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Guidance

# Professional Qualifications Act 2022 guidance: duties on regulators to publish

# information on requirements to practise (section 8)

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# Introduction

This guidance is aimed at helping regulators of regulated professions to understand their duties under the Professional Qualifications Act 2022 (PQ Act) (<https://www.legislation.gov.uk/ukpga/2022/20/enacted> (<https://www.legislation.gov.uk/ukpga/2022/20/enacted>)). Under section 8 of the PQ Act regulators in the UK are required to publish certain information about requirements to practise the profession.

## The Professional Qualifications Act 2022

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.

The PQ Act received Royal Assent on 28 April 2022. The 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.

The 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 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.

## **The new legal requirement on regulators under section 8 of the Act**

In many cases regulators in the UK already publish information about entry requirements. Section 8 places a duty on UK regulators to publish information on the requirements they place on individuals, when both entering and remaining in their professions.

Information about the legal requirements an individual must fulfil to carry out specific professional activities or use a protected title is essential for anyone wishing to practise regulated professions.

## **The date this new legal requirement comes into effect**

The duty for regulators to publish information applies from 28 October 2022.

## **The reasoning for a new legal requirement on regulators**

Section 8 increases transparency of regulators, reducing the risk of information asymmetry between regulators and professionals. A lack of information or incomplete information can be a barrier to those seeking to practise a profession. Such barriers may prevent individuals from accessing jobs and establishing careers in regulated professions.

## **The requirements on regulators**

Section 8 of the PQ Act requires UK professional regulators to publish specified information on a public website that is maintained by a regulator. The website must be easy to use, and the information kept up to date. This might be

achieved by meeting accessibility standards, such as for those with impaired vision, ensuring the information is easy to find and clearly signposted to website visitors. For example, by ensuring information is collated, where possible, under clear headings rather than found in general documents or pamphlets.

## Information that regulators need to publish

The qualifications or experience that an individual must obtain to become entitled to practise in the UK. This includes alternative, or non-examination, routes to qualification such as vocational schemes.

Where they exist, regulators must publish information on the application processes for those with overseas qualifications and/or experience, as well as the application processes for those with qualifications and/or experience from within the UK. This must include the number of individuals applying through these processes, the number who have become entitled to practise in the UK through these processes, as well as the qualifications or experience held by those successful individuals. Regulators should observe data protection laws which may include ensuring individuals cannot be identified through this recognition data. For example, by using a format along the following lines: “In the past 6 months, 20 individuals applied for entitlement to practise, 10 individuals gained entitlement to practise. Of those 10 granted recognition, 5 had an undergraduate degree and 5 had 10 years of professional experience.”

The requirements for an individual to be registered, licensed or otherwise authorised to be entitled to practise the profession.

Information as to any other requirement that must be met in order to become entitled to practise a profession.

The requirements, such as training or continuing personal development, that a professional must meet to be able to continue practising their profession. This includes how these requirements may be met, such as signposts to relevant educational providers.

The fees regulators charge an individual or professional to enter or remain in the profession, for example, registration renewal fees. Regulators do not need to include costs which the individual or professional may incur elsewhere.

The requirement for regulators to publish information is subject to the following qualifications and conditions.

It only applies to those requirements that regulators place on individuals, not those that are non-individuals i.e., on the companies that employ professionals or the workplaces in which professionals practise.

If a regulator does not have some of the entry and practice requirements set out above, then they are required to state on the website that the requirements in question do not apply to their profession.

Where there are multiple regulators for a profession, the duty to publish information can be fulfilled by only one of the regulators, provided the other regulators are identified on the website of the regulator that is fulfilling this duty. This means that regulators can agree amongst themselves how the information publication requirement is best divided between the relevant regulators and signposted between websites.

Regulators do not have to fulfil this duty for regulatory functions outside of the part, or parts, of the United Kingdom for which they are responsible.

After the specified information is published, regulators need to update this information when there are changes to the requirements. For example, information on regulator fees could change more regularly than other requirements to practise. Regulators should assess how regularly the published information changes for the profession and plan for it to be updated accordingly. Regulators may wish to time-stamp the information for full transparency. As an example, by stating on the website: "This information is correct as of the 28th of October 2022".

## Other regulations for regulators to comply with

Section 8 also includes a power to allow the UK government and devolved administrations to make regulations, where they consider appropriate, to specify additional information on requirements to practise which must also be published on regulator websites. Regulators will be notified, in a timely manner, if there are any such plans.

[Section 9 the PQ Act \(https://www.gov.uk/government/publications/professional-qualifications-act-2022-guidance-for-regulators/professional-qualifications-act-2022-guidance-duties-on-regulators-to-provide-information-to-regulators-in-another-part-of-the-uk-section-9\)](https://www.gov.uk/government/publications/professional-qualifications-act-2022-guidance-for-regulators/professional-qualifications-act-2022-guidance-duties-on-regulators-to-provide-information-to-regulators-in-another-part-of-the-uk-section-9) and [section 10 the PQ Act \(https://www.gov.uk/government/publications/professional-qualifications-act-2022-guidance-for-regulators/professional-qualifications-act-2022-guidance-duties-on-regulators-to-provide-information-to-regulators-in-another-part-of-the-uk-section-10\)](https://www.gov.uk/government/publications/professional-qualifications-act-2022-guidance-for-regulators/professional-qualifications-act-2022-guidance-duties-on-regulators-to-provide-information-to-regulators-in-another-part-of-the-uk-section-10)

[/publications/professional-qualifications-act-2022-guidance-for-regulators/professional-qualifications-act-2022-guidance-duties-on-regulators-to-provide-information-to-overseas-regulators-section-10](#)) place a duty on regulators to share information with a regulator in another part of the UK or a regulator overseas when requested to do so.

## Interaction with the Regulated Professions Register

Outside of section 8 legal obligations, the government is working with regulators to develop a centralised digital register of information about professions regulated in the UK, the Regulated Professions Register (RPR). There is no statutory requirement for regulators to input information into RPR, but it will complement the information published on regulators' websites, and help users find the right regulator and routes to recognition.

As part of this, the government intends to ask regulators to provide annual data on the recognition decisions made by regulators and professional bodies on the RPR. This will ensure that information for all regulated professions is available in one place and in a comparable format. Data requested from regulators for the RPR will be published on a yearly basis.

The table below describes the data that government expects to collect on the RPR for each profession. Whilst regulators have discretion in how information on recognition decisions is provided to meet the section 8 requirements, the structure below may provide a helpful model for regulators to consider when collating this data.

<b>Data fields</b>	<b>What this means</b>
Number of decisions	The number of overseas professionals who have applied for recognition in the UK
Country of qualification	The country where applicants qualified
Route used	The process, or route to recognition, through which they applied, such as a process for EU qualified professionals, or a process for all individuals regardless of where they qualified



Data fields	What this means
Decision outcome	Whether or not applicants who applied for recognition in the UK were successful, and whether this was after having completed compensatory measures (e.g. aptitude test). For example, this would be categorised as “Categories: Yes”, “Yes (after compensatory measures)”, “No”, or “No (after compensatory measures)”
Time period	Annual, January to December

## Contact

For further information or if you have questions on this guidance, please contact [professionalqualifications@beis.gov.uk](mailto:professionalqualifications@beis.gov.uk).

For queries relating to the Regulated Professions Register, please contact [RPR@beis.gov.uk](mailto:RPR@beis.gov.uk).

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