STATUTORY INSTRUMENTS

# 2024 No. 1379

# PROFESSIONAL QUALIFICATIONS

## The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland etc.) Regulations 2024

*Made - - - - 18th December 2024*

*Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of the powers conferred by sections 3(1) and (2), and 13(1) of the Professional Qualifications Act 2022(**a**) ("the 2022 Act"), makes the following Regulations.

In accordance with section 14 of the 2022 Act, the Secretary of State is satisfied that these Regulations do not remove the ability of any regulator to prevent individuals who are unfit to practise the profession from doing so, and that these Regulations will not have a material adverse effect on any regulated profession in terms of the knowledge, skills or experience of the individuals practising it.

In accordance with section 15 of the 2022 Act, the Secretary of State has consulted such regulators of regulated professions as the Secretary of State considers are likely to be affected by these Regulations or it is otherwise appropriate to consult.

In accordance with section 17 of the 2022 Act, the Secretary of State has consulted the devolved authorities and published a report(**b**) on the consultation.

In accordance with section 18(1), (6)(a) and (8) of the 2022 Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

(**a**) 2022 c. 20. An "appropriate national authority" is defined in section 19. An "international recognition agreement" is defined in section 3(5).

(**b**) An electronic copy is available at www.gov.uk. A hard copy can be obtained free of charge on request by calling the Department for Business and Trade on 020 4551 0011 or may be inspected free of charge at Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

# PART 1

## General provisions

### Citation and commencement

**1.**—(1) These Regulations may be cited as the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) (Extension to Switzerland etc.) Regulations 2024.

(2) The provisions specified in paragraph (3) come into force on—

(a) 13th December 2024, or

(b) if later, the day after the day on which these Regulations are made.

(3) The provisions mentioned in paragraph (2) are—

(a) this regulation;

(b) regulation 2;

(c) regulation 3, in so far as it relates to the definition of "the 2023 Regulations";

(d) regulation 4, in so far as it relates to regulations 7 and 11;

(e) regulations 7, 11 and 23.

(4) Otherwise these Regulations come into force on 1st January 2025.

### Extent and application

**2.**—(1) Subject to paragraph (2), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(2) Any amendment, repeal or revocation made by these Regulations has the same extent and application as the provision amended, repealed or revoked.

### Interpretation

**3.** In these Regulations—

"the 2023 Regulations" means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023(**a**);

"register of Swiss lawyers" has the same meaning as in regulation 3(1) of the 2023 Regulations(**b**);

"Swiss qualified lawyer" has the same meaning as in regulation 3(1) of the 2023 Regulations(**c**).

# PART 2

## Amendments to the 2023 Regulations

### Amendments to the 2023 Regulations

**4.** The 2023 Regulations are amended in accordance with regulations 5 to 14.

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(**a**) S.I. 2023/1286, as amended by S.I. 2023/1294 (W. 230).
(**b**) The definition of "register of Swiss lawyers" is inserted by regulation 5(a)(iii) of these Regulations.
(**c**) The definition of "Swiss qualified lawyer" is inserted by regulation 5(a)(iv) of these Regulations.

**Amendments to Parts 1, 2 and 3 of the 2023 Regulations**

**5.** In regulation 3 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of "adaptation period", substitute—

""adaptation period" means—

(a) in the case of an applicant who makes an application in reliance on the holding of professional qualifications obtained in Switzerland, a period of supervised practice, subject to an assessment and which may be accompanied by further education or training or both, of a regulated profession(**a**) under the responsibility of a qualified member of that profession;

(b) in the case of an applicant who makes an application in reliance on the holding of professional qualifications obtained otherwise than in Switzerland, a period of supervised practice, subject to an assessment and which may be accompanied by further training, of a regulated profession under the responsibility of a qualified member of that profession;";

(ii) after the definition of "EEA EFTA free trade agreement", insert—

""legal regulator" means one of the following—

(a) the Executive Council of the Inn of Court of Northern Ireland;

(b) the Faculty of Advocates;

(c) the General Council of the Bar;

(d) the Law Society;

(e) the Law Society of Northern Ireland;

(f) the Law Society of Scotland;";

(iii) after the definition of "professional qualifications", insert—

""register of Swiss lawyers" means a legal regulator's register of Swiss qualified lawyers undertaking an adaptation period;";

(iv) after the definition of "specified state professional", insert—

""Swiss legal title" means the Swiss professional title of Avocat, Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech or Avvocato;

"Swiss qualified lawyer" means a natural person who has obtained a Swiss legal title;

"Switzerland Recognition of Professional Qualifications Agreement" means the agreement 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(**b**);

"UK legal title" means the UK professional title of Advocate, Barrister or Solicitor;

"UK qualified lawyer" means a natural person who has obtained a UK legal title.";

(b) for paragraph (2), substitute—

"(2) For the purposes of these Regulations, "regulator" does not include—

(a) in relation to professional qualifications obtained in Iceland, the Principality of Liechtenstein or the Kingdom of Norway, a regulator to the extent that it regulates a regulated profession specified in Part 1 of Schedule 2;

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(**a**) "Regulated profession" is defined in section 19 of the 2022 Act.

(**b**) Published on 20th June 2023, ISBN 978-1-5286-4245-3, C.P. 869. A copy is available electronically at https://www.gov.uk/government/publications/agreement-between-the-swiss-confederation-switzerland-and-the-uk-on-the-recognition-of-professional-qualifications. A hard copy can be obtained free of charge on request by calling the Department for Business and Trade on 020 4551 0011 or may be inspected free of charge at Old Admiralty Building, Admiralty Place, London, SW1A 2DY.

(b) in relation to professional qualifications obtained in Switzerland, a regulator to the extent that it regulates a regulated profession specified in Part 2 of Schedule 2;

(c) a "Welsh regulator" as defined by the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Wales) (Amendment etc.) Regulations 2023(**a**).".

**6.**—(1) For the heading to regulation 4 (amendments to legislation for the purpose of, or in connection with, the EEA EFTA free trade agreement), substitute "Amendments to legislation for the purposes of, and in connection with, implementation of international recognition agreements with specified states".

(2) In regulation 4, for the words from "Chapter 12" to the end, substitute—

"—

(a) Chapter 12 of the EEA EFTA free trade agreement (recognition of professional qualifications);

(b) the Switzerland Recognition of Professional Qualifications Agreement.".

**7.** In regulation 6 (application of Part 2), in paragraph (2)—

(a) at the end of sub-paragraph (a) omit "or"; and

(b) at the end of sub-paragraph (b) insert—

"; or

(c) for registration in the Anaesthesia Associates and Physician Associates Register kept under article 5(1) of the Anaesthesia Associates and Physician Associates Order 2024(**b**).".

**8.** In regulation 9 (aptitude tests and adaptation periods)—

(a) in paragraph (1), for "A regulator", substitute "Subject to paragraph (1A), a regulator";

(b) after paragraph (1), insert—

"(1A) A legal regulator wishing to impose a requirement under paragraph (1) in relation to an applicant who is a Swiss qualified lawyer—

(a) may not require the Swiss qualified lawyer to undertake both an aptitude test and an adaptation period; and

(b) must allow the Swiss qualified lawyer to choose whether to take an aptitude test or to complete an adaptation period in accordance with regulation 9A (adaptation periods for Swiss qualified lawyers).".

**9.** After regulation 9, insert—

**"Adaptation periods for Swiss qualified lawyers**

**9A.**—(1) A legal regulator must establish and maintain a register of Swiss lawyers and publish the names of those on the register.

(2) If a Swiss qualified lawyer chooses to complete an adaptation period under regulation 9(1A), the legal regulator—

(a) subject to sub-paragraph (b), must enter the name of the Swiss qualified lawyer on its register of Swiss lawyers;

(b) may refuse to register the Swiss qualified lawyer, or may cancel such registration, where the Swiss qualified lawyer fails to meet any conditions that apply to the UK qualified lawyers it regulates;

(c) must require the Swiss qualified lawyer to complete an adaptation period of—

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(**a**) S.I. 2023/1294 (W. 230) as amended by S.I. 2024/613 (W. 87), 2024/1183 (W. 194).
(**b**) S.I. 2024/374.

(i) at least three years' effective and regular practice of the law that the UK qualified lawyers it regulates practise; or

(ii) less than three years' effective and regular practice of the law that the UK qualified lawyers it regulates practise if the Swiss qualified lawyer possesses suitable professional experience;

(d) must require the Swiss qualified lawyer to use the Swiss legal title during the adaptation period;

(e) may prevent the Swiss qualified lawyer from carrying out certain professional activities during the adaptation period; and

(f) must apply the same rules of professional conduct to the Swiss qualified lawyer during the adaptation period that apply to the UK qualified lawyers it regulates.

(3) Where a legal regulator recognises an applicant's professional qualifications under regulation 7 (recognition of professional qualifications), the legal regulator must—

(a) in addition to the matters referred to in regulation 7(2), permit the Swiss qualified lawyer to use the UK legal title for which it is responsible; and

(b) remove the name of the Swiss qualified lawyer from its register of Swiss lawyers.

(4) A legal regulator must give reasons in writing for refusing to register a Swiss qualified lawyer or cancelling the registration of a Swiss qualified lawyer under paragraph (2)(b).

(5) A legal regulator must provide a right of appeal against its decision to refuse to register a Swiss qualified lawyer or against its decision to cancel the registration of a Swiss qualified lawyer under paragraph (2)(b).

**Appeal against Law Society decision to refuse or cancel registration**

**9B.**—(1) A Swiss qualified lawyer may appeal to the High Court against—

(a) the refusal of the Law Society to enter their name on its register of Swiss lawyers;

(b) a decision of the Law Society to cancel their registration on its register of Swiss lawyers.

(2) On an appeal under paragraph (1), the High Court may make such order (including as to payment of costs) as it thinks fit.

(3) The decision of the High Court on an appeal under this regulation is final.

**Appeal against Law Society of Scotland decision to refuse or cancel registration**

**9C.**—(1) A Swiss qualified lawyer may appeal to the Court of Session against—

(a) the refusal of the Law Society of Scotland to enter their name on its register of Swiss lawyers;

(b) a decision of the Law Society of Scotland to cancel their registration on its register of Swiss lawyers.

(2) On an appeal under paragraph (1), the Court of Session may make such order (including as to payment of costs) as it thinks fit.

(3) The decision of the Court of Session on an appeal under this regulation is final.".

**10.** For regulation 13 (fees), substitute—

"**Fees**

**13.**—(1) Any fee charged by a regulator in connection with an application must be—

(a) reasonable and proportionate to the cost of administering the application; and

(b) transparent and published in advance.

(2) In the case of an applicant who makes an application in reliance on professional qualifications obtained in Switzerland, any fees must be payable by electronic means.

(3) In the case of an applicant who makes an application in reliance on professional qualifications obtained otherwise than in Switzerland, any fees must be payable by electronic means through the regulator's website.".

**11.** In regulation 14 (application of Part 3)—

(a) at the end of paragraph (a) omit "or"; and

(b) at the end of paragraph (b) insert—

"; or

(c) for registration in the Anaesthesia Associates and Physician Associates Register kept under article 5(1) of the Anaesthesia Associates and Physician Associates Order 2024.".

**Amendment to Schedule 1 to the 2023 Regulations**

**12.** In Schedule 1 (the specified states), after paragraph 3, insert—

"**4.** The Swiss Confederation.".

**Amendment to Schedule 2 to the 2023 Regulations**

**13.** In Schedule 2 (the regulated professions referred to in regulation 3(2))—

(a) after the schedule heading, insert—

"Part 1

The regulated professions referred to in regulation 3(2)(a)";

(b) after "32. Dangerous Goods Safety Adviser.", insert—

"Part 2

The regulated professions referred to in regulation 3(2)(b)

**1.** Aerobatic Pilot.

**2.** Aeromedical Examiner.

**3.** Air Ground Communications Service Operator.

**4.** Air Traffic Controller.

**5.** Air Traffic Controller Assessor.

**6.** Air Traffic Controller Instructor.

**7.** Air Traffic Safety Electronics Personnel.

**8.** Aircraft Cabin Crew.

**9.** Certifying Staff (Continuing Airworthiness of Aircraft).

**10.** Commercial Balloon Pilot.

**11.** Commercial Banner Towing Pilot.

**12.** Commercial Pilot – Aeroplane.

**13.** Commercial Pilot – Airship.

**14.** Commercial Pilot – Helicopter.

**15.** Commercial Sailplane Pilot.

**16.** Flight Examiner.

**17.** Flight Information Service Officer.

**18.** Flight Instructor.

**19.** Flight Test Pilot.

**20.** Rescue and Firefighting Personnel.

**21.** Able Seafarer Deck Certificate – STCW II/5.

**22.** Able Seafarer Engine – STCW III/5.

**23.** Deck Officer, Management Level – STCW II/2.

**24.** Deck Officer, Operational Level – STCW II/1.

**25.** Electro-technical Officer (ETO) – STCW III/6.

**26.** Electro-tech Rating – STCW III/7.

**27.** Engineer Officer, Management Level – STCW III/2.

**28.** Engineer Officer, Operational Level – STCW III/1.

**29.** Engine Room Rating – STCW III/4.

**30.** Rating Deck – STCW II/4.

**31.** Dangerous Goods Driver.

**32.** Dangerous Goods Safety Adviser.

**33.** Professional driver of large vehicles.".

**Amendment to the heading to Schedule 3 to the 2023 Regulations**

**14.** For the heading to Schedule 3 (amendments for the purpose of, and in connection with, implementing the EEA EFTA free trade agreement), substitute "Amendments for the purpose of, and in connection with, implementing international recognition agreements with specified states".

# PART 3

## Amendments in relation to healthcare professions

**Amendments to the Medical Act 1983**

**15.** In section 55 (interpretation) of the Medical Act 1983(**a**), in subsection (1), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in relation to registration under section 21B in reliance on the holding of a specified state qualification granted in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a fully registered medical practitioner;

(**a**) 1983 c. 54. The definition of "adaptation period" in section 55 was inserted by S.I. 2023/1286. There are other amendments to section 55, but none is relevant.

(b) in relation to registration under section 21B in reliance on the holding of a specified state qualification granted otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a fully registered medical practitioner;".

**Amendments to the Dentists Act 1984**

**16.**—(1) The Dentists Act 1984(**a**) is amended as follows.

(2) In section 15 (qualification for registration in the dentists register), in subsection (8), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in relation to registration under subsection (1)(d) in reliance on a specified state qualification in dentistry awarded in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a dentist who is registered in the register by virtue of this section;

(b) in relation to registration under subsection (1)(d) in reliance on a specified state qualification in dentistry awarded otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a dentist who is registered in the register by virtue of this section;".

(3) In section 36C (qualifications for registration as a dental care practitioner), in subsection (8), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in relation to registration under a particular title in the dental care professionals register in reliance on a specified state qualification in a profession complementary to dentistry awarded in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered dental care professional of the profession, or class of members of a profession, to which the title applies;

(b) in relation to registration under a particular title in the dental care professionals register in reliance on a specified state qualification in a profession complementary to dentistry awarded otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered dental care professional of the profession, or class of members of a profession, to which the title applies;".

**Amendment to the Opticians Act 1989**

**17.** In section 36 (interpretation) of the Opticians Act 1989(**b**), in subsection (1), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in relation to registration in the register of optometrists in reliance on a specified state qualification granted in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered optometrist;

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(**a**) 1984 c. 24. Section 36C was inserted by S.I. 2005/2011. Subsections (8) of sections 15 and 36C were inserted by S.I. 2023/1286. There are other amendments to section 15 and 36C, but none is relevant.

(**b**) 1989 c. 44. The definition of "adaptation period" in section 36(1) was inserted by S.I. 2023/1286. There are other amendments to section 36, but none is relevant.

(b) in relation to registration in the register of optometrists in reliance on a specified state qualification granted otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered optometrist;

(c) in relation to registration in the register of dispensing opticians in reliance on a specified state qualification granted in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered optometrist or a registered dispensing optician;

(d) in relation to registration in the register of dispensing opticians in reliance on a specified state qualification granted otherwise that in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered optometrist or a registered dispensing optician;".

**Amendments to the Osteopaths Act 1993**

**18.**—(1) The Osteopaths Act 1993(**a**) is amended as follows.

(2) In section 14A(1) (section 14: further provisions relating to specified state professionals), for "section 3(2)(d)" substitute "section 3".

(3) In section 41 (interpretation), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in relation to registration under section 3 in reliance on a specified state qualification granted in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a fully registered osteopath;

(b) in relation to registration under section 3 in reliance on a specified state qualification granted otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a fully registered osteopath;".

**Amendments to the Chiropractors Act 1994**

**19.**—(1) The Chiropractors Act 1994(**b**) is amended as follows.

(2) In section 14A(1) (section 14: further provisions relating to specified state professionals), for "section 3(2)(d)" substitute "section 3".

(3) In section 43 (interpretation), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in relation to registration under section 3 in reliance on a specified state qualification granted in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a fully registered chiropractor;

(b) in relation to registration under section 3 in reliance on a specified state qualification granted otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a fully registered chiropractor;".

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(**a**) 1993 c. 21. Section 14A and the definition of "adaptation period" in section 41 were inserted by S.I. 2023/1286. There are other amendments to section 41, but none is relevant.

(**b**) 1994 c. 17. Section 14A and the definition of "adaptation period" in section 43 were inserted by S.I. 2023/1286. There are other amendments to section 43, but none is relevant.

**Amendment to the Nursing and Midwifery Order 2001**

**20.** In Schedule 4 (interpretation) to the Nursing and Midwifery Order 2001(**a**), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in relation to registration as a registered nurse under article 9 in reliance on a specified state qualification awarded in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered nurse who is registered in the register by virtue of article 9;

(b) in relation to registration as a registered nurse under article 9 in reliance on a specified state qualification awarded otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered nurse who is registered in the register by virtue of article 9;

(c) in relation to registration as a registered midwife under article 9 in reliance on a specified state qualification awarded in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered midwife who is registered in the register by virtue of article 9;

(d) in relation to registration as a registered midwife under article 9 in reliance on a specified state qualification awarded otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered midwife who is registered in the register by virtue of article 9;

(e) in relation to registration as a registered nursing associate under article 9 in reliance on a specified state qualification awarded in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered nurse, or a registered nursing associate, who is registered in the register by virtue of article 9;

(f) in relation to registration as a registered nursing associate under article 9 in reliance on a specified state qualification awarded otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered nurse, or a registered nursing associate, who is registered in the register by virtue of article 9;" .

**Amendment to the Health Professions Order 2001**

**21.** In paragraph 1 of Schedule 3 (interpretation) to the Health Professions Order 2001(**b**), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in relation to registration under article 9 in reliance on a specified state qualification awarded in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered professional of the corresponding relevant profession who is registered in the register by virtue of article 9;

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(**a**) S.I. 2002/253. The definition of "adaptation period" in Schedule 4 was inserted by S.I. 2023/1286. There are other amendments to Schedule 4, but none is relevant.

(**b**) S.I. 2002/254. The definition of "adaptation period" in Schedule 3 was inserted by S.I. 2023/1286. There are other amendments to paragraph 1 of Schedule 3, but none is relevant.

(b) in relation to registration under article 9 in reliance on a specified state qualification awarded otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered professional of the corresponding relevant profession who is registered in the register by virtue of article 9;".

**Amendment to the Pharmacy Order 2010**

**22.** In article 3 (interpretation) of the Pharmacy Order 2010(**a**), in paragraph (1), for the definition of "adaptation period" substitute—

""adaptation period" means—

(a) in the relation to registration as a registered pharmacist under article 20 in reliance on a specified state qualification awarded in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered pharmacist who is registered in the register by virtue of article 20;

(b) in relation to registration as a registered pharmacist under article 20 in reliance on a specified state qualification awarded otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered pharmacist who is registered in the register by virtue of article 20;

(c) in relation to registration as a registered pharmacy technician under article 20 in reliance on a specified state qualification awarded in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training or education or both, under the responsibility of a registered pharmacist, or a registered pharmacy technician, who is registered in the register by virtue of article 20;

(d) in relation to registration as a registered pharmacy technician under article 20 in reliance on a specified state qualification awarded otherwise than in Switzerland, a period of supervised practice, subject to an assessment and, where necessary, accompanied by further training, under the responsibility of a registered pharmacist, or a registered pharmacy technician, who is registered in the register by virtue of article 20;".

**Amendments to the Anaesthesia Associates and Physician Associates Order 2024**

**23.**—(1) The Anaesthesia Associates and Physician Associates Order 2024(**b**) is amended as follows.

(2) In article 2 (interpretation), in paragraph (1), after the definition of "the Regulator", insert—

""specified state qualification" means a qualification comparable to that as an anaesthesia associate or physician associate, granted in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023(**c**);".

(3) In article 16 (appeal to a Panel), after paragraph (2) insert—

"(2A) Where an applicant has applied for registration in reliance on a specified state qualification, and the Regulator has failed to notify the applicant of its decision under article 6(1) within four months beginning with the day after the date of receipt of the complete application by the Registrar, the applicant may appeal to a Panel.

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(**a**) S.I. 2010/231. The definition of "adaptation period" in article 3(1) was inserted by S.I. 2023/1286. There are other amendments to article 3(1), but none is relevant.
(**b**) S.I. 2024/374.
(**c**) S.I. 2023/1286.

(2B) A person who wishes to appeal under paragraph (2A) must seek permission to do so from the Regulator within 28 days beginning with the day on which the time period referred to in paragraph (2A) ends.

(2C) For the purposes of paragraph (2A), an application is a complete application where the applicant has complied with the requirements of article 6(1)(b) and (c).".

(4) In article 17 (appeal to a court)—

(a) after paragraph (3) insert—

"(3A) Where an applicant has applied for registration in reliance on a specified state qualification, and the Regulator has failed to notify the applicant of its decision under article 6(1) within four months beginning with the day after the date of receipt of the complete application by the Registrar, the applicant may appeal to the relevant court.

(3B) For the purposes of paragraph (3A)—

(a) an application is a complete application where the applicant has complied with the requirements of article 6(1)(b) and (c);

(b) the "relevant court" means a county court or, in Scotland, the sheriff in whose Sheriffdom is situated the address—

(i) which is shown in the register as the address of the applicant, or

(ii) which would have been so shown if the applicant were registered.";

(b) in paragraph (4) after "article 16(1)" insert "or (2A)";

(c) in paragraph (5)—

(i) in sub-paragraph (d) omit "against the decision";

(ii) at the end, insert ", or where an appeal is made by virtue of paragraph (3A), the applicant.".

# PART 4

## Amendments and modifications in relation to legal services professions

### Amendment to the Solicitors Act 1974

**24.** In section 49A of the Solicitors Act 1974(**a**) (appeals to the Tribunal instead of the High Court), in subsection (2), after paragraph (f) insert—

"(g) regulation 9B of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286).".

### Modifications to the Solicitors Act 1974

**25.**—(1) The Solicitors Act 1974(**b**) is modified as follows.

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(**a**) 1947 c. 47. Section 49A was inserted by paragraph 52 of Schedule 16 to the Legal Services Act 2007 (c. 29).

(**b**) 1974 c. 47, amended by section 147 of the Senior Courts Act 1981 (c. 54), sections 38 and 46 of the Criminal Justice Act 1982 (c. 48), sections 8, 44(3) and 69(5) of, and paragraph 13 of Schedule 1 and paragraph 9 of Schedule 9 to, the Administration of Justice Act 1985 (c. 61), sections 54 and 120 of, and paragraph 11(4) of Schedule 18 to, the Building Societies Act 1986 (c. 53), section 45 of, and paragraph 19(b) of Schedule 5 to, the Legal Aid Act 1988 (c. 34), sections 91 and 92 to the Courts and Legal Services Act 1990 (c. 41), paragraphs 1, 2, 3, 6 and 9 of Schedule 7 and Parts I and II of Schedule 15 to the Access to Justice Act 1999 (c. 22), article 3 of S.I. 2000/774, paragraph 21 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), section 67(1) of, and paragraph 22 of Schedule 6 to, the Mental Capacity Act 2005 (c. 9), paragraphs 31, 32, 33, 34, 35, 37, 38, 44, 45, 46, 49, 50, 51 and 77 of Schedule 16 and Schedule 23 to the Legal Services Act 2007 (c. 29), section 91(1) of, and paragraph 98 of Schedule 12(3) to, the Postal Services Act 2011 (c. 5), paragraphs 3 and 4 of the Schedule to S.I. 2011/1716, paragraphs 8 and 9 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), Schedule 1 to S.I. 2015/401, paragraph 18 of Schedule 1 to S.I. 2016/481, regulation 5 of, and paragraph 1 of the Schedule to, S.I. 2022/500, article 2 of S.I. 2022/701, section 207 of the Economic

(2) Subject to paragraph (3) and (where relevant) the modifications specified in the Table in paragraph (4), the following provisions apply in relation to a Swiss qualified lawyer on the Law Society's register of Swiss lawyers as they apply to a solicitor—

(a) section 31 (rules as to professional practice, conduct and discipline) except subsections (1B) and (1C);

(b) section 32 (accounts rules and trust accounts rules);

(c) section 33 (interest on clients' money);

(d) section 33A (inspection of practice bank accounts etc);

(e) section 34 (accountants' reports);

(f) section 35 (intervention in solicitor's practice);

(g) section 36 (compensation grants);

(h) section 36A (compensation funds);

(i) section 37 (professional indemnity);

(j) section 44B (provision of information and documents by solicitors) except subsection (3)(d);

(k) section 44BA (power to require explanation of document or information);

(l) section 44BC (information offences);

(m) section 44C (power to charge for costs of investigations);

(n) section 44D (disciplinary powers of the Society) except subsections (10), (11) and (12);

(o) section 44E (appeals against disciplinary action under section 44D) except subsections (4)(e) and (5);

(p) section 47 (jurisdiction and powers of Tribunal) except subsections (2E) to (2H);

(q) section 48 (orders of Tribunal);

(r) section 49 (appeals from Tribunal) except subsections (3) and (5);

(s) section 50(2) and (3) (jurisdiction of Senior Courts over solicitors);

(t) section 51(procedure upon certain applications to High Court);

(u) section 52 (power of Society to draw up order of court);

(v) section 53 (production of order of court to Society);

(w) section 55 (applications to require solicitor to answer allegations);

(x) section 85 (bank accounts);

(y) Schedule 1 (intervention in solicitor's practice) except paragraphs 1(1)(b), (ee) and (j) and 2.

(3) The application of section 47(1) (jurisdiction and powers of Tribunal) under paragraph (2)(p) in relation to a Swiss qualified lawyer on the Law Society's register of Swiss lawyers does not affect—

(a) the ability of the Law Society to refuse to register, or to cancel the registration of, a Swiss qualified lawyer under regulation 9A(2)(b) of the 2023 Regulations (adaptation periods for Swiss qualified lawyers), or

(b) the ability of a Swiss qualified lawyer to appeal against that refusal or decision to cancel under regulation 9B(1) of the 2023 Regulations.

(4) Table

| *Provision of the Solicitors Act 1974* | *Modification* |
|---|---|
| Section 34 | Reference in section 34(10) to subsection 34(9) is to be read as including reference to that subsection as |

Crime and Corporate Transparency Act 2023 (c. 56), regulation 2 of, and paragraph 1 of the Schedule to, S.I. 2023/149. There are other amendments, but none is relevant.

| | |
|---|---|
| | it has effect by virtue of paragraph 2(e) of this regulation. |
| Section 47 | Reference in section 47(1)(a) and (e), (2)(a) and (f) to the striking of a name of a solicitor off the roll is to be read as reference to striking a Swiss qualified lawyer's name off the register of Swiss lawyers or cancelling such registration. |
| | Reference in section 47(1)(f), (2)(g) and (2)(h) to the roll is to be read as reference to the register of Swiss lawyers. |
| | Reference in section 47(1)(d), (2)(b) and (2)(e) to suspension from practice is to be read as reference to suspension from the register of Swiss lawyers. |
| | Reference in section 47(2A)(a) to another solicitor is to be read as reference to a Swiss qualified lawyer on the register of Swiss lawyers. |
| Section 48 | Reference in section 48(2)(a) to the roll is to be read as reference to the register of Swiss lawyers. |
| Section 51 | Reference in section 51(1) and (3)(b) to the striking of a name of a solicitor off the roll is to be read as reference to striking a Swiss qualified lawyer's name off the register of Swiss lawyers or cancelling such registration. |
| Section 52 | Reference to the striking of a name of a solicitor off the roll is to be read as reference to striking a Swiss qualified lawyer's name off the register of Swiss lawyers or cancelling such registration. |
| Section 53 | Reference to suspension from practice is to be read as reference to suspension from the register of Swiss lawyers. |
| | Reference to the striking of a name of a solicitor off the roll is to be read as reference to striking a Swiss qualified lawyer's name off the register of Swiss lawyers or cancelling such registration. |
| Section 55 | Reference to the striking of a name of a solicitor off the roll is to be read as reference to striking a Swiss qualified lawyer's name off the register of Swiss lawyers or cancelling such registration. |
| Part 1 of Schedule 1 | Reference in paragraph 1(1)(g) and paragraph 4 to the striking of a name of a solicitor off the roll is to be read as reference to striking a Swiss qualified lawyer's name off the register of Swiss lawyers or cancelling such registration. |
| | Reference in paragraph 1(1)(g) to a solicitor suspended from practice is to be read as reference to a Swiss qualified lawyer whose registration on the register of Swiss lawyers is suspended. |
| | Reference in paragraph 1(1)(k) to a person acting as a solicitor when they did not have a practising certificate which was in force is to be read as reference to a Swiss qualified lawyer acting as if they were on the register of Swiss lawyers when they were not registered. |
| | Reference in paragraph 1(1)(l) to a solicitor's failure to comply with any condition subject to |

| | |
|---|---|
| | which his practising certificate was granted or otherwise has effect is to be read as reference to a Swiss qualified lawyer's failure to comply with any conditions to which registration on the register of Swiss lawyers is subject. |

**Modification to the Estate Agents Act 1979**

**26.** Reference in section 1(2)(a) of the Estate Agents Act 1979(**a**) (estate agency work) to a practising solicitor is to be read as including reference to a Swiss qualified lawyer on the Law Society's register of Swiss lawyers providing professional services in accordance with rules made under section 31 of the Solicitors Act 1974 or section 9 of the Administration of Justice Act 1985.

**Modifications to the Administration of Justice Act 1985**

**27.**—(1) The Administration of Justice Act 1985(**b**) is modified as follows.

(2) Sections 40 (legal aid complaints: preliminary)(**c**) and 43 (jurisdiction and powers of Solicitors Disciplinary Tribunal in relation to complaints against solicitors)(**d**) apply to a Swiss qualified lawyer on the Law Society's register of Swiss lawyers as they apply to a solicitor, subject to the modification in paragraph (3).

(3) Reference in section 40(1) to a person's solicitor is to be read as reference to a Swiss qualified lawyer on the Law Society's register of Swiss lawyers acting for a person.

**Modification to the Legal Services Act 2007**

**28.** Reference in section 111A(3)(a) of the Legal Services Act 2007(**e**) (the Law Society's information powers relating to economic crime) to a solicitor is to be read as including reference to a Swiss qualified lawyer on the Law Society's register of Swiss lawyers.

**Modification to enactments made under, and arrangements entered into pursuant to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012**

**29.**—(1) This regulation applies to—

(a) any enactment made under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**f**) (whenever made); and

(b) any arrangement entered into by the Lord Chancellor pursuant to section 2(1) of that Act (whenever entered into).

(2) In any enactment or arrangement to which this regulation applies—

(a) a reference to a solicitor is to be read as including a Swiss qualified lawyer on the Law Society's register of Swiss lawyers;

(b) a reference to a barrister is to be read as including a Swiss qualified lawyer on the General Council of the Bar's register of Swiss lawyers;

(c) a reference to a person having a professional legal qualification is to be read as including a Swiss qualified lawyer on a register of Swiss lawyers.

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(**a**) 1979 c. 38. There are amendments to section 1(2)(a) but none is relevant.
(**b**) 1985 c. 61.
(**c**) Amended by section 45(1) of, and paragraph 17 of Schedule 5 to, the Legal Aid Act 1988 (c. 34), article 4(3) of S.I. 2000/774 and paragraph 28 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
(**d**) Amended by paragraph 36 of Schedule 4 and paragraph 1 of Schedule 15 to the Access to Justice Act 1999 (c. 22), article 4(5) of S.I. 2000/774, paragraph 84 of Schedule 16 to the Legal Services Act 2007 (c. 29), and paragraph 31 of Schedule 5(1) to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
(**e**) 2007 c. 29. Section 111A was inserted by section 210 of the Economic Crime and Corporate Transparency Act 2023 (c. 56).
(**f**) 2012 c. 10.

**Amendments to the Solicitors (Disciplinary Proceedings) Rules 2019**

**30.**—(1) The Solicitors (Disciplinary Proceedings) Rules 2019(**a**) are amended as follows.

(2) In rule 3 (interpretation)(**b**), after paragraph (5), insert—

"(6) Reference in these Rules to registered Swiss qualified lawyers undertaking an adaptation period are references to those lawyers whose names were entered on the register of Swiss qualified lawyers undertaking an adaptation period maintained by the Society under regulation 9A of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.".

(3) In rule 17(1) (applications for restoration and termination of indefinite suspension)(**c**)—

(a) in sub-paragraph (b)—

(i) after "restoration to" insert "the register of Swiss qualified lawyers undertaking an adaptation period,";

(ii) after "removed from" for "either register" substitute "that register (whichever is relevant)";

(b) in sub-paragraph (c), after "a solicitor," insert "registered Swiss qualified lawyer undertaking an adaptation period,".

*Douglas Alexander*
Minister of State
Department for Business and Trade

18th December 2024

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision under section 3(1) of the Professional Qualifications Act 2022 (c. 20) ("the 2022 Act") to implement provisions in the agreement 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 Switzerland Recognition of Professional Qualifications Agreement"). They also make supplementary provision in respect of the implementation of the provisions relating to the recognition of professional qualifications contained in the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland done at London on 8th July 2021 ("the EEA EFTA free trade agreement").

Part 2 contains amendments to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286) ("the 2023 Regulations"). The amendments in Part 2 of these Regulations extend the application of the 2023 Regulations to Switzerland, and amend the 2023 Regulations for the purpose of, and in connection with, implementing the Switzerland Recognition of Professional Qualifications Agreement. Part 2 also makes supplementary provision in respect of the implementation of provisions relating to the recognition of professional qualifications contained in the EEA EFTA free trade agreement for regulated professions created after the coming into force of the 2023 Regulations, and to clarify the scope of the exclusion of the Regulations to certain transport professions for which there are existing international arrangements in place.

Part 3 contains amendments to legislation for the purpose of, and in connection with, implementing the Switzerland Recognition of Professional Qualifications Agreement in the healthcare sector. Part 3 also corrects minor technical errors in the Osteopaths Act 1993 and the Chiropractors Act 1994 in respect of the implementation of the EEA EFTA free trade agreement

(**a**) S.I. 2019/1185.
(**b**) Amended by rules 3 and 5 of S.I. 2020/462 and regulation 12 of, and paragraph 20(2) of the Schedule to, S.I. 2020/1342.
(**c**) Amended by rule 10 of S.I. 2020/462.

and contains amendments for the purpose of, and in connection with, implementing the EEA EFTA free trade agreement in the healthcare sector.

Part 4 contains amendments and modifications to legal services legislation in relation to Swiss qualified lawyers undertaking an adaptation period with the Law Society. It also contains modifications to legal aid legislation and arrangements. This is for the purpose of, and in connection with, implementing Annex A (additional provisions for certain legal professionals) of the Switzerland Recognition of Professional Qualifications Agreement.

An impact assessment has not been produced as no, or no significant, impact on the public, private or voluntary sector is foreseen. An Explanatory Memorandum is available alongside this instrument on www.legislation.gov.uk. A copy has also been placed in the Libraries of both Houses of Parliament.

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