority may conclude that one of the following is the case:

The regulator already has no, or limited, recognition processes

18. Where the regulator has no, or limited, existing recognition processes, it is possible that regulations under section 1 of the PQ Act would be appropriate. These regulations could establish or widen requirements to assess overseas qualified individuals, where to do so would help meet the demand for the services of a profession. This is because the profession may benefit from additional talent in the form of individuals with overseas qualifications and experience, if there are labour shortages.

The regulator already has effective recognition processes

19. If the regulator already has adequate existing recognition processes, regulations made under section 1 of the PQ Act would be unlikely to help enable demand to be met. This may be because existing recognition processes already allow access to international talent; making regulations would therefore not significantly affect this. In this case, regulations under section 1 cannot not be made.

Existing recognition processes are ineffective

20. If existing recognition processes are proving ineffective, the appropriate national authority may consider whether it would be beneficial to use powers in section 1 of the PQ Act to supplement or replace them. By establishing new processes, individual's with overseas gained qualifications and experience may have better access to practising in the UK.

Powers outside the PQ Act could be used to amend or establish recognition processes

21. The appropriate national authority may have other legislative powers to establish recognition processes. If so, they may wish to make their own regulations, separate to what is possible under section 1 the PQ Act. In this case, it would be for the appropriate national authority to decide which legislative power is appropriate to use and to fulfil any requirements associated with the powers.

Assessing demand

22. The appropriate national authority should now have a working understanding of enabling demand to be met and the circumstances in which it may be necessary and beneficial to make regulations requiring a regulator to establish recognition processes under section 1 the PQ Act.

23. The appropriate national authority should now consider whether there is a need to make such regulations for a profession, in order to help enable demand to be met for that profession's services. The appropriate national authority may make the assessment as often as appropriate for their needs. For instance, they may decide to assess data relating to professions routinely, in response to rapidly changing situations, or in response to concerns expressed from within the sector about a need for more professionals. Ultimately it is for the

appropriate national authority to decide when to make this assessment, and to reach a determination on any such assessment.

Stage 1: Collecting the Evidence Base

24. The appropriate national authority may assess a range of evidence in determining whether there is a need to enable demand to be met.

Engaging those with expertise

25. The appropriate national authority can engage with sector stakeholders including regulators, professional associations, or other interested parties, to discuss demand for the services of a regulated profession, any need to enable that demand to be met, and develop a comprehensive evidence base.

26. The appropriate national authority may wish to engage with regulators throughout the process of considering whether there is a need to enable demand to be met. The appropriate national authority has a legal requirement to consult with regulators before making regulations under section 1 under section 15 of the PQ Act.

27. The appropriate national authority may consider relevant information from Tables 1 and 2 below.

Helpful information in assessing demand

28. The appropriate national authority may consider relevant information from Tables 1 and 2 below.

29. Table 1 sets out causes and indicators of labour market shortages and Table 2 sets out the potential types of information that the appropriate national authority could consider when assessing demand for the services of a given profession.

30. Evidence on demand may be highly contextual and profession specific. Not all considerations in the tables below will therefore be relevant in every case. Similarly, other evidence may also be considered as appropriate for the profession being considered.

Demand and labour market shortages

31. Evidence on the extent and type of labour shortages that exist for a regulated profession are key to determining whether there is a need to enable demand to be met. This is because labour shortages can act as a constraint on capacity, which can lead to the demand for the services of a regulated profession not being met. By identifying labour market shortages, the appropriate national authority can help identify where a regulated profession may be struggling to provide the amount of service needed, owing to the lack of professionals.

32. In turn, the vacancy rate and persistence of vacancies, including structural (long term) or transitional (short term), can help to determine the scale and type of labour market shortages. Understanding what is driving 'hard to fill vacancies' and wider labour market shortages, and

identifying symptoms of labour market and vacancy shortages (such as delays to the provision of services or unreasonable charges), can help to determine if there is a need to enable demand to be met. For example, structural hard to fill vacancies could be driven by issues related to a profession struggling to attract professionals, which could be managed through improved access to international talent via section 1 regulations. As noted in Table 2 below, vacancy rate data from ONS, and information published by the Migration Advisory Committee via the Shortage Occupation List, can help to inform on labour market shortages for relevant regulated professions.

Table 1: Causes and indicators of labour market shortages

Causes of labour market shortages and/or vacancies	Rationale
<p>Demand side factors</p> <p>Consumer demand for the professional service: The amount of a professional service required by consumers to meet their demands now, and in the future.</p>	<p>Level of demand for services, now and in the future, and what is driving trends, can indicate whether the size of the existing regulated professional workforce is sufficient.</p> <p>Factors such as the substitutability of the provision of services across professions may have an impact on this. For instance, where demand for a service can be met by other occupations, to what extent could this mitigate against risks of the demand for that service not being met without unreasonable delays or charges.</p>
<p>Supply side factors</p> <p>Size and characteristics of workforce: The size of the regulated profession workforce as well as net levels of professionals joining and leaving the profession. Demographics of the workforce such as age, as well as wider trends such as pipeline of skills, automation may also influence the size of the future workforce.</p>	<p>The size and characteristics of the workforce, trends over time, and expectations of changes in the future can build an understanding of the profession's capacity to provide professional services.</p>

Indicators of labour market shortages and/or vacancies	Rationale
<p>Delays to the provision of services</p> <p>Average waiting times for receiving the service, and the effect on consumers: The length of waiting times consumers face to receive a service.</p>	<p>Long waiting times caused by labour market shortages could be indicative that there is a need to make regulations to enable demand to be met. The tolerance for delays may vary by service. It may be the case that services are being provided with only short delays but if those delays have a significant effect, this might still indicate the need to make regulations to enable demand to be met.</p> <p>Alternatively, if delays are caused by factors that would not be addressed by making regulations under section 1, other interventions may be more appropriate, for example if delays are as a result of supply chain frictions.</p>
<p>Unreasonable charges</p> <p>Trends in the price of service provision and consideration of whether prices are unreasonable. This is in terms of costs to the provider and/or the consumer of the service, and the value for money this offers.</p>	<p>‘High’ charges on services may reflect scarcity or shortages, higher input costs, or higher quality in the provision of the services. Understanding what is causing unreasonable charges will inform the decision on whether there is a need to make regulations to enable demand to be met.</p> <p>If a rise in price reflects changes to competition in industry, such as market consolidation through supplier mergers, this may be less relevant in determining the need to make regulations compared to when a rise in price is caused by labour shortages.</p>

Table 2: Type of evidence

Published evidence	Views of the regulator and, where appropriate, professional representative bodies.	Intelligence gathered by the appropriate national authority through surveys and commissioning analysis.
<p>Existing data, analysis and research from regulators, employers and professional bodies.</p> <p>For example: workforce data such as ONS survey data on vacancy rates over time, forecasts modelling future workforce trends, professions on the Shortage Occupation List (SOL).</p>	<p>Information obtained through prior and ongoing engagement with business, regulators, consumer groups and other interested organisations.</p> <p>For example: questionnaires or commissions, information from regular meetings or forums, written material provided by regulators or professional bodies on subjects, or bi-lateral engagements.</p>	<p>Commissioning new data, forecasts, or other analysis</p> <p>For example: interrogation of government held information, commissioned research and analysis projects, or public/targeted surveys, consultations or calls for evidence.</p>

33. Having collected an evidence base, the appropriate national authority should move to Stage 2.

Stage 2: Deciding if regulations should be made to enable demand to be met

34. The appropriate national authority now needs to determine:

- whether there is consumer demand for the services provided by a regulated profession and this outstrips the services that can be supplied by that profession (for example, because of labour market shortages), meaning there is an unreasonable delay or unreasonable cost for those services.
- whether making regulations under section 1 of the PQ Act is necessary to enable that demand to be met without unreasonable delays or charges.

35. In doing so, the appropriate national authority should consider:

The demand for the services of a profession

36. If the appropriate national authority decides that the demand for the services of a profession is being met or that this demand could not be met by regulations under section 1 of the PQ Act, then the profession does not meet the criteria set out in section 2 of the PQ Act. Regulations therefore cannot be made. No further action is needed.

37. If the appropriate national authority believes that the demand for the services of a profession is not being met, and that the situation would benefit from regulations under section 1 of the PQ Act, then the appropriate national authority should continue through this section.

38. Appropriate national authorities are best placed to determine what the evidence base means in the context of the professions they are accountable for.

Uncertainty, demand and regulations

39. The appropriate national authority should be aware that they will be making regulations in an inherently uncertain area. There is no guarantee that making regulations in all cases will help to enable demand to be met.

40. As such, the appropriate national authority should use their expertise and knowledge of the profession and sector to make as informed a decision as possible. That decision should consider the evidence they have collected, views of regulators if appropriate, and the nature of the regulatory environment in the profession they oversee.

41. They will need to determine whether requiring a process for the assessment of individuals with overseas qualifications or experience to be in place is likely to help enable the demand for the services of the profession to be met without unreasonable delays or charges.

42. This is because establishing such a process may not enable the demand for the services to be met in all circumstances. This could be the case, for example, if individuals with overseas qualifications or experience do not use the process established by the regulator.

Further Resources

43. The following resources may help the appropriate national authority to ensure that the measures taken are necessary, proportionate, accountable, transparent and targeted. This is especially important when making decisions subject to uncertainty, such as considering the effect of establishing the process.

The Aqua Book

44. After collecting information, the appropriate national authority may wish to draw from principles in [The Aqua Book](#). This will help the appropriate national authority in assessing the analytical rigour of the evidence collected during stage.

45. In particular, the appropriate national authority should consider reviewing:

- Chapter 2 – Decision-making and analysis
- Chapter 3 – Quality analysis and quality assurance
- Chapter 5 – The importance and implications of uncertainty
- Chapter 8 – Analysing uncertainty

46. This will help the appropriate national authority to consider and analyse areas of uncertainty.

The Green Book and The Better Regulation Framework

47. The appropriate national authority may consider the principles listed in The Green Book. This will help inform the options and decision making when developing regulations.

48. In particular, the appropriate national authority should consider reviewing:

- Chapter 4 - Generating Options and Long-list Appraisal
- Chapter 5 - Shortlist Options Appraisal
- Chapter 6 - Valuation of Costs and Benefits
- Chapter 7 - Presentation of Results

49. The appropriate national authority may also want to consider the principles set out in [The Better Regulation Framework](#) to help inform decision making.

Making regulations

50. Having evaluated their evidence base and decided that regulations are necessary to enable the demand for the services of a profession to be met without unreasonable delays or charges, the appropriate national authority may begin the regulation making process.

51. Section 1(6) of the PQ Act contains an indicative, non-exhaustive list of the types of provisions that the regulations could cover. Regulations should support the regulator in providing a process to assess individuals with overseas gained qualifications or experience.

52. Under section 14 of the PQ Act, these regulations cannot remove a regulator's ability to prevent an individual who is unfit from practising. They also cannot not have a material adverse effect on any regulated profession in terms of the knowledge, skills or experience of the individuals practising it.

53. In preparing to make regulations, the appropriate national authority should:

Consult with the relevant regulators

54. The appropriate national authority must consult with the regulators likely to be affected, and any others it otherwise considers it appropriate to consult, ahead of making regulations.

55. Consultation is a legal requirement under section 15 of the PQ Act. The format of consultation and duration is to be determined by the appropriate national authority, but should be in line with the [Government Consultation Principles 2018](#) if these principles apply to the appropriate national authority.

56. Consultation should include a discussion on whether there is a need to enable demand to be met. It might also include consideration of how recognition processes could be established, what criteria regulators are asking applicants to meet, or the approach the regulator would wish to take to process applications. They should also consider ways in which individual's experience or qualifications can be 'made up' so they can be treated as if they had the UK qualification or experience.

57. It may also include consideration on the effect establishing the processes would likely have on the regulator and professionals, and how long it would take for the regulator to bring the processes into operation.

58. The regulators' expert input can help the appropriate national authority determine whether to make regulations or not, as well as help shape what any such regulations could look like at a formative stage.

Prepare and draft the regulations

59. The appropriate national authority will need to make draft regulations and deliver this through appropriate processes.

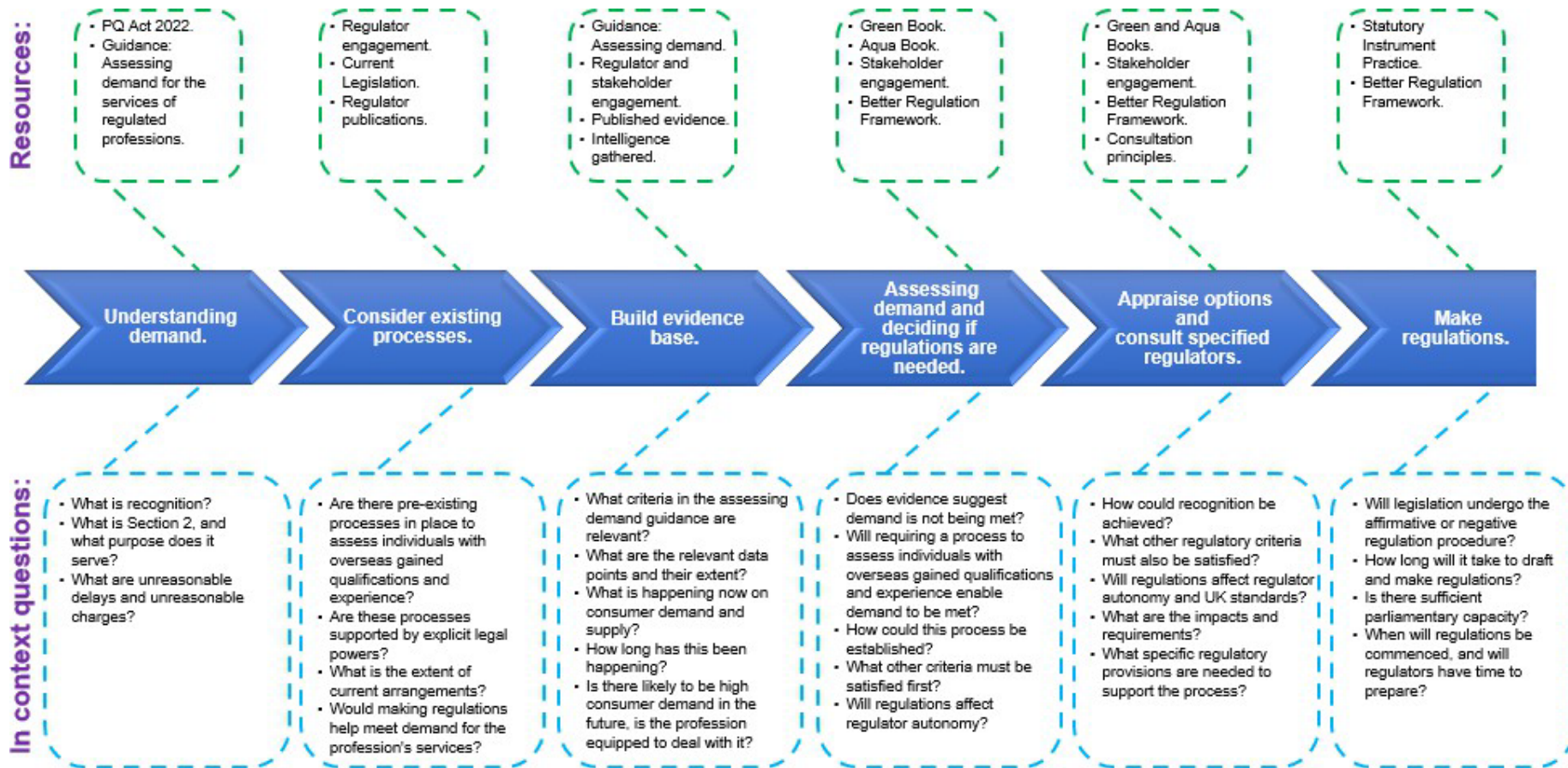
60. There are different [procedures for laying regulations](#). Section 18 of the PQ Act specifies the relevant procedures to follow.

What happens next?

61. Once regulations are made, the regulators affected must have a process in place to assess individuals with qualifications or experience obtained overseas.

62. The PQ Act does not specify a duration in which the process should be established for, or a requirement to end the process once demand is adequately met. The determination as to how long the process operations will be for the appropriate national authority.

Assessing demand – summary diagram



63. Whilst the appropriate national authority should give due regard to some of the questions in this diagram, not all considerations are relevant to all professions. It is for the appropriate national authority to apply the questions as appropriate to the scenario. This will be informed by their knowledge of the profession they oversee and the regulatory landscape in which it resides.

Appendix: Illustrative case studies

These case studies are for illustrative purposes only. The stages would likely be consistent for many appropriate national authorities. What may differ, however, is the ways in which those stages are taken. For example, how the appropriate national authority engages with regulators, the scale of consultation, the varying types of information they may gather on the demand for the services of a profession, and what time period they allow for making regulations. This will be determined by the relevant appropriate national authority in keeping with what is most appropriate for the profession they are considering.

Where the appropriate national authority determines that establishing a process for the assessment of individuals with qualifications or experience obtained overseas would enable demand to be met.

The appropriate national authority is concerned that there are insufficient members of a profession to meet the demand for that profession's services in England. The appropriate national authority considers whether it would be necessary to use the power in section 1 of the PQ Act to enable this demand to be met without unreasonable delays or charges.

- They consider the level of demand, and its effect on delays and charges, for the services of the profession. To do so they review the available evidence and work with the regulator, relevant professional bodies and other stakeholders to ensure an accurate picture of demand is obtained.
- This confirms that the number of existing professionals in England is limited, there are difficulties filling vacancies and there is no process for assessing individuals with professional qualifications or experience gained overseas. These factors have resulted in high fees and/or long waits for consumers of the services of the profession. This satisfies the section 2 condition.
- The appropriate national authority decides to use the power in section 1 of the PQ Act to make regulations which require the relevant regulator to have a process to assess individuals with qualifications or experience obtained overseas. They discuss the requirements with the regulator.
- These regulations will, where necessary, amend any relevant primary or secondary legislation for the profession, and make clear what the regulator needs to do and when.
- The appropriate national authority follows the appropriate resolution procedure to make the regulations. If they are amending primary legislation or retained direct principal EU legislation, the regulations are subject to the affirmative procedure. If they are not amending primary legislation or retained direct principal EU legislation, they may use the negative procedure.
- The regulations become law. They include a suitable commencement period, to allow the regulator to get ready.
- The regulator establishes assessment processes, ready to operate them from when the regulations come into effect. From that point on, they are able to assess applicants with qualifications or experience obtained overseas. They treat those who meet their criteria as if they had the specified UK qualifications or experience.

Where the appropriate national authority determines there is not a shortage of professionals, and therefore, there is no need to establish a process for assessment of individuals with qualifications or experience from overseas.

The appropriate national authority is concerned that there are insufficient members of a profession to meet the demand for that profession's services in England. The appropriate national authority therefore considers whether it would be necessary to use the power in section 1 of the PQ Act to enable this demand to be met without unreasonable delays or charges.

- 1) They consider the level of demand, and its effect on delays and charges, for the services of the profession. To do so they review the available evidence and work with the regulator, relevant professional bodies and other stakeholders to ensure an accurate picture of potential demand is obtained.
- 2) The review confirms that the number of existing professionals in England are adequate, and that there are not any current or predicted difficulties filling vacancies. These circumstances result in demand for the services of the profession being adequately catered for, without unreasonable delays or charges.
- 3) This evidence does not satisfy section 2, meaning that regulations under section 1 cannot be made.
- 4) The appropriate national authority decides that it is not appropriate to use the power in section 1 of the PQ Act which requires the relevant regulator to have in place processes to assess individuals with qualifications or experience obtained overseas.
- 5) The appropriate national authority shares their thinking with the regulator, confirming that regulations are not required.

Where the appropriate national authority determines there is not a shortage of professionals, and therefore, there is no need to establish a process for assessment of individuals with qualifications or experience from overseas.

The appropriate national authority is concerned that there are insufficient members of a profession to meet the demand for that profession's services in England. The appropriate national authority therefore considers whether it would be necessary to use the power in section 1 of the PQ Act to enable this demand to be met without unreasonable delays or charges.

- 6) They consider the level of demand, and its effect on delays and charges, for the services of the profession. To do so they review the available evidence and work with the regulator, relevant professional bodies and other stakeholders to ensure an accurate picture of potential demand is obtained.
- 7) The review confirms that the number of existing professionals in England are adequate, and that there are not any current or predicted difficulties filling vacancies. These circumstances result in demand for the services of the profession being adequately catered for, without unreasonable delays or charges.
- 8) This evidence does not satisfy section 2, meaning that regulations under section 1 cannot be made.
- 9) The appropriate national authority decides that it is not appropriate to use the power in section 1 of the PQ Act which requires the relevant regulator to have in place processes to assess individuals with qualifications or experience obtained overseas.
- 10) The appropriate national authority shares their thinking with the regulator, confirming that regulations are not required.

Glossary

Professional Qualifications or Experience:

A “Qualification”, as defined in section 19 of the PQ Act, is any record of having attained a particular standard following a course of study or training, issued by a body whose ordinary activities include the issuing of such records.

Regulated profession:

[‘Regulated profession’](#) is defined in section 19 of the PQ Act. It means a profession which is regulated by law in the UK or a part of the UK. ‘Profession’ includes an occupation or trade, or any subdivision or specialism within a profession. The PQ Act sets out that a profession is regulated by law where there is a legal requirement to have certain qualifications or experience (or meet an alternative condition or requirement) to undertake certain professional activities or use a protected title.

Regulator:

‘Regulator’ is also a defined term in section 19 of the PQ Act. It means a person with functions under legislation relating to the regulation of a regulated profession.

Regulators carry out a range of functions in relation to the professions they regulate, including making sure individuals have the necessary qualifications or experience to practise the profession and taking any necessary enforcement action. In some cases, these functions are carried out by a single regulator for an individual profession and in other cases the functions are distributed across several regulators.

Regulators also include bodies to which regulatory functions have been delegated, where the delegation is authorised by legislation and irrespective of whether the regulator is specified in the legislation.

Section 1 process:

The section 1 process involves the regulator, who oversees the profession, assessing and determining whether or not an individual with overseas gained qualifications or experience should be treated as if they held the UK qualifications or experience specified by law as being required in order to practise that profession.

To do so, the regulator would have to assess whether the individual with the overseas gained professional qualifications or experience demonstrates knowledge and skills to substantially the same standard as the specified UK qualification or the specified UK experience necessary for the purpose of practising that profession in the UK.

Other criteria beyond this, such as language proficiency, professional indemnity insurance, or background checks, may also be required to be met before the individual is treated as if they had the specified UK qualifications or experience. Obtaining entitlement to practise the profession in the UK may, depending on the regulator, be an entirely separate process.

Recognition processes

Processes for assessing individuals with overseas gained qualifications or experience when they apply to practise in the UK, or part of the UK. The regulator must consider the individual's qualifications or experience gained overseas, rather than requiring the individual to gain all relevant qualifications or experience in the UK. These recognition processes could apply globally, or they could only be for a select number of nations.

This publication is available from: www.gov.uk/government/publications/professional-qualifications-act-2022-sections-1-and-2-guidance

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