EXPLANATORY MEMORANDUM TO

The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland etc.) Regulations (Northern Ireland) 2025

SR No. 0000

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Finance to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 3(1) and (2), and 13(1) of the Professional Qualifications Act 2022 ("the PQ Act") and is subject to the dtaft affirmative resolution procedure.

2. Purpose

2.1. The purpose of the Statutory Rule is to implement provisions in the agreement, insofar as they relate to the legal profession in Northern Ireland, between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications done at London on 14th June 2023 ("the RPQ Agreement").

3. Background

3.1. Chapter 2 of the RPQ Agreement requires the UK and Switzerland to recognise comparable professional qualifications or experience obtained in each state. UK regulators are required to have processes in place to recognise Swiss qualifications or experience should a professional apply to practice a profession regulated by law in the UK ("regulated profession").

3.2. Legislative implementation of the RPQ Agreement ensures that the UK is fulfilling its obligations to Switzerland. It provides consistency and clarity for professionals holding Swiss qualifications or experience when applying to practice regulated professions in the UK. Legislative implementation ensures that UK regulators have the necessary legal powers to meet the terms of the RPQ Agreement. It also gives Swiss professionals relying on the RPQ Agreement some legal recourse in the UK, were this ever needed.

3.3. That legislative implementation is given effect by The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland etc.) Regulations 2024 (S.I. 2024 No. 1379). The Explanatory Memorandum can be accessed at www.legislation.gov.uk/uksi/2024/1379/memorandum/contents

3.4. The current Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Citizens' Rights ("the CRA") contains provisions on RPQ, which apply to UK and Swiss nationals. These arrangements expired on 31 December 2024. The RPQ Agreement was agreed to prevent a cliff edge in UK-Switzerland RPQ provisions from 01 January 2025.

3.5. The key differences between the two agreements are outlined in the aforementioned Explanatory Memorandum at www.legislation.gov.uk/uksi/2024/1379/memorandum/contents

4. Consultation

4.1. Section 15 of the PQ Act requires the government to consult regulators that are likely to be affected by the regulations. The Department for Business and Trade (DBT) ran a 6-week consultation with regulators, including in Northern Ireland, in February 2024. Respondents were generally supportive of the implementation approach and DBT engaged with regulators on the feedback received. The consultation also identified that some regulators do not have the necessary powers in UK law to be able to comply with the RPQ Agreement.

4.2. Section 17 of the PQ Act requires the government to also consult the devolved governments when using powers under the PQ Act in areas of their devolved competence, with DBT running a 4-week consultation in September 2024.

4.3. The Department of Finance consulted with both the Law Society and Bar Council here.

5. Equality Impact

5.1. An Impact Assessment of the PQ Act was undertaken and can be accessed at https://bills.parliament.uk/publications/41514/documents/259. In summary, it found that international professionals, such as legal professionals, “seeking recognition and professionals in professions regulated separately across the UK will be indirectly affected to the extent that they are more or less easily able to apply for, and achieve, recognition to practise their profession across the UK."

5.2. It was also noted “where businesses and consumers use the services of a regulated professional, they may benefit indirectly from price changes or changes in the quality and range of services available to them. Swiss qualified professionals may benefit from easier administrative processes to start work in the UK, depending on what alternative processes are already in place.”

5.3. There is no evidence to support a different view in the context of s75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. See above.

7. Financial Implications

7.1. There are no financial implications to the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Statutory Rule is compliant with Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This Statutory Rule will ensure the effective implementation of the RPQ Agreement in its entirety, with regard to the legal profession here, mirroring the position in GB.

11. Additional Information

11.1. Not applicable.