

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3355 of 28th July, 2003



I ASSENT,
FRANCIS RICHARDS,
GOVERNOR.

31st July, 2003.



GIBRALTAR

No.11 of 2003

AN ORDINANCE to amend the Recognition of Professional Qualifications Ordinance in order to transpose into the law of Gibraltar Directive 2001/19/EC of the European Parliament and of the Council.

ENACTED by the Legislature of Gibraltar.

Citation

1. This Ordinance may be cited as the Recognition of Professional Qualifications Ordinance (Amendment) Ordinance 2003.

Amendments to the Recognition of Professional Qualifications Ordinance

2.(1) The Recognition of Professional Qualifications Ordinance shall be amended in accordance with the provisions of this section.

(2) Whenever they occur in Part VI—

- (a) for the words “EEA State” there is substituted “relevant State”, and
- (b) for the words “EEA States” there is substituted “relevant States”.

(3) Section 30 is amended as follows—

(a) in subsection (1)—

- (i) by deleting the definition of “EEA State” and “EEA national”
- (ii) after the definition of “professional experience” by inserting—

“regulated education and training” means education or training which—

- (a) is directly geared to the practice of a defined profession in a relevant state; and
- (b) comprises a post-secondary course of at least three years’ duration, or an equivalent duration part-time, at a university or higher education establishment or in another establishment of equivalent level, complemented, where appropriate, by professional training, professional traineeship or professional practice

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the structure and level of which is determined by the laws, regulations or administrative provisions of that relevant state or monitored or approved by the competent authority;” and

- (iii) after the definition of “regulated profession” there is inserted–

“relevant state” means a member State, Iceland, Norway, Liechtenstein or Switzerland;”;

- (b) in subsection (2), in paragraph (a)(i) of the definition of “diploma”, for the word “similar”, by substituting the word “equivalent”.

(4) Section 33 is amended as follows–

- (a) for subsection (1)(b) there is substituted–

“(b) the migrant produces evidence that he holds formal qualifications which satisfy the requirements of subsection (2) below and either–

- (i) the qualifications were awarded on completion of regulated education and training; or
- (ii) the migrant has within the 10 years immediately prior to his application pursued a corresponding profession for at least two years full time (or equivalent duration part time) in a relevant State in which the profession is not regulated;” and

- (b) in subsection (2), for the words “The evidence referred to in subsection (1)(b) above is of the following” there is substituted the words “Formal qualifications satisfy the requirements of this subsection if they are”.

(5) In section 34–

- (a) in subsection (1)(b) for “subsection (2)” there is substituted “subsection (2) and (2A); and

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(b) after subsection (2) there is inserted–

“(2A) If a designated authority intends to require the migrant to complete an adaptation period or to take an aptitude test it must first examine whether the knowledge acquired by the migrant in the course of his professional experience is such that it fully or partly covers the substantial difference referred to in subsection (3)”;

(c) subsection (3) shall be amended by substituting for the phrase “subsection (1)(b) above where”, the phrase–

“subsection (b) above are where”.

(6) In section 37, after subsection (6) there is inserted–

“(7) A designated authority which requires of an applicant for authorisation to practice proof of financial standing shall, in respect of a migrant, regard certificates issued by banks in the home relevant state as equivalent to those issued by banks in Gibraltar.

(8) Subject to subsection (8) a designated authority which requires proof that an applicant for authorisation to practice is insured against the financial risks arising from the applicant’s professional liability shall in respect of a migrant accept certificates issued by insurance undertakings of other relevant States as equivalent to those issued by insurance undertakings in Gibraltar.

(9) Any certificate referred to in subsection (8) shall state that the insurer has complied with the laws and regulations in force in Gibraltar regarding the terms and extent of cover and shall be presented no more than three months after the date of issue.”.

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Passed by the Gibraltar House of Assembly on the 28th day of July, 2003.

D. J. REYES,
Clerk to the Assembly.

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