

Regulations made by the Secretary of State, laid before Parliament under paragraph 5(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament within 28 days beginning with the day on which the Regulations were made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2019 No. 810

**EXITING THE EUROPEAN UNION
ARCHITECTS**

**The Architects Act 1997 (Swiss Qualifications)
(Amendment) (EU Exit) Regulations 2019**

Made - - - - *4th April 2019*

Laid before Parliament *5th April 2019*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) in relation to regulation 1, the provisions mentioned in paragraphs (b) and (c);
- (b) in relation to regulation 2, section 2(2) of the European Communities Act 1972(1);
- (c) in relation to regulations 3 and 4, section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(2).

The Secretary of State is a Minister designated(3) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament(4).

(1) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act).

(2) 2018 c.16.

(3) S.I. 2002/248.

(4) Paragraph 38(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 allows for regulations under that Act to be combined with regulations, made under other enabling provisions, which are subject to the negative resolution procedure in Parliament.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019.

(2) This regulation and regulation 2 come into force on the day after the day on which these Regulations are made.

(3) Regulations 3 and 4 come into force immediately after the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019(5) come into force.

PART 2

Amendments to the Architects Act 1997 and the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019

Amendments made under the European Communities Act 1972 coming into force on the day after the day on which these Regulations are made

2. In section 25(1) of the Architects Act 1997(6) (interpretation)—

(a) in the definition of “the Directive”—

(i) after paragraph (a) insert—

“(aa) any reference to the Directive includes (without prejudice to the operation of section 20A of the Interpretation Act 1978) a reference to the Directive as extended by the Swiss Agreement (see the amendments made to that Agreement by Decision No. 2/2011 of the EU-Swiss Joint Committee on 30th September 2011), and”;

(ii) in paragraph (b), after “EEA Agreement” insert “and by the Swiss Agreement”;

(b) at the appropriate place insert—

““the Swiss Agreement” means the 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 signed at Luxembourg on 21st June 1999;”.

Amendments made under the European Union (Withdrawal) Act 2018 coming into force on exit day

3. In section 25(1) of the Architects Act 1997 (interpretation), for the definition of “the Directive” substitute—

““the Directive” means Council [Directive 2005/36/EC](#) on the recognition of professional qualifications as it had effect immediately before exit day and any reference to the Directive includes (without prejudice to the operation of section 20A of the Interpretation Act 1978) a reference to the Directive as extended by the EEA Agreement and by the Swiss Agreement as those Agreements had effect immediately before exit day;”.

(5) [S.I. 2019/717](#).

(6) [1997 c.22](#). Section 25 was amended by S.I.s [2002/2842](#), [2008/1331](#), [2011/1043](#) and [2014/4](#).

4. In regulation 30 of the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (interpretation of saved provisions)—

(a) for paragraph (a) substitute—

“(a) for the definition of “the Directive” there were substituted—

““the Directive” means Council [Directive 2005/36/EC](#) on the recognition of professional qualifications as it had effect immediately before exit day and any reference to the Directive includes (without prejudice to the operation of section 20A of the Interpretation Act 1978) a reference to the Directive as extended by the EEA Agreement and by the Swiss Agreement as those Agreements had effect immediately before exit day;”;

(b) for paragraph (c) substitute—

“(c) there were inserted at the appropriate places—

““enforceable EU right” means a right recognised and available in domestic law, immediately before exit day, by virtue of section 2(1) of the European Communities Act 1972;”;

“the Swiss Agreement” means the 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 signed at Luxembourg on 21st June 1999;”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Kit Malthouse
Minister of State
Ministry of Housing, Communities and Local
Government

4th April 2019

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular, the deficiencies under paragraphs (c), (d), and (e) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union. They are also made under section 2(2) of the European Communities Act 1972 in part to amend domestic legislation.

Directive 2005/36/EC (“the Directive”) is designed to remove obstacles to free movement of persons and services within the Community, so that nationals of the Member States have the right to pursue a profession in a Member State other than the one in which they have obtained their qualifications. This is achieved by the Directive providing for the automatic recognition of certain specified qualifications, and for a procedure for assessing other qualifications for the purpose of giving access to a profession. There is also a procedure to allow those wishing to provide services on a temporary and occasional basis to practise a profession on this basis.

Regulation 2 amends the definition of the Directive used in the Architects Act 1997 to make express provision for the implementation of the Directive as it is extended to Switzerland by the 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 signed at Luxembourg on 21st June 1999. Regulation 3 further amends the Architects Act 1997 and regulation 4 amends the modifications made to that Act by regulation 30 of the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717) to take effect on exit day.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.