

ATTACHMENT II

to

**Agenda Item 6 entitled "RECOGNITION ARRANGEMENTS FOR ENGINEERING
SERVICES IN CARIFORUM"**



Caribbean Community Single Registration of Professionals Act



CARIBBEAN COMMUNITY (SINGLE REGISTRATION OF PROFESSIONALS) ACT

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[MEMBER STATE]

**CARIBBEAN COMMUNITY (SINGLE REGISTRATION OF PROFESSIONALS) ACT,
2019.**

An Act to facilitate the single registration of professionals within the Caribbean Community for the purposes of the Revised Treaty, and for connected purposes.

**PART 1
PRELIMINARY**

1. Short title and commencement

This Act may be cited as the **CARIBBEAN COMMUNITY (SINGLE REGISTRATION OF PROFESSIONALS) ACT 2019**, and shall come into operation on a day to be appointed by Order published in the Gazette.

2. Purpose of Act

(1) This Act seeks to promote the operationalization of the CARICOM Single Market and Economy with respect to the provision of professional services, by establishing a framework for:

- (a) the single registration of professionals, based on standards agreed by COHSOD pursuant to Article 35 of the Revised Treaty; and
- (b) enabling Regulatory Authorities to:
 - (i) issue Single Registration Certificates to Community nationals for the purpose of seeking recognition as professionals in other Member States; and
 - (ii) accept Single Registration Certificates issued by External Regulatory Authorities for the purpose of being recognized as a professional in *[Member State]*.

3. Interpretation

(1) In this Act:

“**External Regulatory Authority**” means the body or agency for the time being charged under the laws of a Member State other than *[Member State]* with the regulation of a profession;

“**Community**” means the Caribbean Community established by Article 2 of the Revised Treaty;

“**Community national**” means a natural person who:

- (a) is a citizen of a Member State; or
- (b) has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of that Member State for the purposes of the laws thereof relating to immigration,

and, except as otherwise specified, does not include a national of [*Member State*];

“**COHSOD**” means the Council for Human and Social Development which is an organ of the Community established under Article 17 of the Revised Treaty;

“**COTED**” means the Council for Trade and Economic Development which is an organ of the Community established under Article 15 of the Revised Treaty;

“**CSME**” means the CARICOM Single Market and Economy;

“**days**” means days on which the Regulatory Authority is open for business during the ordinary course of its operations;

“**Designated Authority**” means the functionary charged under the laws of a Member State other than [*Member State*] with responsibility for Community affairs;

“**good standing**”, in relation to the registration of a professional, means that the professional has fulfilled all requirements necessary for the continuation of the registration, as prescribed by the Regulatory Authority or External Regulatory Authority, or otherwise prescribed by law;

“**Member State**” means a Member State of the Caribbean Community including the CARICOM Single Market and Economy (CSME) established by the Revised Treaty;

“**Minister**” means the Minister responsible for Community affairs;

“**prescribed**” means prescribed by Regulations in accordance with section 33;

“**profession**” means a profession specified by Order under section 6 as a profession to which this Act applies;

“**professional**” means a Community national who is registered under a relevant enactment or has been issued with a Single Registration Certificate;

“**professional service**” means a service to be provided against remuneration other than wages in accordance with the terms of a profession;

“provision of professional services” means the provision of professional services within the meaning of Article 36(4) of the Revised Treaty;

“qualification criteria” in relation to a relevant enactment, means the qualifications and experience established by or under a relevant enactment to be satisfied by an applicant for the purpose of enabling the applicant to provide a professional service in [Member State];

“Qualified Single Registration Certificate” means a certificate issued under section 13;

“registration” means the act of a Regulatory Authority, by way of recording, declaration or otherwise, which confers on an applicant, membership in the relevant profession and the rights incidental to such membership, and **“register”** shall be construed accordingly;

“Regulatory Authority” means the commission, association, council or other authority in [Member State] established under a relevant enactment and conferred with responsibility for regulating a profession, including the registration of professionals, and references to “a Regulatory Authority” shall be construed as references to all authorities responsible for regulating a profession under a relevant enactment;

“relevant enactment” means an enactment which regulates a profession;

“Revised Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy, signed at Nassau, The Bahamas, on 5 July, 2001;

“single registration” means the registration of a Community national on the basis of the Community standards for single registration set out in an Order under section 6;

“Single Registration Certificate” means a certificate issued by a Regulatory Authority under section 11, or issued by an External Regulatory Authority on the basis of the standards for single registration;

“Single Registration Regime” means the regime created under this Act comprising the issue and acceptance of Single Registration Certificates for the purpose of facilitating the recognition of Community nationals as professionals in [Member State] and other Member States;

“Single Registration System” means the automated electronic platform or system authorised by the Minister in accordance with section 20; and

“standards for single registration” means the standards set out in an Order of the Minister under section 6;

4. Scope of Act

(1) This Act applies to the issue and acceptance of Single Registration Certificates by Regulatory Authorities for the purpose of facilitating the recognition of Community nationals as professionals in [*Member State*] and other Member States.

(2) This Act shall not apply to:

- (a) the issue or grant of licenses or permits to practice any profession in [*Member State*];
- (b) applications under relevant enactments not involving the standards for single registration; or
- (c) any person who is not a Community national.

PART II GENERAL

5. Administration of Act

(1) The Minister shall be responsible for the administration of this Act, and shall, for the purpose of giving effect thereto:

- (a) establish and maintain administrative, financial, communicative and other systems as may be necessary for the administration of this Act;
- (b) authorise the implementation of electronic and other systems with respect to the functions and procedures of Regulatory Authorities, to enable them to adapt to the processes and procedures contemplated by this Act;
- (c) arrange for the design and implementation of such training and other programmes as may be necessary for the guidance of persons to whom access to such electronic or other systems may be granted;
- (d) collaborate with Designated Authorities and the CARICOM Secretariat, as necessary, with respect to:
 - (i) implementing the provisions of the Revised Treaty with respect to professional services;
 - (ii) implementing the Single Registration System; and

- (e) monitor the decisions and directives of COTED and COHSOD with respect to the provision of professional services within the Community and take such follow up action as may be necessary.

(2) The Minister may delegate the functions set out in subsection (1) to one or more Regulatory Authorities or to such ministry, agency or office as the Minister thinks fit.

PART III COMMUNITY STANDARDS FOR SINGLE REGISTRATION

6. Minister to specify standards for single registration

(1) The Minister may by Order, in relation to a profession specified in the Order, establish standards for the single registration of Community nationals.

(2) The standards for single registration shall include:

- (a) the qualifications and experience required for a Community national to be recognised as a professional in [Member State]; and
- (b) the educational and professional programmes [approved] for the purpose of the qualifications and experience referred to in paragraph (a).

(3) Where a Member State elects not to participate in the Single Registration Regime, the Order under subsection (1) may provide that the Order shall not apply to that Member State for the time being.¹

(4) An Order under subsection (1) may:

- (a) provide for different qualifications and experience in respect of the same profession, based on the date on, or period before or after which the qualification or experience was acquired; and
- (b) provide that persons currently registered under a relevant enactment and who have been so registered for a specified period and are in good standing, shall be deemed to have satisfied the standards for single registration.²

(5) The standards for single registration set out in an Order under subsection (1), including any provision of the Order made pursuant to subsection (4), shall, subject to the approval

¹ This provision is included for use where a Member State may not yet be ready to implement the Single Registration Regime. Where this is the case, a Member State which enacts the bill may wish to include this provision to indicate that the Order does not apply to a particular Member State for the time being.

² This provision was included to facilitate decision-making at the regional level in relation to the issue of Single Registration Certificates on the basis of prior professional practice. Note that the provision is enabling only and will require a regional decision to determine the applicable criteria or standard.

of the Minister, be those approved by COHSOD pursuant to Article 35 of the Revised Treaty and by COTED pursuant to Article 15(2)(a) of the Revised Treaty.

7. Variation of standards for single registration

(1) Subject to this Act, where a Community national possesses qualifications or experience acquired on the basis of a programme of study which is not contemplated by an Order under section 6, he may apply to the Minister through a Regulatory Authority, for the programme of study to be included in the standards for single registration.

(2) An application under subsection (1) shall be in the prescribed form and shall contain such information as may be prescribed.

(3) The Regulatory Authority shall, in collaboration with External Regulatory Authorities, review an application under subsection (1) on the basis of the criteria specified in an Order under section 6 and where it is satisfied that the programme of study which is the subject of the application may be added to the standards for single registration, it shall so advise the Minister.

(4) The Minister shall, upon receipt of the advice of the Regulatory Authority under subsection (3), seek the approval of COHSOD for the programme of study to be included in the standards for single registration.

(5) Upon receipt of COHSOD's approval under subsection (4), the Minister may amend the Order under section 6 to include the programme of study in the standards for single registration.

(6) A programme of study shall be deemed to have been included in the standards for single registration from the date specified in an amended Order under subsection (5).

(7) An applicant under subsection (1) shall be kept updated with respect to the consideration of the application, and shall be notified of the decision within seven (7) days of the taking of the decision.

PART IV SINGLE REGISTRATION CERTIFICATE ISSUED BY REGULATORY AUTHORITY

8. Application for Single Registration Certificate

(1) A Community national, including a national of [*Member State*] who satisfies the standards for single registration and who is desirous of obtaining recognition as a professional in another Member State under the Single Registration Regime may, in the prescribed form, apply to a Regulatory Authority for the issue of a Single Registration Certificate.

(2) An application under subsection (1) shall be accompanied by:

- (a) a certified copy of the documentation relied upon in satisfaction of the standards for single registration;
- (b) the prescribed fee; and
- (c) any additional particulars required in support of an application for registration under the relevant enactment other than the qualification criteria.³

9. Grant of Single Registration Certificate

The Regulatory Authority shall as soon as may be practicable, give consideration to an application under section 8 and shall grant the Single Registration Certificate if satisfied that the applicant satisfies the standards for single registration and complies with the requirements under section 8(2)(c).

10. Holder of Single Registration Certificate eligible for registration under relevant enactment

(1) Notwithstanding the qualification criteria set out in a relevant enactment for the registration of a professional, the holder of a Single Registration Certificate issued in [*Member State*] shall, subject to subsection (2), be deemed to have been registered as a professional in [*Member State*].⁴

(2) The holder of a Single Registration Certificate issued in [*Member State*] shall be conferred with the rights, and subject to the obligations of registration specified in the relevant enactment.

11. Revocation of Single Registration Certificate

(1) A Single Registration Certificate shall be revocable by the Regulatory Authority on any of the grounds on which a registration is revocable under the relevant enactment.

³ If under the relevant enactment, there is any requirement for submission of other documents such as character references, police certificates etc. these will fall within the category envisaged by this paragraph.

⁴ This provision is intended establish how the Single Registration Certificate issued in a Member State is to be treated in that same Member State. The treatment of Single Registration Certificates issued in other Member States is dealt with in Part V.

The question has been asked whether, if COHSOD sets a lower standard than that which obtains under the national law of a Member State, whether an applicant with that lower standard would have to be registered and whether such a situation does not contravene the constitutional principle of equality before the law. If COHSOD sets a lower standard, then that standard applies to all Community nationals including nationals of the Member State which enacts the legislation. The Community is a regional trading block within which more relaxed trade standards are permitted. GATT Article 24 applies. The issue of equality before should not arise in this context.

(2) Subsection (1) shall be without prejudice to the right of the Regulatory Authority to revoke a Single Registration Certificate under section 14(2).

12. Refusal to grant Single Registration Certificate

(1) Notwithstanding anything contained in this Act, a Regulatory Authority may refuse to grant a Single Registration Certificate, if satisfied that:

- (a) the applicant was previously registered under a relevant enactment, and such registration was revoked or suspended pursuant to the relevant enactment, and the revocation or suspension is still in effect;⁵
- (b) proceedings for the suspension or revocation of the applicant's registration under a relevant enactment have commenced and will be concluded within a period of three (3) months from the date of the application;
- (c) the applicant has not satisfied the standards for single registration;
- (d) the applicant has not paid the application fee; or
- (e) the applicant is not in good standing under a relevant enactment.

(2) Where a Regulatory Authority refuses to issue a Single Registration Certificate, it shall notify the applicant of its decision within seven (7) days of making the decision.

(3) Nothing prevents a Regulatory Authority from re-considering its decision under subsection (1), whether or not on the request of an applicant whose application was denied.

(4) An applicant who wishes to request that the Regulatory Authority re-considers its decision shall submit an application to the Regulatory Authority in the prescribed form and within such period as may be prescribed.

(5) The Regulatory Authority shall notify the applicant of its decision in writing within fourteen (14) days of receipt of a request for re-consideration under subsection (4).

13. Issue of Qualified Single Registration Certificate

Where a Regulatory Authority is satisfied that an applicant has satisfied the standards for single registration, but based on facts brought to the attention of the Regulatory Authority, and which the Regulatory Authority reasonably believes could negatively impact the professional standing of the applicant after the Single Registration Certificate is granted, the Regulatory Authority may issue a Qualified Single Registration Certificate in such form as may be prescribed.

⁵ The question has been raised whether a previous registration could have been revoked on a basis not involving formal qualifications. The answer would seem to be yes. Any ground for revocation under the relevant enactment would apply here.

14. Facts or circumstances occurring after issue of Single Registration Certificate

(1) If following the issue of a Single Registration Certificate or Qualified Single Registration Certificate a Regulatory Authority becomes aware:

- (a) that the documentation submitted by an applicant in support of an application for the issue of a Single Registration Certificate is false in a material particular; or
- (b) of any other fact or circumstance which, if true, would negatively affect the standing of a professional under a relevant enactment,

the Regulatory Authority shall, as soon as may be practicable and without prejudice to any action that may be taken under that enactment, notify the holder of the Single Registration Certificate or Qualified Single Registration Certificate as the case may be, of the fact or circumstance and take such actions as may be necessary to provide him with a reasonable opportunity to be heard.

(2) If the fact or circumstance referred to in subsection (1) constitutes professional misconduct under the relevant enactment, the procedures under the relevant enactment for the hearing of complaints of professional misconduct shall apply.

(3) If, after a hearing under subsection (1) or the conclusion of procedures for professional misconduct, the Regulatory Authority decides to revoke the Single Registration Certificate or Qualified Single Registration Certificate, it shall as soon as may be practicable, notify the External Regulatory Authority in each Member State.

PART V SINGLE REGISTRATION CERTIFICATE ISSUED BY EXTERNAL REGULATORY AUTHORITY

15. Effect of Single Registration Certificate and Qualified Single Registration Certificate issued by External Regulatory Authority

(1) A Single Registration Certificate or a Qualified Single Registration Certificate issued by an External Regulatory Authority shall be treated for all intents and purposes as if it was issued by a Regulatory Authority.

(2) Notwithstanding subsection (1), a Regulatory Authority may make such reasonable enquiries as may be necessary to verify the authenticity of a Single Registration Certificate or Qualified Single Registration Certificate issued by an External Regulatory Authority and to satisfy itself that it was issued on the basis of standard criteria agreed upon by COHSOD under Article 35 of the Revised Treaty.⁶

⁶ See section 18 for the grounds for refusing to register an applicant for a Single Registration Certificate.

16. Registration on basis of Single Registration Certificate

(1) Where a relevant enactment requires the submission to a Regulatory Authority of evidence of an applicant's qualifications and experience for the purpose of assessing an applicant's eligibility for registration as a professional, that requirement shall, subject to this Act, be satisfied by the submission of a Single Registration Certificate issued by an External Regulatory Authority, subject to the right of the Regulatory Authority to make reasonable enquiries under section 15(2).⁷

(2) Where a Regulatory Authority refuses to register an applicant on the basis of a Single Registration Certificate issued by an External Regulatory Authority, it shall notify the applicant and the issuing External Regulatory Authority of its decision within seven (7) days of making such decision.

17. Registration on basis of Qualified Single Registration Certificate

(1) Where a Regulatory Authority receives an application from a Community national for registration on the basis of a Qualified Single Registration Certificate, the Regulatory Authority may take such action as may be expedient in the national interest, paying due regard to the requirements of transparency and objectivity and may:

- (a) defer consideration of the application for a period of up to sixty (60) days pending the outcome of the circumstances referred to in section 12(1)(b); or
- (b) grant the application on such conditions as the Regulatory Authority thinks reasonable in the circumstances.

(2) Where a Regulatory Authority elects to defer consideration of the application under subsection (1), it shall notify the applicant of its decision within seven (7) days of making such decision.

18. Grounds for Refusal to accept Single Registration Certificate or Qualified Single Registration Certificate

(1) A Regulatory Authority may refuse to accept a Single Registration Certificate or Qualified Single Registration Certificate as a basis for the registration of an applicant:

⁷ The question has been asked whether vocational training would be included in professional registration, and by extension, the scope of professionals which the Act is supposed to cover. For example, "can a hairdresser for be registered in one territory and come to a territory that has no regulatory body for registering hairdressers using a Single Registration certificate?"

The Act enables the issue of Single Registration Certificates in relation to any profession which has a level of organization in each member state to permit it to be the subject of proper national regulation. This is however a matter which will be driven and determined at the regional level on the basis of research and regional collaboration in relation to the state of each profession. Note that one of the grounds for refusing to issue a Single Registration Certificate issued in another Member State has to do with the level of organization of the Regulator.

As a policy matter, note that the Professional Services Policy [2013] stipulates that only professions which require at least a bachelor's degree will be treated under this regime for the time being.

- (a) if the External Regulatory Authority which issued the Single Registration Certificate or Qualified Single Registration Certificate:
 - (i) is not charged under the laws of that Member State with the responsibility of regulating the activities of the profession in respect of which the application is made, including the registration of professionals, and with power to receive complaints from the public and to take disciplinary measures for professional misconduct;
 - (ii) is following reasonable enquiries found by the Regulatory Authority to be not functional or active in the discharge of the functions conferred on it by the laws of that Member State;
 - (iii) registers Community nationals in accordance with criteria deemed by the Regulating Authority to be less stringent than the standards for single registration; or
 - (iv) does not require as a condition of ongoing professional registration that the professional provides evidence of ongoing professional development in accordance with objective and relevant criteria; or
- (b) if the Single Registration Certificate or Qualified Single Registration Certificate was not granted on the basis of the standards for single registration.

(2) Where a Regulatory Authority refuses to grant a Single Registration Certificate under subsection (1)(b), but the applicant submits further information to show that the External Regulatory Authority duly considered and approved the qualifications and experience of the applicant relative to the standards for single registration, the Regulatory Authority shall accept the Single Registration Certificate.

(3) Subsections (3) to (5) of section 12 shall apply *mutatis mutandis* to the refusal by a Regulatory Authority to accept a Single Registration Certificate under this section.

19. Community national not prevented from applying for registration

Nothing in this Act shall prevent a Community national from applying to a Regulatory Authority under a relevant enactment for registration.

**PART VI
SINGLE REGISTRATION SYSTEM**

20. Single Registration System

(1) Notwithstanding anything contained in any enactment the Minister may by Order, subject to the conditions set out in the Order, authorize the use, in respect of any profession to which this Act applies, of an automated electronic platform or system, whether or not already established by law for any other use, or whether or not located in whole or in part outside of [*Member State*], for the purpose of:

- (a) applying for registration under any enactment;
- (b) submitting documents and other communications in respect of such applications;
- (c) registering applicants as professionals;
- (d) applying for and granting Single Registration Certificates; and
- (e) making other applications permitted by or under this Act or any relevant enactment.

(2) The Minister shall collaborate with Designated Authorities for the purpose of ensuring compatibility between any automated electronic platform or system authorized under subsection (1) and any electronic system in use in other Member States.

(3) An automated electronic platform or system authorized for use under subsection (1) shall, for the purpose of this enactment be referred to as the Single Registration System.

(4) An application for registration through the Single Registration System shall be deemed to be an application under the relevant enactment and, subject to this Act shall otherwise conform in all respects with the requirements and procedures set out under that enactment.

21. Procedures applicable to the Single Registration System

(1) The Minister may by Regulations prescribe forms for use in connection with the Single Registration System.

(2) The forms prescribed under subsection (1) shall:

- (a) as far as may be practicable be such forms as may be settled in collaboration with External Regulatory Authorities; and
- (b) be deemed to have been prescribed for the purposes of making applications in respect of the professional services to which this Act applies.

(3) Any forms required by an enactment to be filed in connection with an application may, for the purpose of this Act, be filed without signatures, if the Regulatory Authority has established a procedure to ensure that the forms accurately represent the information sought to be represented by the applicant.

(4) Where a Regulatory Authority requires that any form or document needs to be signed, it may be signed by the use of an electronic signature approved in accordance with such procedures as may be established by the Regulatory Authority.

(5) Where the provisions of any enactment require the submission of the original of any document or instrument to a Regulatory Authority in connection with an application or the grant of any certificate or instrument, the submission through the Single Registration System, of a copy of such document or instrument bearing the certification of a Notary Public or such other public functionary as may be prescribed, shall be deemed to be an original for the purposes of that enactment, without prejudice to the right of the Regulatory Authority to make such reasonable enquiries with respect to its authenticity as it considers necessary.

(6) A certified copy of any document filed through the Single Registration System has the same evidential value and may be used in the same manner as the original.

(7) Any document instrument or Information filed through the Single Registration System shall be deemed to be filed with the Regulating Authority on the date when the system confirms receipt of the document, instrument or information by electronic means.

(8) Where the electronic system or platform authorized by the Minister under section 20 contains different or additional rules for the filing and treatment of documents and information, subsections (3) to (7) shall not apply or shall apply mutatis mutandis for the purpose of giving priority to the application of such rules.

22. Duty of Regulatory Authority

(1) A Regulatory Authority is authorised to accept and process applications made through the Single Registration System and shall:

- (a) take such steps as may be necessary to establish, permit and maintain on-line access to the Single Registration System in respect of such applications;
- (b) liaise with other Regulatory Authorities and with External Regulatory Authorities for the purpose of promoting common procedures for applications by Community nationals for the provision of professional services in the Community;
- (c) monitor the operating standards and practices of External Regulatory Authorities for the purpose of enforcing the provisions of this Act;

- (d) cooperate with External Regulatory Authorities for the purpose of promoting the observance of the standards established by the Minister for the purposes of this Act;
- (e) in relation to the Single Registration System implement such security or other measures as may be reasonably necessary to:
 - (i) safeguard the integrity of any data processed therein;
 - (ii) prevent unauthorized access and disclosure of, any record or stored or processed information;
 - (iii) prevent illegal interception or interruption of any data or information transmitted or processed; and
 - (iv) prevent loss, destruction, inappropriate alteration, modification or inappropriate disclosure of any record or information.

(2) Without prejudice to the generality of subsection (1)(d), a Regulatory Authority which grants an application under an enactment shall notify the External Regulatory Authority of the Member State:

- (a) in which the professional was registered during the period of three (3) years immediately preceding the date of such grant; and
- (b) of which the professional is a national.

23. Regulatory Authority to keep registers, records and information

(1) The Regulatory Authority shall keep such registers, records and information as the Regulatory Authority considers adequate for the proper and efficient administration of this Act.

(2) Data messages transmitted to or received from the Single Registration System are records for the purposes of subsection (1).

(3) Without restricting the generality of subsection (1) the Regulatory Authority shall keep and maintain:

- (a) a register of the authentication codes, user names and any other information issued to authorized users; and
- (b) an access log regarding access to the Single Registration System by each authorised user including the record and information stored in the Single Registration System and the procedures performed by each authorised user.

24. Confidentiality

(1) The information contained in any application made through the Single Registration System and supporting documents and any information obtained from the applicant in the course of the application process is confidential information.

(2) Subject to subsection (1), any person:

- (a) having an official duty under, or being employed in the administration of this Act shall regard and deal with as confidential, all confidential information in respect of any matter under this Act; or
- (b) who has in his possession or has control over any confidential information or any document which contains confidential information shall not disclose such information or anything contained in such document to any person.

(3) Notwithstanding subsection (2), nothing in this section prevents the disclosure of confidential information or production of any document containing confidential information to:

- (a) any person for the purposes of this Act;
- (b) a law enforcement agency of [] for the purpose of carrying out its official duties;
- (c) a court of competent jurisdiction, in proceedings regarding liability under this Act, or the responsibility of any person for or in a criminal or civil matter;
- (d) External Regulatory Authorities in accordance with mutual arrangements among Member States with respect to the operation of the Single Registration System; or
- (e) any person with the written consent of the owner], importer or exporter as the case may be.

(4) A person who receives information under subsection (3) shall maintain the confidentiality of that information, except to the minimum extent necessary to achieve the purpose or objective for which disclosure is permitted.

(5) Any person who discloses confidential information in contravention of this section commits an offence and is liable on conviction to a fine of [XX] or to imprisonment for a term not exceeding [XX] or to both such fine and imprisonment.

PART VII OFFENCES

25. Offences, penalties and fees

This Act shall apply to Community nationals in relation to applications for the provision of professional services in [*Member State*] only to the extent specified herein, and nothing in this Act shall, except expressly so provided, prevent the application of any provision contained in any enactment with respect to the imposition of any offence, penalty or fee in relation to any person.

26. Falsification, etc. of record in the Single Registration System

A person who falsifies deletes, damages, alters or impairs any record, data message or information stored in or processed by the Single Registration System or on any duplicate electronic storage medium respecting the Single Registration System commits an offence and is liable, on summary conviction, to a fine of [XX] dollars.

27. Unauthorized use of the Single Registration System

(1) No person shall transmit to or receive information from the Single Registration System or otherwise make use of the Single Registration System unless the person is registered by the Regulating Authority as an authorised user of the Single Registration System.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of [XX] dollars or to imprisonment for a term of [XX] years.

28. Unauthorized modification of the Single Registration System

(1) Subject to subsection (2), a person who unlawfully causes a modification of any program or data held in the Single Registration System commits an offence and is liable, on summary conviction, to a fine of [XX] dollars or to imprisonment for a term of [XX] years.

(2) Where damage to the Single Registration System is caused as a result of an offence committed under subsection (1), the person convicted of the offence is additionally liable of a fine of [XX] dollars or imprisonment for a term of [XX] years.

(3) For the purpose of this section, it is immaterial —

(a) that the modification in question is not directed at—

- (i) any particular program or data;
- (ii) a program or data of any kind; or
- (iii) a program or data held in the *Single Registration System*; or

- (b) whether an unauthorized modification is or is intended to be permanent or merely temporary;

(4) A modification of any program or data held in the Single Registration System takes place, if, by reason of the operation of any function of the Single Registration System —

- (a) any program or data held in the Single Registration System is altered or erased;
- (b) any program or data is added to or removed from any program or data held in the Single Registration System; or
- (c) any act occurs which impairs the normal operation of the Single Registration System; and

(5) An act that which contributes towards the causing of a modification referred to in subsection (4) shall be regarded as the cause of the modification.

29. Unauthorized obstruction of the Single Registration System

- (1) Subject to subsection (2), a person who knowingly and without authority—
 - (a) interferes with, interrupts, or obstructs the lawful use of the Single Registration System; or
 - (b) impedes, prevents access to, or impairs the usefulness of any program or data on the Single Registration System,
 - (c) commits an offence and is liable, on summary conviction, to a fine of [XX] dollars or to imprisonment for a term of [XX] years.

(2) Without prejudice to the penalty imposed in respect of an offence committed under subsection (1), where damage is caused to the Single Registration System as a result of an offence committed under subsection (1), the person convicted of the offence is liable to an additional penalty of a fine of [XX] dollars or imprisonment for a term of [XX] years.

30. Unauthorized interruption of the Single Registration System

A person who unlawfully engages in conduct which causes the Single Registration System to cease to function, permanently or temporarily, commits an offence and is liable, on summary conviction, to a fine of [XX] dollars or to imprisonment for a term of [XX] years.

**PART VIII
MISCELLANEOUS**

31. Application not to be denied on grounds of nationality

Notwithstanding anything contained in any enactment or other law, an application by a Community national under a relevant enactment whether or not made through the Single Registration System shall not be denied on the grounds that the applicant is not a national or resident of [*Member State*] or does not have a connection with [*Member State*] of the kind envisaged by the enactment or other law.

32. Remedies in respect of refusal to grant Single Registration Certificate

(1) The remedies available to an applicant in the case of a refusal of an application for the grant of a Single Registration Certificate shall be limited to the remedies available under the relevant enactment in the case of the refusal of an application for registration.

(2) Subsection (1) shall be without prejudice to the rights of a Community national under the Revised Treaty in respect of any matter to which this Act or a relevant enactment applies.

33. Regulations

(1) The Minister may make regulations for the purpose of carrying out the purposes of this Act.

(2) Without prejudice to subsection (1), regulations may make provision for:

- (a) the procedures contemplated by this Act, including the procedures with respect to applications for the grant of Single Registration Certificates; and
- (b) the forms to be used in respect of the applications referred to in paragraph (a).