**EXPLANATORY MEMORANDUM TO**

**THE FARRIERS' QUALIFICATIONS (EUROPEAN RECOGNITION) REGULATIONS 2015**

**2015 No. 2072**

## 1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment Food and Rural Affairs and is laid before Parliament by command of Her Majesty.

## 2. Purpose of the Instrument

2.1 These Regulations amend certain provisions in the Farriers Registration Act 1975 (c.35) ("the Act"), which implement Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ No. L 255, 30.09.2005, p.22) (the "MRPQ Directive") in as much as it relates to the farriery profession. The Regulations make consequential amendments to the Act to correctly cross-refer to the European Union (Recognition of Professional Qualifications) Regulations 2015 (the "BIS Regulations") made by Department for Business Innovation and Skills as a result of the amendments made to the MRPQ Directive in December 2013.

## 3. Matters of special interest to Parliament

***Matters of special interest to the Joint Committee on Statutory Instruments***

3.1 None.

***Other matters of interest to the House of Commons***

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

## 4. Legislative Context

4.1 The MRPQ Directive consolidates previous directives relating to the general system for the recognition of professional qualifications and sectoral directives. It was adopted by the European Parliament on 7th September 2005 and applies to all regulated professions. The Directive provides the framework for EU professionals who wish to exercise their rights to free movement and practise their profession in a State other than their own. Migrants may wish to provide services on a temporal and occasional basis and the MRPQ Directive covers both these circumstances.

4.2 The BIS Regulations implement the MRPQ Directive in relation to general professions – engineers, chiropractors, child-minders, security guards, ski instructors, approved driving instructors, accountants, farriers etc. (to mention a few). The MRPQ Directive allows for the recognition in the UK of farriery qualifications obtained in other EEA States and Switzerland. The Farriers Registration Act 1975 implements the provisions in the MRPQ Directive which relate to the farriery profession.

4.3 Part of the amendments made to the MRPQ Directive in December 2013 requires administrative co-operation between competent authorities in each Member States. Other amendments include recognition of professional traineeship and education carried out in other Member States, new provisions on temporary and occasional services, new conditions for compensation measures and changes to the online information management systems. These amendments have implications for the farriery profession and the Farriers Registration Council (FRC). The vehicle for implementing these changes has been provided by the BIS Regulations – hence the need for the corrections in the Act.

## 5. Extent and Territorial Application

5.1 The extent of this instrument is Great Britain only.

5.2 The instrument only applies to Great Britain (England, Scotland, and Wales).

## 6. European Convention on Human Rights

6.1 George Eustice, the Minister of State for Farming, Food and the Marine Environment has made the following statement regarding Human Rights:

In my view, the provisions of the Farriers' Qualification (European Recognition) Regulations 2015 are compatible with the Convention Rights.

## 7. Policy Background

***What is being done and why***

7.1 The MRPQ Directive is implemented in the UK by the European Communities (Recognition of Professional Qualifications) Regulations 2007. The amendments to the MRPQ Directive will now be transposed by the BIS Regulations. The Directive facilitates the recognition of professional qualification gained in another EEA State. Before the MRPQ Directive was adopted, a person who was a fully qualified professional in one EEA State would not necessarily have been able to practise in another EEA State unless they completed an entire training course in the host EEA State.

7.2 The MRPQ Directive now makes it easier for European citizens to practise their professions in EEA States other than the one in which they obtained their qualifications to practise the profession. BIS is the leading UK Government Department for the MRPQ Directive and provides the regulations to transpose the obligations for the general system of recognition of professional qualifications which include the farriery profession.

7.3 The statutory provisions in the Act allow the FRC to regulate the farriery profession in the UK. The changes to the Act are necessary to ensure that the FRC meets its obligations as the UK competent authority for farriers. This will in turn ensure that the UK complies with its European legal obligations and that transposition of the MRPQ Directive is accurate and complete.

## 8. Consultation Outcome

8.1 Defra did not carry out any formal consultation for the farriery profession, but BIS carried out a 12-week consultation exercise on the proposals for the general professions. This consultation ran from 14 August to 6 November 2014. The FRC, the

farriery profession, as well as other interested stakeholders were consulted. Defra officials engaged with BIS colleagues throughout the negotiation of the proposals and have continued to work with them and other Government Department on transposing the MRPQ Directive.

## 9. Guidance

9.1 A requirement of the MRPQ Directive is that both incoming and outgoing migrants have access to clear guidance for ease of transition and establishment. The FRC has a published guidance in place which provides information for the farriery profession. FRC is already working on aligning its guidance to reflect the new obligations for competent authorities. The current guidance is available on the FRC website http://www.farrier-reg.gov.uk/home/

## 10. Impact

10.1 There is no impact on businesses, charities, or voluntary sector.

10.2 There is no impact on the public sector.

10.3 An impact assessment has not been prepared for this instrument.

## 11. Regulating Small Business

11.1 The legislation does not apply to activities that are undertaken by small businesses, [it only continues the current arrangement permitting qualified and registered farriers to shoe horses].

## 12. Monitoring & review

12.1 The Department will continue to work with the FRC to ensure that they implement the requirements of the MRPQ Directive accordingly.

## 13. Contact

13.1 Eileen Ashamu at the Department for Environment, Food and Rural Affairs. Tel: 0207 238 4437