



Department for  
International Trade



Department for  
Business, Energy  
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6<sup>th</sup> July 2021

Dear Bryn,

Thank you once again for your engagement on the Professional Qualifications Bill, and for speaking at Committee on 22 June. I wanted to follow up on the questions you raised in relation to the powers that can be exercised under Clause 13, which I was not able to respond directly to at the time.

As the Explanatory Notes set out, this Clause makes provision in relation to powers conferred by the Bill on the appropriate national authority to make regulations. The powers may be used to modify legislation, including, where relevant, Acts of Parliament.

In response to your request for clarity on Clause 13 - as subsection 13(1) sets out, barring the exceptions provided for in subsections 13(2), 13(3) and 13(4), all other regulations made under the Bill can (a) modify 'legislation', which means primary legislation, subordinate legislation and retained direct EU legislation; (b) make provisions which are different from other provisions made using the same power, where appropriate; and (c) make regulations that work cohesively with legislation that is currently on the statute book.

Altogether, these powers will enable the transition to a new framework which provides flexibility to facilitate the recognition of overseas professionals - in line with and in effectively responding to, professions' specific needs.

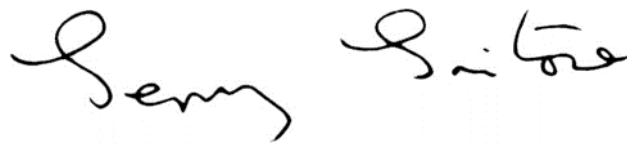
The exceptions to this approach in subsections 13(2), 13(3) and 13(4) - as mentioned above - are regulations made under Clauses 8, 10 and 18 respectively. The effect of clause 13(2) is that regulations under Clause 8 will not be able to amend, repeal, revoke or otherwise modify legislation. The only exception to this is that regulations under Clause 8 may modify earlier regulations made under the same clause (e.g. by revoking earlier regulations made under clause 8).

By contrast, the effect of Clause 13(3) is that regulations under Clauses 10 and 18 will not be able to amend, repeal or revoke legislation but they may be able to modify the effect of legislation in other ways. The words in brackets at the end of Clause 10(4) ("(including provision limiting that duty)") contemplate that regulations under Clause 10(4) may make

provision modifying the effect of subsection (2) of that Clause, so it would not have made sense to provide that regulations under Clause 10 cannot modify legislation at all.

In addition, regulations made under Clause 18 cannot make provisions which are different from other provisions made using the same power. In other words, they must all be for the purpose of commencement. Regulations made under Clause 18 also cannot make supplementary, incidental, consequential, transitional, or transitory provisions.

I hope my responses above are helpful. However, if you have any further questions or it would be helpful to meet to discuss further any of the above, I would be very happy to do so. I will share this letter with colleagues who spoke in this debate and a copy of this letter will be deposited in the Library of the House of Lords.

A handwritten signature in black ink, appearing to read 'Grimstone', written in a cursive style.

**Lord Grimstone of Boscobel, Kt**  
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