EXPLANATORY MEMORANDUM TO

THE PROFESSIONAL QUALIFICATIONS AND SERVICES (AMENDMENTS AND MISCELLANEOUS PROVISIONS) (EU EXIT) REGULATIONS 2020

2020 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 ("this instrument") implements into domestic law the Recognition of Professional Qualifications ("RPQ") provisions in the EU Withdrawal Agreement[1], the EEA EFTA Separation Agreement[2] and the Swiss Citizens' Rights Agreement[3] (collectively, "the Agreements"), that are not covered by existing RPQ EU Exit legislation.

2.2 In addition, this instrument will also make changes to the domestic frameworks for RPQ and services, as follows: disapply certain retained directly effective EU treaty rights relating to RPQ and revoke three pieces of direct EU legislation that would otherwise be retained in domestic law by virtue of sections 4 and 3 of the European Union (Withdrawal) Act 2018 ("EUWA") respectively; make corrections to RPQ EU Exit legislation; change some references to 'exit day' to account for the Transition Period ("TP") in various RPQ[4] and Services[5] EU Exit legislation; and correct a transposition error in the European Union (Recognition of Professional Qualifications) Regulations 2015 ("the 2015 Regulations").

2.3 As this instrument makes some corrections to RPQ EU Exit legislation, consideration has been given to whether the free issue procedure should be applied. Having consulted with the SI Registrar, and given the correcting provisions form only a minor part of the overall instrument, we have concluded that it would be disproportionate to use the free issue procedure.

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[1] Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

[2] Agreement on arrangements regarding citizens' rights between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union and the EEA Agreement

[3] Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens' rights following the withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement

[4] The Recognition of Professional Qualifications (Amendment ect.) (EU Exit) Regulations 2019, the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019, the Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019, and the Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019

[5] The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018

Explanations

What did any relevant EU law do before exit?

RPQ legislation

2.4 The main EU legislation on RPQ is Directive 2005/36/EC ("the Directive"). It applies to most professions, except those which have their own EU legislation.[6] The Directive applies not only to EU citizens, but also to nationals of Norway, Liechtenstein and Iceland ("the EEA EFTA states") and Switzerland by virtue of being annexed to the EEA Agreement[7] and the Swiss Free Movement of Persons Agreement[8] ("FMOPA").

2.5 The Directive enables EEA and Swiss nationals to have their professional qualifications recognised, and to gain access to the regulated profession for which they are qualified, in Switzerland or an EEA state other than the state in which their qualification was obtained.

2.6 The Directive has been implemented in UK law by the 2015 Regulations and other sector specific legislation.

Retained Treaty rights and EU legislation

2.7 The Directive facilitates RPQ rights derived from Articles 45, 49 and 56 of the Treaty on the Functioning of the European Union ("TFEU"). Those Articles confer directly effective rights for the free movement of workers, the freedom of establishment and the free movement of services respectively. These rights apply to individuals without the need for implementing measures and will be retained under section 4 of EUWA.

2.8 The EEA Agreement contains similar free movement rights. FMOPA is drafted differently. Article 9 and Annex 3 of FMOPA require the EU and Switzerland to apply certain legislation between them related to RPQ, including the Directive.

2.9 This instrument is also concerned with the Delegated Regulation which establishes a common training test for ski instructors[9] and two recent delegated decisions[10] that update Annexes to the Directive which list qualifications eligible for automatic recognition.

Miscellaneous amendments

2.10 The Services Directive[11] is implemented into UK law by the Provision of Services Regulations 2009. It aims to develop the Single Market in services by breaking down barriers to cross-border trade within the EU.

Why is it being changed?

RPQ legislation

[6] For example, the Audit Directive 2006/43/EC
[7] Agreement on the European Economic Area
[8] Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons
[9] Commission Delegated Regulation (EU) 2019/907
[10] Commission Delegated Decision (EU) 2019/608 and 2017/2113
[11] EU Services Directive (2006/123/EC)

2.11 The Directive will cease to apply to the UK after the TP. Therefore, the domestic implementing legislation will not operate effectively after the TP. Some parts will be inoperable as a consequence of exit, and other parts will not be appropriate to retain given they are based on reciprocal arrangements with the EU, the EEA EFTA states and Switzerland which will no longer exist. To resolve these issues, the Government made several RPQ EU Exit instruments in 2018-19.

2.12 The UK has since made Agreements with the EU, EEA EFTA states and Switzerland which include provisions on RPQ that are similar, but slightly different to existing provisions in RPQ EU Exit legislation. This instrument is being made in order to give effect to the RPQ provisions in the Agreements that are not already covered.

Retained Treaty rights and EU legislation

2.13 Under section 4 of the EUWA, directly effective treaty rights such as those outlined in paragraph 2.7 and 2.8 will continue to be recognised and available in domestic law after the TP. Any directly effective treaty rights relating to RPQ need to be disapplied to ensure that there is legal clarity about the system of recognition applicable in the UK after the TP.

2.14 The retained Delegated Regulation on ski instructors and delegated decisions will have no practical effect in the UK after the TP and therefore are being revoked.

Miscellaneous amendments

2.15 After the TP, the Services Directive will no longer apply to the UK or to EEA businesses or individuals providing services in the UK. Therefore, the Provision of Services Regulations 2009 have been amended by the Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 ("the Services Regulations") to fix any deficiencies arising from the UK's withdrawal from the EU. The Services Regulations were not drafted to factor in a TP; so they must be amended to change the references in the body of the text from "exit day" to "IP completion day".[12]

2.16 Similar technical amendments to "exit day" references will also be made to the RPQ EU Exit legislation referenced above.

What will it do now?

RPQ legislation

2.17 This instrument implements the RPQ provisions in the Agreements that are not already covered by certain RPQ EU Exit legislation. See paragraph 7.1-3 for more detail.

Retained Treaty rights and EU legislation

2.18 This instrument will disapply retained RPQ rights derived from provisions of the TFEU and the EEA Agreement which relate to the free movement of workers (Article 45 TFEU and Article 28 of the EEA Agreement). This instrument will also disapply any retained directly effective rights derived from Article 9 and Annex 3 of FMOPA.

[12] Paragraph 1 of Schedule 5 to the WAA provides for commencement provisions in EU Exit SIs expressed by reference to exit day to be read instead as if they were references to IP (defined as Implementation Period) completion day.

Retained rights relating to the freedom of establishment and free movement of services are being disapplied by separate EU Exit legislation.[13]

2.19 The retained Delegated Regulation on ski instructors and two delegated decisions will also be revoked.

Miscellaneous amendments

2.20 Other minor corrections will be made to RPQ and Services EU Exit legislation.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Parts 1 and 2 of this instrument come into force on the day after the instrument is made. Part 1 is a citation and commencement provision and therefore usual for it to come into force following being made. Part 2 concerns a correction to a transposition error which occurred when originally transposing the Directive into domestic law. The transposition error is minor, clarifying where experience can be obtained, and does not impose additional or onerous duties on those it affects.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 The territorial application of this instrument varies between provisions, but for some provisions includes Scotland and Northern Ireland.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom, except for –

i. amendments to legislation concerning teachers in paragraph 4 of Schedule 1, which extend to England and Wales only; and

ii. amendments to legislation concerning farriers in regulation 6 in Part 3, which extend to Scotland, England and Wales.

4.2 The territorial application of this instrument is the United Kingdom with the following exceptions:

i. The territorial application for amendments to legislation concerning teachers in paragraph 4 of Schedule 1, is England only; and

ii. The territorial application for regulation 6 in Part 3 concerning farriers is Scotland, England and Wales.

5. European Convention on Human Rights

5.1 The Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy, Nadhim Zahawi, has made the following statement regarding Human Rights:

[13] The Freedom of Establishment and Free Movement of Services (EU Exit) Regulations 2019

5.2 "In my view the provisions of the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 are compatible with the Convention rights."

6. Legislative Context

RPQ legislation

6.1 Within the EEA and Switzerland, RPQ is governed by the Directive and other profession-specific instruments. The Directive applies not only to the EU Member States but also to Switzerland and the EEA EFTA states by virtue of the FMOPA and EEA Agreement. The Directive has been implemented in the UK by the 2015 Regulations[14], and other sector-specific legislation.

6.2 In 2018 the Government made the EUWA, which includes provisions in respect of retained EU law and provides powers to correct deficiencies in retained EU law. In 2018-19, several Government Departments laid RPQ EU Exit legislation to amend their existing RPQ legislation under the powers in EUWA, ensuring that the RPQ legislation operated effectively post-exit, and to correct for deficiencies arising as a consequence of the UK leaving the EU. This included making transitional provisions which protect qualification recognition decisions already made and allow ongoing applications to be completed under the rules in force before the end of the TP.

6.3 Since then, the UK has reached Agreements with the EU, the EEA EFTA States and Switzerland. The Agreements contain provisions for RPQ which are similar, but slightly different, to the existing transitional provisions in RPQ EU Exit legislation. Additional transitional provisions were also agreed with Switzerland.

6.4 The European Union (Withdrawal Agreement) Act 2020 provides specific powers to implement the provisions of the Agreements.

6.5 This instrument will implement the RPQ provisions in the Agreements by amending the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 and other sector specific RPQ legislation which has been made by the Ministry of Housing, Communities and Local Government[15] and the Department for Environment, Food and Rural Affairs.[16]

6.6 This instrument will include consequential amendments to legislation related to schoolteachers.

6.7 In addition, the Department for Health and Social Care[17] and the Ministry of Justice[18] will lay similar RPQ EU Exit regulations to amend existing EU Exit regulations after this instrument has been laid.

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[14] The Directive was originally implemented by the European Communities (Recognition of Professional Qualifications) Regulations 2007 which have since been revoked and replaced by the 2015 Regulations, except as in respect of Switzerland.

[15] The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019, the Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019 and the Architects Act 1997

[16] The Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019 and the Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019

[17] The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 and the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019

6.8 This instrument will make miscellaneous amendments to ensure the frameworks for RPQ and Services will function as intended after the TP.

Retained Treaty rights

6.9 As outlined above, directly effective rights for the free movement of workers under the TFEU and the EEA Agreement, and any directly effective rights under Article 9 and Annex 3 of FMOPA, will be retained in domestic law at the end of the TP.

6.10 To ensure clarity around the RPQ system after the TP, this instrument will disapply these Treaty rights insofar as they relate to RPQ.

6.11 To ensure the rights are effectively disapplied, this instrument will also revoke the relevant provisions in the TFEU, the EEA Agreement and FMOPA which provide for the prohibition of discrimination on the grounds of nationality insofar as they apply to the disapplication of the free movement of workers' rights under this instrument.

7. Policy background

What is being done and why?

RPQ legislation

7.1 This instrument will make amendments to RPQ EU Exit legislation to implement the RPQ provisions in the Agreements. Since the RPQ provisions in the Agreements are similar to the transitional provisions in existing RPQ EU Exit legislation, **the changes being made by this instrument do not represent any major change in policy**. This instrument will also implement additional RPQ provisions in the Swiss Agreement. The provisions will protect EEA and Swiss nationals (and their family members) in the UK and vice versa.

7.2 This instrument will cover the RPQ provisions in all three Agreements that:

i. protect all EEA and Swiss nationals who have received a qualification recognition decision, or applied for one, before the end of the TP;

ii. ensure that UK regulators cooperate with their EEA and Swiss counterparts to facilitate the completion of applications for recognition covered by the Agreements; and

iii. give effect to non-discrimination and equal treatment for EEA and Swiss professionals covered by the RPQ provisions of the Agreements.

7.3 Further provision will be made by this instrument to give effect to additional RPQ provisions from the Swiss Agreement which:

i. allow a 4-year period for Swiss and certain UK nationals who have a professional qualification or are in the process of obtaining a qualification before the end of the TP, to apply for recognition under the rules applicable before the end of the TP; and

ii. continue to apply the rules applicable before the end of the TP for temporary and occasional service providers for up to 5 years for certain Swiss or UK

[18] The Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2019 and the Services of Lawyers and Lawyer's Practice (Amendment) (EU Exit) Regulations 2019

service providers who have a pre-existing contract and who have started providing that contractual service before the end of the TP.

Retained Treaty rights and EU legislation

7.4 The directly effective rights addressed by this instrument may be inconsistent with rights available under RPQ EU Exit legislation and leave open the potential for professionals to circumvent established procedures when seeking recognition of their professional qualifications. Therefore, this instrument will disapply certain rights derived from the TFEU, EEA Agreement and FMOPA which relate to RPQ. This is necessary to ensure legal clarity and maintain the integrity of the UK's recognition framework after the TP.

7.5 Similarly, this instrument will revoke three pieces of retained direct EU legislation (see para 2.9) to correct for deficiencies given that they will have no practical effect after the TP.

Miscellaneous amendments

7.6 Further minor miscellaneous amendments and corrections will be made to the domestic legislation for RPQ and Services. These changes will not implement any significant changes in policy but rather will ensure that the frameworks operate as intended after the TP.

7.7 This instrument will also correct a transposition error of a technical nature in the 2015 Regulations which needs to be rectified whilst we remain subject to EU law.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is being made using the power in section 8 of the EUWA in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union. This instrument is also made under the powers in paragraph 21 of Schedule 7 of EUWA relating to consequential, transitional and saving provisions. In accordance with the requirements of that Act, the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

8.2 Alongside the EU (Withdrawal) Act 2018 powers, this instrument is being made using section 12 of the European Union (Withdrawal Agreement) Act 2020 to implement the RPQ provisions of the Agreements, and section 41 relating to consequential and transitional provisions. This instrument is also being made using s2(2) of the European Communities Act 1972 to make a minor transposition amendment.

9. Consolidation

9.1 This instrument does not make any consolidation of other documents.

10. Consultation outcome

10.1 Officials discussed this legislation and other EU Exit Regulations with regulators in several workshops in 2019.

10.2 The Department has engaged with its counterparts in the Devolved Administrations to agree the approach to implementation. Devolved Administrations have confirmed their agreement for the Government to make the relevant provisions within this legislation which are within devolved competence for the whole UK. This agreement

has been sought under the terms of the Intergovernmental Agreement, as this instrument will make provisions that could be made by the Devolved Administrations in exercise of their powers under the EUWA.

11. Guidance

11.1 Guidance for regulatory bodies will be published in due course.

12. Impact

12.1 The impact on business, charities, professionals, or voluntary bodies will be negligible. Direct costs would fall to the Government Departments, UK regulators and professional bodies responsible for giving recognition decisions.

12.2 An Impact Assessment has not been prepared for this instrument because the equivalent annual direct cost to regulators falls below the £5m threshold as detailed in the Business Impact Target (BIT). However, a De Minimis assessment has been carried out and has concluded that the direct costs to business as a result of this legislation would not be significant.

12.3 Depending on the outcome of negotiations between the UK and EU on the new Comprehensive Free Trade Agreement, UK regulators may incur costs if they are obliged to run two systems for recognition in parallel: a new one for EEA citizens, and their current one for a further 4 and 5 years for individuals who fall within the additional transitional provisions. However, our research showed that many regulators are already running parallel systems and regulators did not anticipate incurring significant costs.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses. There is no direct cost to small businesses as a result of this legislation.

13.2 Guidance for professionals and businesses to explain the RPQ EU Exit regulations will be published in due course.

14. Monitoring & review

14.1 This instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Nadhim Zahawi, Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy, has made the following statement:

14.2 "Parts of this instrument are made under the EU (Withdrawal) Act 2018. No review clause is required for these parts. Furthermore, as this instrument as a whole has an impact of less than £5million on business (see Impact section above), and in the absence of other reasons why a review clause would be desirable, it is not appropriate to include a review clause."

15. Contact

15.1 Lewis Aldous at the Department for Business, Energy and Industrial Strategy (telephone: 020 7215 3981 or email: lewis.aldous@beis.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Tim Courtney, Deputy Director for Trade & Investment Negotiations (Services) at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

15.3 Nadhim Zahawi, Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy, can confirm that this Explanatory Memorandum meets the required standard.

Annex 1

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and	Explain the instrument, identify the relevant law before exit day, explain the

		23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 14, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 15, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate

			in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

16. Appropriateness statement

16.1 Nadhim Zahawi, Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

16.2 "In my view the Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 does no more than is appropriate."

16.3 This is the case because the instrument uses EUWA powers only to make changes necessary to address deficiencies arising from the withdrawal of the United Kingdom from the European Union.

17. Good reasons

17.1 Nadhim Zahawi, Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

17.2 "In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action."

17.3 This is the case because the instrument makes amendments to UK legislation to correct deficiencies and ensure that the legislative framework for recognition of professional qualifications will function effectively at the end of the Transition Period.

18. Equalities

18.1 Nadhim Zahawi, Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy, has made the following statement(s):

18.2 "The instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts."

18.3 Nadhim Zahawi, Parliamentary Under Secretary of State at the Department for Business, Energy and Industrial Strategy, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

18.4 "In relation to the instrument, I have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010. As decision maker, I am satisfied that this legislation does not discriminate against any group of people with a protected characteristic. This Act does not extend to Northern Ireland."

19. Explanations

19.1 The explanations statement has been made in paragraph 2 of the main body of this Explanatory Memorandum.