

STATUTORY INSTRUMENTS

**2019 No. 593**

**EXITING THE EUROPEAN UNION  
HEALTH CARE AND  
ASSOCIATED PROFESSIONS  
PROFESSIONAL QUALIFICATIONS**

The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019

*Made - - - - 14th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>M1</sup>.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

**Marginal Citations**

**M1** 2018 c. 16.

**Citation, commencement and extent** **U.K.**

1.—(1) These Regulations may be cited as the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) Any amendment, repeal or revocation made by these Regulations has the same extent as the provision amended, repealed or revoked.

**Commencement Information**

**11** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**[F1] Interpretation U.K.****1A.—(1) In these Regulations—**

“the 2017 Act” means the Children and Social Work Act 2017;

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007;

“the Directive” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as it had effect immediately before IP completion day;

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

“existing contract” means a written contract which was concluded, and the performance of which started, before IP completion day;

“qualifying applicant” means an individual—

- (a) who is a national of the United Kingdom or Switzerland, or a third country national who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and pursuit of a regulated profession,
- (b) who wishes to access and pursue a regulated profession in the United Kingdom on a permanent basis, whether in an employed or self-employed capacity,
- (c) who has obtained a relevant qualification,
- (d) who, if that relevant qualification was obtained in a third country, has three years’ professional experience in the profession concerned in the territory of Switzerland and certified by a Swiss competent authority, and
- (e) who, if that relevant qualification is a professional qualification obtained in an EEA State, is legally established in Switzerland, unless the individual is a Swiss national;

“relevant applicant” means an individual—

- (a) who provides services in a regulated profession in the United Kingdom on a temporary and occasional basis on the basis of an existing contract,
- (b) who began providing, or begins to provide, the services mentioned in paragraph (a), either—
  - (i) before IP completion day, in an employed or self-employed capacity, or
  - (ii) on or after IP completion day, as an employee posted for the purpose of carrying on professional activities in the United Kingdom by their employer who is established in the United Kingdom or Switzerland,
- (c) who is a national of the United Kingdom or Switzerland, or a third country national, who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and pursuit of a regulated profession,
- (d) who is legally established in Switzerland for the purpose of pursuing the same profession there, and
- (e) who, if neither the regulated profession the individual wishes to access and pursue in the United Kingdom nor the education and training leading to it is regulated in Switzerland, has pursued that profession in Switzerland for at least two years during the ten years preceding the provision of services;

“relevant European State” means an EEA State or Switzerland;

“relevant qualification” means—

- (a) a professional qualification obtained in an EEA State or Switzerland before IP completion day;
- (b) a professional qualification started in an EEA State or Switzerland but not completed before IP completion day;
- (c) a third country professional qualification recognised by a competent authority in Switzerland pursuant to Article 2(2) of [Directive 2005/36/EC](#) before IP completion day;
- (d) a third country professional qualification for which an application for recognition pursuant to Article 2(2) of [Directive 2005/36/EC](#) has been submitted to a competent authority in Switzerland before IP completion day, where that application is successful;

“same profession” means the profession for which the applicant is qualified in the applicant’s home State if the activities covered are comparable;

“Swiss applicant” means a person who is—

- (a) a national of the United Kingdom,
- (b) a national of Switzerland, or
- (c) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a particular profession, no less favourably than a national of either of those states;

“Swiss recognition period” means the period of four years beginning with the day immediately after IP completion day;

“third country” has the same meaning as in regulation 2(1) of the 2007 Regulations;

“visiting practitioner transitional period” means—

- (a) the period of five years beginning with IP completion day, or
- (b) if the period in sub-paragraph (a) is extended in accordance with Article 23(2) of the Swiss citizens’ rights agreement, that period as extended.]

#### Textual Amendments

- F1** Reg. 1A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 3

#### Commencement Information

- I2** Reg. 1A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## Medical practitioners **U.K.**

2. In Schedule 1—

- (a) Part 1 contains amendments about medical practitioners;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

#### Commencement Information

- I3** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

*Status: Point in time view as at 24/02/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

### Pharmacists and pharmacy technicians **U.K.**

#### 3. In Schedule 2—

- (a) Part 1 contains amendments about pharmacists and pharmacy technicians;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

#### Commencement Information

- I4** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Dentists and dental care professionals **U.K.**

#### 4. In Schedule 3—

- (a) Part 1 contains amendments about dentists and dental care professionals;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

#### Commencement Information

- I5** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Nurses, midwives and nursing associates **U.K.**

#### 5. In Schedule 4—

- (a) Part 1 contains amendments about nurses, midwives and nursing associates;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

#### Commencement Information

- I6** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Opticians **U.K.**

#### 6. In Schedule 5—

- (a) Part 1 contains amendments about opticians;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

#### Commencement Information

- I7** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Osteopaths **U.K.**

#### 7. In Schedule 6—

- (a) Part 1 contains amendments about osteopaths;

- (b) Part 2 contains savings and transitional provision relating to those amendments.

**Commencement Information**

- I8** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Chiropractors** **U.K.**

- 8.** In Schedule 7—
- (a) Part 1 contains amendments about chiropractors;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

**Commencement Information**

- I9** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Health and social work professionals** **U.K.**

- 9.** In Schedule 8—
- (a) Part 1 contains amendments about health and social work professionals;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

**Commencement Information**

- I10** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Social workers in Scotland** **U.K.**

- 10.** In Schedule 9—
- (a) Part 1 contains amendments about social workers in Scotland;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

**Commencement Information**

- I11** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Social care workers in Northern Ireland** **U.K.**

- 11.** In Schedule 10—
- (a) Part 1 contains amendments about social care workers in Northern Ireland;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

#### Commencement Information

- I12** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Social workers in England **U.K.**

**12.** In Schedule 11—

- (a) Part 1 contains amendments about social workers in England;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

#### Commencement Information

- I13** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### [<sup>F2</sup>Actions taken, decisions made etc. before IP completion day: general saving **U.K.**

**12A.** The amendments, repeals and revocations made by these Regulations to an enactment do not affect the validity of any action or decision taken, or right accrued, before IP completion day under that enactment, except as provided by any applicable saving or transitional provision made by Part 2 of any of the Schedules to these Regulations.]

#### Textual Amendments

- F2** Reg. 12A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), [regs. 1\(2\), 4](#)

#### Commencement Information

- I14** Reg. 12A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### [<sup>F3</sup>Equal treatment and administrative co-operation under the Swiss citizens' rights agreement **U.K.**

**12B.—(1)** In dealing with a relevant applicant who provides services in the United Kingdom pursuant to a relevant savings provision in relation to any matter, the competent authority must treat that person no less favourably than it would treat a native applicant (within the meaning given in regulation 2 of the 2007 Regulations) providing those services in the United Kingdom in relation to that matter.

(2) Where an individual is providing services on a temporary and occasional basis in Switzerland pursuant to Article 23 of the Swiss citizens' rights agreement, the appropriate competent authority in the United Kingdom must co-operate with and provide the appropriate competent authority in Switzerland with any information relevant to the legality of the individual's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature, in accordance with the practice information provision.

(3) Where an individual has made or makes an application falling within Articles 31(1) or 32(1) or (5) of the Swiss citizens' rights agreement to a competent authority in Switzerland for recognition of

a professional qualification awarded or recognised by a competent authority in the United Kingdom, the appropriate competent authority in the United Kingdom must—

- (a) co-operate with the competent authority or contact point in Switzerland or the individual (as the case may be), in accordance with the general cooperation provision, and
  - (b) provide information to the competent authority in Switzerland regarding disciplinary action or criminal sanctions taken, or any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.
- (4) A competent authority in the United Kingdom must process information for the purposes of paragraphs (2) and (3) in accordance with data protection legislation within the meaning given in section 3(9) (terms relating to the processing of personal data) of the Data Protection Act 2018.

(5) In this regulation—

“the general cooperation provision”, in relation to a competent authority in the United Kingdom, means—

- (a) to the extent it applies to the competent authority, regulation 5(2) to (7) (functions of competent authorities in the United Kingdom) of the 2007 Regulations, and
- (b) where any of the following Schedules applied to the competent authority immediately before IP completion day, that Schedule as it had effect in relation to the competent authority immediately before IP completion day—
  - (i) Schedule 4A (Directive 2005/36: functions of the General Medical Council) to the Medical Act 1983;
  - (ii) Schedule 4ZA (Directive 2005/36: functions of the General Dental Council) to the Dentists Act 1984;
  - (iii) Schedule 3 (Directive 2005/36: functions of the Nursing and Midwifery Council) to the Nursing and Midwifery Order 2001;
  - (iv) Schedule 3 (the Directive: designation of competent authority etc) to the Pharmacy Order 2010;

“the practice information provision”, in relation to a competent authority, means any of the following provisions which apply to the competent authority—

- (a) section 35B(2) of the Medical Act 1983;
- (b) section 33C(3) of the Dentists Act 1984;
- (c) section 13C(3) of the Opticians Act 1989;
- (d) article 22(10) of the Nursing and Midwifery Order 2001;
- (e) article 22(10) of the Health Professions Order 2001;
- (f) regulation 5(2), (3) and (4) of the 2007 Regulations;
- (g) article 50 of the Pharmacy Order 2010;
- (h) regulations 25(1)(c) and 26(5)(b)(v) of the Social Workers Regulations 2018;

“relevant savings provision” means any of the following provisions of these Regulations—

- (a) paragraph 68 (visiting medical practitioners: saving of old law for up to five years) of Schedule 1;
- (b) paragraph 45 (visiting pharmacists and pharmacy technicians: saving of old law for up to five years) of Schedule 2;
- (c) paragraph 37 or 38 (visiting dentists or dental care professionals: saving of old law for up to five years) of Schedule 3;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (d) paragraph 28 or 29 (visiting nurses, midwives and nursing associates: saving of old law for up to one year) of Schedule 4;
- (e) paragraph 26 (visiting opticians: saving of old law for up to five years) of Schedule 5;
- (f) paragraph 16 (visiting osteopaths: saving of old law for up to five years) of Schedule 6;
- (g) paragraph 15 (visiting chiropractors: saving of old law for up to five years) of Schedule 7;
- (h) paragraph 20 (visiting health professionals: saving of old law for up to five years) of Schedule 8;
- (i) paragraph 13 (visiting social workers in Scotland: saving of old law for up to five years) of Schedule 9;
- (j) paragraph 14 (visiting social work professionals in Northern Ireland: saving of old law for up to five years) of Schedule 10;
- (k) paragraph 12 (visiting social work professionals in England: saving of old law for up to five years) of Schedule 11.]

#### Textual Amendments

**F3** Regs. 12B, 12C inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 5

#### Commencement Information

**I15** Reg. 12B in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### [<sup>F3</sup>Administrative cooperation under the EEA EFTA citizens' rights agreement **U.K.**

**12C.**—(1) Where an individual has, before IP completion day, made an application falling under Article 26 of the EEA EFTA citizens' rights agreement to a competent authority in Iceland, Norway or Liechtenstein for recognition of a professional qualification obtained in the United Kingdom, the appropriate competent authority in the United Kingdom must—

- (a) co-operate with the competent authority or assistance centre in Iceland, Norway or Liechtenstein, or with the individual (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Iceland, Liechtenstein or Norway regarding disciplinary action or criminal sanctions taken, or any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(2) Competent authorities must process information for the purposes of paragraph (1) in accordance with data protection legislation within the meaning given in section 3(9) of the Data Protection Act 2018.

(3) In this regulation—

“the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015, as it had effect immediately before IP completion day;

“EEA EFTA citizens' rights agreement” means the Agreement signed at London on 2 April 2019 between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland on arrangements regarding citizens'



rights following the withdrawal of the United Kingdom from the European Union and the EEA Agreement;

“the general cooperation provision”, in relation to a competent authority, means—

- (a) where any of the following Schedules applied to the competent authority immediately before IP completion day, that Schedule as it had effect in relation to the authority immediately before IP completion day—
  - (i) Schedule 4A to the Medical Act 1983;
  - (ii) Schedule 4ZA to the Dentists Act 1984;
  - (iii) Schedule 3 to the Nursing and Midwifery Order 2001;
  - (iv) Schedule 3 to the Pharmacy Order 2010;
- (b) to the extent that they apply to the authority—
  - (i) regulation 5(2), (4) and (5) of the 2015 Regulations, but as modified by paragraph 44(4)(b) of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019;
  - (ii) regulation 5(3) of the 2015 Regulations.]

#### Textual Amendments

- F3** Regs. 12B, 12C inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 5

#### Commencement Information

- I16** Reg. 12C in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### References to the General Systems Regulations **U.K.**

[<sup>F4</sup>13.—(1) In this regulation “the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015.

(2) In these Regulations (other than in regulation 12C), any reference to the 2015 Regulations (or any provision of those Regulations) includes a reference to the 2007 Regulations (or any provision of those Regulations), so far as the 2007 Regulations—

- (a) continue (or before IP completion day, continued) to apply by virtue of—
  - (i) regulation 78 of the 2015 Regulations;
  - (ii) regulation 155 of the European Qualifications (Health and Social Care Professions) Regulations 2016, and
- (b) after IP completion day, continue to apply under Part 3 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.]

#### Textual Amendments

- F4** Reg. 13 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 6

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

### Commencement Information

**I17** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Review of continued recognition of certain European qualifications **U.K.**

**14.**—(1) The Secretary of State must, after the end of the period of two years beginning with the day on which these Regulations come into force—

- (a) carry out a review of the operation of the provisions in paragraph (2) (which concern the recognition to be given to certain European qualifications after [<sup>F5</sup>IP completion day]), as inserted or amended by these Regulations,
- (b) set out the conclusions of the review in the report, and
- (c) publish the report.

(2) The provisions are—

- (a) sections 21B(1A), (2)(a), (3), (4) (full registration of persons with an overseas qualification) and 21C(2A) (provisional registration of persons with an overseas qualification) of the Medical Act 1983 <sup>M2</sup>,
- (b) articles 4(1), (1A) (general practitioners eligible for entry in the general practitioner register), 8(1) (specialists eligible for entry in the specialist register) and 10 (recognised specialist qualifications granted outside the United Kingdom) of the Postgraduate Medical Education and Training Order of Council 2010 <sup>M3</sup>,
- (c) article 21(1A) to (1C) (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists) of the Pharmacy Order 2010 <sup>M4</sup>,
- (d) section 15(2)(a), (2ZA), (2ZB) and (4ZA) (qualification for registration in the dentists register) of the Dentists Act 1984 <sup>M5</sup>,
- (e) regulations 9(1) (eligible specialists) and 10 (recognised specialist dental qualifications) of the European Primary and Specialist Dental Qualifications Regulations 1998 <sup>M6</sup>, and
- (f) article 13(3) to (5) (approved qualifications) of the Nursing and Midwifery Order 2001 <sup>M7</sup>.

(3) The report must be published within the period of six months beginning with the day after the end of the period referred to in sub-paragraph (1).

### Textual Amendments

**F5** Words in [reg. 14\(1\)\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), [regs. 1\(2\), 7](#)

### Commencement Information

**I18** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M2** [1983 c. 54](#). Section 21B was inserted by [S.I. 2006/1914](#).

**M3** [S.I. 2010/473](#). Relevant amending instruments are [S.I. 2013/3036](#), 2016/1030.

**M4** [S.I. 2010/231](#).

**M5** [1984 c. 24](#).

**M6** [S.I. 1998/811](#). Relevant amending instruments are [S.I. 2004/1947](#), 2007/3101, 2013/3036.

**M7** [S.I. 2002/253](#).

Signed by authority of the Secretary of State for Health and Social Care.

Department of Health and Social Care

*Stephen Hammond*  
Minister of State for Health,

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1 **U.K.**

Regulation 2

#### Medical Practitioners

### **PART 1** **U.K.**

#### Amendments to legislation

#### **Medical Act 1983** **U.K.**

1. The Medical Act 1983 is amended as follows.

##### **Commencement Information**

**I19** Sch. 1 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

2. In section 2 (registration of medical practitioners)<sup>M8</sup>, in subsection (2)—
  - (a) at the end of paragraph (aa), insert “ and ”;
  - (b) omit paragraph (d) and the “and” before it.

##### **Commencement Information**

**I20** Sch. 1 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

##### **Marginal Citations**

**M8** Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#), [2008/1774](#).

3. In section 3 (registration by virtue of primary United Kingdom or primary European qualifications)<sup>M9</sup>, in subsection (1)(b), after “qualifications” insert “ and has made an application, before [<sup>F6</sup>IP completion day], for registration under this paragraph or is provisionally registered under section 15A ”.

##### **Textual Amendments**

**F6** Words in Sch. 1 para. 3 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), [regs. 1\(2\), 8\(2\)](#)

##### **Commencement Information**

**I21** Sch. 1 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M9** Relevant amending instruments are [S.I. 1996/1591](#), 2006/1914, 2007/3101.

4.—(1) Section 5 (general functions of the General Medical Council in relation to medical education in the United Kingdom) <sup>M10</sup> is amended as follows.

(2) Omit subsection (2A).

(3) In subsection (4), omit the definition of “the Directive”.

#### Commencement Information

**I22** Sch. 1 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M10** Subsection (2A) was inserted by [S.I. 1996/1591](#). Relevant amending instruments are [S.I. 2006/1914](#), 2007/3101, 2008/1774,

5.—(1) Section 10B (professional traineeships carried out in other relevant European States, etc) <sup>M11</sup> is amended as follows.

(2) In the heading, omit “other”.

(3) Before subsection (1), insert—

“(A1) This section applies for the purposes of determining whether a person who—

(a) is a national of a relevant European state,

(b) holds a primary United Kingdom qualification, and

(c) has applied, before [<sup>F7</sup>IP completion day], for registration under section 3(1)(a),

has satisfactorily completed an acceptable programme for doctors who are provisionally registered.”.

(4) In subsection (1)—

(a) for “an acceptable programme of provisionally registered doctors” substitute “such a programme”;

(b) omit the words from “other” to “qualification”.

(5) Omit subsection (2).

(6) In subsection (3), for “(1)” substitute “(A1)”.

#### Textual Amendments

**F7** Words in Sch. 1 para. 5(3) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1394), [regs. 1\(2\)](#), [8\(2\)](#)

#### Commencement Information

**I23** Sch. 1 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

### Marginal Citations

**M11** Section 10B was inserted by S.I. 20016/1030.

6.—(1) Section 14 (alternative requirements as to experience in certain cases)<sup>M12</sup> is amended as follows.

(2) Omit subsection (3).

(3) In subsection (4)(a), after “subsection (1)” insert “ in connection with an application for registration under section 3(1)(a) made before [<sup>F8</sup>IP completion day]”.

### Textual Amendments

**F8** Words in Sch. 1 para. 6(3) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1394), regs. 1(2), **8(2)**

### Commencement Information

**I24** Sch. 1 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M12** Subsection (3) was added by [S.I. 1996/1591](#) and subsection (4) was added by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

7. In section 14A (full registration of EEA nationals etc without certain acquired rights certificates)<sup>M13</sup>, in subsection (1), before paragraph (a) insert—

“(za) who has made an application for registration under this section before [<sup>F9</sup>IP completion day].”.

### Textual Amendments

**F9** Words in Sch. 1 para. 7 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1394), regs. 1(2), **8(2)**

### Commencement Information

**I25** Sch. 1 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M13** Section 14A was inserted by [S.I. 2007/3101](#).

8. In section 15A (provisional registration for EEA nationals etc)<sup>M14</sup>, in subsection (2), for “his fitness to practise is not impaired” substitute—

“(a) the person has made an application, before [<sup>F10</sup>IP completion day], for registration under this section, and

(b) the person's fitness to practise is not impaired.”.

#### Textual Amendments

**F10** Words in Sch. 1 para. 8 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

#### Commencement Information

**I26** Sch. 1 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M14** Section 15A was inserted by [S.I. 2000/3041](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

**9.** In section 16 (registration of qualifications), in subsection (2), omit “a primary United Kingdom qualification or”.

#### Commencement Information

**I27** Sch. 1 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**10.—(1)** Section 17 (primary qualifications obtained in other relevant European states) is amended as follows.

(2) In the heading, omit “other”.

(3) In subsection (1), omit “other than the United Kingdom”.

#### Commencement Information

**I28** Sch. 1 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**11.** Omit section 18 (visiting medical practitioners from relevant European states).

#### Commencement Information

**I29** Sch. 1 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**12.—(1)** Section 19 (full registration of EEA nationals etc by virtue of overseas primary qualifications etc)<sup>M15</sup> is amended as follows.

(2) Before subsection (1), insert—

“(A1) Subsection (1) applies only in relation to an exempt person—

(a) who has made an application, before [F11IP completion day], for registration under this section, or

(b) who is provisionally registered under section 21.”.

(3) For subsection (2), substitute—

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

“(2) In this Act “exempt person” means—

- (a) a person who, immediately before [F12IP completion day], was a national of a relevant European State,
- (b) a person who, immediately before [F12IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the medical profession by virtue of an enforceable EU right, or
- (c) a person who, immediately before [F12IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the medical profession, no less favourably than a national of a relevant European State.”

(4) In subsection (3)(a), omit “, other than the United Kingdom,”.

#### Textual Amendments

**F11** Words in Sch. 1 para. 12(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

**F12** Words in Sch. 1 para. 12(3) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

#### Commencement Information

**I30** Sch. 1 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M15** Section 19 was substituted by [S.I. 2002/3135](#). Relevant amending instruments are [S.I. 2007/3101](#), [2011/1043](#).

**13.**—(1) Section 19A (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom)<sup>M16</sup> is amended as follows.

(2) In the heading, omit “other than the United Kingdom”.

(3) In subsection (1), before paragraph (a), insert—

“(za) who has made an application for registration under this section before [F13IP completion day],”.

#### Textual Amendments

**F13** Words in Sch. 1 para. 13(3) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

#### Commencement Information

**I31** Sch. 1 para. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M16** Section 19A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).



14. In section 21 (provisional registration of EEA nationals etc with certain overseas qualifications)<sup>M17</sup>, for subsection (2), substitute—

“(2) Where a person—

- (a) has made an application to the General Council, before [F14IP completion day], to be provisionally registered under this section, and
- (b) satisfies the Registrar of the matters specified in paragraphs (a), (aa) and (c) of section 19(1),

the person shall, if the Council think fit so to direct, be provisionally registered under this section.”.

#### Textual Amendments

**F14** Words in Sch. 1 para. 14 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

#### Commencement Information

**I32** Sch. 1 para. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M17** Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

15.—(1) Section 21B (full registration of persons with an overseas qualification)<sup>M18</sup> is amended as follows.

(2) In subsection (1)—

- (a) at the beginning, insert “ Subject to subsection (1A), ”;
- (b) at the end of paragraph (c), insert “ and ”;
- (c) in paragraph (d), omit “unless he is an exempt person.”;
- (d) omit the “and” at the end of paragraph (d);
- (e) omit paragraph (e).

(3) After subsection (1), insert—

“(1A) Subsection (1)(b) does not apply to a person who makes an application under this section on or after [F15IP completion day] in reliance on the holding of a relevant European qualification within subsection (3)(a) or (b).

(1B) Subsection (1C) applies instead of subsection (1) in the case of an exempt person who—

- (a) has made an application for registration as a fully registered medical practitioner under this section before [F15IP completion day], or
- (b) is provisionally registered under section 21C and made the application for that provisional registration before [F15IP completion day].

(1C) Where the exempt person satisfies the Registrar that—

- (a) the person holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification,
- (b) where—

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (i) the acceptable overseas qualification was, or would have been, granted otherwise than in a relevant European State, and
  - (ii) that qualification, or the person's having passed those examinations, has not previously been accepted by a relevant European State as qualifying the person to practise as a medical practitioner in that State,
- that qualification is, or would have been, evidence of medical training which satisfies the requirements of article 24(1), (2) and (3)(a), (b) and (c) of the Directive (basic medical training),
- (c) the person possesses the knowledge, skills and experience necessary for practising as a fully registered medical practitioner in the United Kingdom, and
  - (d) the person's fitness to practise is not impaired,
- the person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.”.
- (4) For subsection (2), substitute—
- “(2) In this Act, an “acceptable overseas qualification” means—
- (a) in relation to a person who makes an application for registration on or after [F16IP completion day], a relevant European qualification, or
  - (b) (whether or not in relation to such a person) any other qualification granted outside the United Kingdom, where that qualification is for the time being accepted by the General Council as qualifying a person to practise as a medical practitioner in the United Kingdom.”.
- (5) After subsection (2), insert—
- “(3) In this section, “relevant European qualification” means—
- (a) a primary European qualification under section 17(1)(a) that has not been designated by the General Council for the purposes of this paragraph,
  - (b) a qualification that is not a primary European qualification under section 17(1)(a) but—
    - (i) was granted in a relevant European State, and
    - (ii) demonstrates, in the opinion of the General Council, a comparable level of knowledge, skill and experience to that demonstrated by the means of qualification laid down by section 3(1)(a) (including the programme for provisionally registered doctors), or
  - (c) a qualification that is not a primary European qualification under section 17(1)(a) and does not fall within paragraph (b) but—
    - (i) was granted in a relevant European State, and
    - (ii) demonstrates, in the opinion of the General Council, a comparable level of knowledge and skill to that demonstrated by a primary United Kingdom qualification.
- (4) The General Council—
- (a) may designate a qualification for the purposes of subsection (3)(a) only with the approval of the Privy Council;
  - (b) must maintain and publish a list of the qualifications that are so designated.”.

### Textual Amendments

- F15** Words in Sch. 1 para. 15(3) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**
- F16** Words in Sch. 1 para. 15(4) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

### Commencement Information

- I33** Sch. 1 para. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

- M18** Section 21B was inserted by [S.I. 2006/1914](#). Relevant amending instrument is [S.I. 2007/3101](#).

**16.—(1)** Section 21C (provisional registration of persons with an overseas qualification) <sup>M19</sup> is amended as follows.

- (2) In subsection (1), after “section 21B(1)(b)” insert “ or (1C)(c) ”.
- (3) In subsection (2)(a), for “(d) and (e)” substitute “ and (d) ”.
- (4) After subsection (2), insert—

“(2A) Subsection (2)(b) does not apply to a person who makes an application under this section on or after [<sup>F17</sup>IP completion day] and who—

- (a) has passed all of the qualifying examinations necessary for obtaining (but does not hold) a relevant European qualification within section 21B(3)(a) or (b), or
- (b) holds, or has passed all of the qualifying examinations necessary for obtaining, a relevant European qualification within section 21B(3)(c).

(2B) Where an exempt person has made an application to the General Council, before [<sup>F17</sup>IP completion day], to be provisionally registered under this section and satisfies the Registrar—

- (a) of the matters specified in paragraphs (a), (b) and (d) of section 21B(1C) above so far as they are matters of which the Registrar would in the person's case have to be satisfied in order for the person to be eligible to benefit from a direction under that subsection, and
- (b) that the person possesses the knowledge and skill requisite for embarking upon an acceptable programme for provisionally registered doctors,

the person shall, if the Council think fit so to direct, be provisionally registered under this section.”.

### Textual Amendments

- F17** Words in Sch. 1 para. 16(4) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I34** Sch. 1 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M19** Section 21C was inserted by **S.I. 2006/1914**. Relevant amending instrument is **S.I. 2007/3101**.

17. In section 30 (the registers) <sup>M20</sup>, in subsection (1)—

- (a) at the end of paragraph (aa) insert “ and ”;
- (b) omit paragraph (d) and the “and” before it.

#### Commencement Information

**I35** Sch. 1 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M20** Relevant amending instruments are **S.I. 2002/3135**, 2006/1914, 2007/3101, 2008/1774.

18. In section 32 (registration fees) <sup>M21</sup>, in subsection (5), omit “or in the list of visiting medical practitioners from relevant European States”.

#### Commencement Information

**I36** Sch. 1 para. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M21** Relevant amending instruments are **S.I. 2007/3101**, 2008/1774.

19. In section 34D (the Specialist Register) <sup>M22</sup>, omit subsection (5).

#### Commencement Information

**I37** Sch. 1 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M22** Section 34D was inserted by **S.I. 2010/234**.

20.—(1) Section 34G (acquired rights of general practitioners) <sup>M23</sup> is amended as follows.

(2) In subsection (1), for “Article 30(1) of the Directive” substitute “ this section ”.

(3) In subsection (2), for the words from “by virtue of” to the end, substitute “ as a general practitioner in the United Kingdom, the Registrar shall issue a certificate for the purposes of enabling that certificate to be recognised in relevant European States. ”.

**Commencement Information**

**I38** Sch. 1 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M23** Section 34G was inserted by **S.I. 2010/234**.

**21.** Omit section 34J (minimum requirements for general practice training) <sup>M24</sup>.

**Commencement Information**

**I39** Sch. 1 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M24** Section 34J was inserted by **S.I. 2010/234**.

**22.** Omit section 34K (minimum requirements for specialist training) <sup>M25</sup>.

**Commencement Information**

**I40** Sch. 1 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M25** Section 34K was inserted by **S.I. 2010/234**.

**23.** In section 34L (award and withdrawal of Certificate of Completion of Training) <sup>M26</sup>, omit subsection (3).

**Commencement Information**

**I41** Sch. 1 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M26** Section 34L was inserted by **S.I. 2010/234**.

**24.—(1)** Section 40 (appeals) <sup>M27</sup> is amended as follows.

(2) Omit subsection (1B).

(3) In subsection (4A), omit “or (1B)”.

(4) In subsection (8)(b), omit the words from “or, in the case” to “amended”.

**Commencement Information**

**I42** Sch. 1 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Marginal Citations

**M27** Section 40 was substituted by [S.I. 2002/3135](#). Subsection (1B) was inserted by [S.I. 2016/1030](#) and subsection (4A) was inserted by [S.I. 2006/1914](#). Relevant amending instruments are [S.I. 2015/794](#), [2016/1030](#).

**25.** In section 44 (effect of disqualification in another relevant European State on registration in the United Kingdom), in the heading, omit “another”.

#### Commencement Information

**I43** Sch. 1 para. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**26.—**(1) Section 44B (provision of information in respect of fitness to practise matters) <sup>M28</sup> is amended as follows.

- (2) In subsection (1), omit “, other than Schedule 2A,”.
- (3) In subsection (2)—
  - (a) in paragraph (a), omit “, other than Schedule 2A,”;
  - (b) in paragraph (b), omit “otherwise than by virtue of Schedule 2A,”.
- (4) Omit subsection (3).

#### Commencement Information

**I44** Sch. 1 para. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M28** Section 44B was inserted by [S.I. 2006/1914](#). Relevant amending instrument is [S.I. 2007/3101](#).

**27.** In section 44C (indemnity arrangements) <sup>M29</sup>, omit subsection (11).

#### Commencement Information

**I45** Sch. 1 para. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M29** Section 44C was substituted by [S.I. 2014/1887](#). Relevant amending instrument is [S.I. 2007/3101](#).

**28.** In section 46 (fees) <sup>M30</sup>, in subsection (2A), omit paragraph (b).

#### Commencement Information

**I46** Sch. 1 para. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M30** Subsection (2A) was inserted by [S.I. 2006/1914](#). Relevant amending instruments are [S.I. 2010/234](#), [2011/1043](#).

**29.** Omit section 49B (the Directive: designation of competent authority etc) <sup>M31</sup>.

#### Commencement Information

**I47** Sch. 1 para. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M31** Section 49B was inserted by [S.I. 2007/3101](#). Relevant amendments are made by Schedule 19 to the [Data Protection Act 2018 \(c.12\)](#). Relevant amending instruments are [S.I. 2008/1774](#), [2010/234](#).

**30.—(1)** Section 55 (interpretation) <sup>M32</sup> is amended as follows.

(2) In subsection (1)—

(a) for the definition of “the Directive” substitute—

““the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision of the Directive, as it had effect immediately before [<sup>F18</sup>IP completion day] (but see subsections (2) and (3) below);”;

(b) at the appropriate place insert—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F19</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

(c) in the definition of “fully registered person”, omit “, or under Schedule 2A as a visiting medical practitioner from a relevant European State.”;

(d) in the definition of “the General Systems Regulations”, at the end insert—

“(a) in relation to anything done before [<sup>F20</sup>IP completion day], as they had effect at that time;

(b) otherwise, as (and only to the extent that) they have effect, on or after [<sup>F20</sup>IP completion day], in relation to an entitlement which arose before [<sup>F20</sup>IP completion day] or arises as a result of something done before [<sup>F20</sup>IP completion day];”;

(e) omit the definition of “IMI”;

(f) in the definition of “national”, for “is not” substitute “ was not, immediately before [<sup>F21</sup>IP completion day]”.

(3) After subsection (1) insert—

“(1ZA) For the purposes of this Act an application for registration is made when it is received by the Registrar.”.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Textual Amendments

- F18** Words in Sch. 1 para. 30(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**
- F19** Words in Sch. 1 para. 30(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**
- F20** Words in Sch. 1 para. 30(2)(d) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**
- F21** Words in Sch. 1 para. 30(2)(f) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

#### Commencement Information

- I48** Sch. 1 para. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M32** The definition of “the Directive” was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2007/3101](#), 2008/1774, 2016/1030.

**31.** In Schedule 1 (the General Medical Council etc) <sup>M33</sup>, in paragraph 10, omit “(otherwise than under Schedule 2A)”.

#### Commencement Information

- I49** Sch. 1 para. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M33** Relevant amending instrument is [S.I. 2007/3101](#).

**32.** Omit Schedule 2A (visiting medical practitioners from relevant European States) <sup>M34</sup>.

#### Commencement Information

- I50** Sch. 1 para. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M34** Schedule 2A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

**33.** In Schedule 3 (registration: supplementary provisions) <sup>M35</sup>, omit paragraph 7.

#### Commencement Information

- I51** Sch. 1 para. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)



#### Marginal Citations

**M35** Paragraph 7 was substituted by [S.I. 2007/3101](#).

**34.**—(1) Schedule 3A (registration and training) <sup>M36</sup> is amended as follows.

(2) In paragraph 1 (interpretation), in paragraph (b) of the definition of “person making the decision”, omit “or under Schedule 2A to this Act”.

(3) In paragraph 2 (appealable registration decisions), in sub-paragraph (1), omit paragraph (q).

#### Commencement Information

**I52** Sch. 1 para. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M36** Schedule 3A was inserted by [S.I. 2002/3135](#). Paragraph 2(1)(q) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2007/3101](#).

**35.** Omit Schedule 4A (Directive 2005/36: Functions of the General Council under section 49B(3)) <sup>M37</sup>.

#### Commencement Information

**I53** Sch. 1 para. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M37** Schedule 4A was inserted by [S.I. 2007/3101](#). Relevant amendments are made by Schedule 19 to the Data Protection Act 2018. Relevant amending instruments are [S.I. 2010/234](#), 2016/1030.

### National Health Service Pension Scheme Regulations 2008 **U.K.**

**36.**—(1) The National Health Service Pension Scheme Regulations 2008 <sup>M38</sup> are amended as follows.

(2) In regulation 2.A.1 (interpretation: general) in the definition of “CCT”, omit the words from “including” to the end.

(3) In regulation 3.A.1 (interpretation of Part 3: general) in the definition of “CCT”, omit the words from “including” to the end.

#### Commencement Information

**I54** Sch. 1 para. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M38** [S.I. 2008/653](#). Relevant amending instrument is [S.I. 2010/234](#).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

## Postgraduate Medical Education and Training Order of Council 2010 **U.K.**

**37.** The Postgraduate Medical Education and Training Order of Council 2010 <sup>M39</sup> is amended as follows.

### Commencement Information

**I55** Sch. 1 para. 37 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Marginal Citations

**M39** **S.I. 2010/473**. Relevant amending instrument is **S.I. 2016/1030**.

**38.—(1)** Article 3 (persons eligible to be registered in, and liable to removal from, the General Practitioner Register) is amended as follows.

- (2) In paragraph (1), omit paragraphs (b) and (c).
- (3) Omit paragraph (2).

### Commencement Information

**I56** Sch. 1 para. 38 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**39.—(1)** Article 4 (general practitioners eligible for entry in General Practitioner Register) is amended as follows.

[<sup>F22</sup>(2) For paragraph (1), substitute—

“(1) A person is an eligible general practitioner for the purposes of article 3(1)(a) if the person holds a qualification in general practice listed in Annex V, point 5.1.4 of the Directive that was issued in a relevant European state, on or after the reference date and is not evidence of training commenced by the holder before that date, other than a qualification that has been designated by the General Council for the purposes of this paragraph.

(1A) The General Council—

- (a) may designate a qualification for the purposes of paragraph (1) only with the approval of the Privy Council;
- (b) must maintain and publish a list of the qualifications that are so designated.

(1B) In paragraph (1), “the reference date”, in relation to a relevant European State, means the date specified in relation to that State in the column entitled “Reference date” in Annex V, point 5.1.4 of the Directive.”]

- (3) In paragraph (4), omit “Subject to paragraph 5,”.
- (4) Omit paragraphs (5) to (7).

### Textual Amendments

**F22** Sch. 1 para. 39(2) substituted (31.12.2020 immediately before IP completion day) by **The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394)**, **regs. 1(2), 8(3)**

**Commencement Information**

**I57** Sch. 1 para. 39 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**40.** Omit article 5 (general systems general practitioners eligible for entry in the General Practitioner Register).

**Commencement Information**

**I58** Sch. 1 para. 40 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**41.** In article 6 (persons with acquired rights), in paragraph (5), omit “other than the United Kingdom”.

**Commencement Information**

**I59** Sch. 1 para. 41 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**42.—(1)** Article 7 (persons eligible to be registered in, and liable to removal from, the Specialist Register) is amended as follows.

(2) In paragraph (1), omit sub-paragraphs (b) and (c) (including the “or” before sub-paragraph (b)).

(3) Omit paragraph (2).

**Commencement Information**

**I60** Sch. 1 para. 42 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**43.—(1)** Article 8 (specialists eligible for entry in the Specialist Register) is amended as follows.

(2) For paragraph (1) substitute—

“(1) A person is an eligible specialist for the purposes of article 7(1)(a) if the person holds a relevant European specialist qualification (within the meaning of article 10).”.

(3) In paragraphs (2) and (3), for “Subject to paragraph (4), a” substitute “ A ”.

(4) Omit paragraphs (4) and (5).

**Commencement Information**

**I61** Sch. 1 para. 43 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**44.** Omit article 9 (general systems specialists eligible for entry in the Specialist Register).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

#### Commencement Information

**I62** Sch. 1 para. 44 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**45.**—(1) Article 10 (recognised specialist qualifications granted outside the United Kingdom) <sup>M40</sup> amended as follows.

(2) For the heading, substitute “ Relevant European specialist qualifications ”.

(3) For paragraph (1), substitute—

“(1) In Article 8(1) “relevant European specialist qualification” means a specialist qualification listed in Annex V, point 5.1.2 of the Directive which—

(a) was awarded—

(i) in a relevant European State,

(ii) on or after the reference date, not being evidence of training commenced by the holder before that date, and

(iii) in a recognised specialty, and

(b) has not been designated by the General Council for the purposes of this paragraph.

(1A) The General Council—

(a) may designate a qualification for the purposes of paragraph (1) only with the approval of the Privy Council;

(b) must maintain and publish a list of the qualifications that are so designated.”.

#### Commencement Information

**I63** Sch. 1 para. 45 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M40** Relevant amending instruments are **S.I. 2013/3036**, 2016/1030.

**46.** In article 11 (recognised specialities within the United Kingdom), omit paragraph (2).

#### Commencement Information

**I64** Sch. 1 para. 46 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**47.**—(1) Article 12 (partial exemption) <sup>M41</sup> is amended as follows.

(2) In paragraph (1), for “The registrar may exempt a person” substitute “ Where a person has made an application before [<sup>F23</sup>IP completion day] for inclusion in the General Practitioner Register kept under section 34C of the Act, or the Specialist Register kept under section 34D of the Act, the Registrar may exempt the person ”.

(3) In paragraph (2)(a), after “has” insert “ before [<sup>F24</sup>IP completion day]”.

### Textual Amendments

- F23** Words in Sch. 1 para. 47(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**
- F24** Words in Sch. 1 para. 47(3) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **8(2)**

### Commencement Information

- I65** Sch. 1 para. 47 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

- M41** Article 12 was inserted by [S.I. 2016/1030](#).

**48.** For the Schedule (recognised specialities within the United Kingdom) substitute—

“SCHEDULE **U.K.**

Article 11

Recognised specialities within the United Kingdom

Anaesthetics

Acute internal medicine

Allergy

Audio vestibular medicine (formerly known as audiological medicine)

Aviation and space medicine

Cardiology (formerly known as cardio-vascular disease)

Cardio-thoracic surgery (also known as thoracic surgery)

Chemical pathology (also known as biological chemistry and as clinical biochemistry)

Child and adolescent psychiatry (also known as child psychiatry)

Community sexual health and reproduction

Clinical genetics

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

Clinical neurophysiology

Clinical oncology (also known as radiotherapy)

Clinical pharmacology and therapeutics (also known as pharmacology)

Clinical radiology (also known as diagnostic radiology and formerly known as radiology)

Dermatology

Diagnostic neuropathology

Emergency medicine (also known as accident and emergency medicine)

Endocrinology and diabetes mellitus (also known as endocrinology)

Forensic histopathology

Forensic psychiatry

Gastro-enterology

General psychiatry (also known as psychiatry, as general adult psychiatry, and as mental illness)

General (internal) medicine (formerly known as general medicine)

General surgery

Genito-urinary medicine (also known as venerology)

Geriatric medicine (formerly known as geriatrics)

Haematology (also known as general haematology)

Histopathology

Immunology (also known as immunopathology)

Intensive care medicine

Infectious diseases (also known as communicable diseases)

Medical microbiology (also known as microbiology and bacteriology)

Medical oncology

Medical ophthalmology

Medical psychotherapy (formerly known as psychotherapy)

Medical virology

Neurology

Neurosurgery (also known as neurological surgery)

Nuclear medicine

Obstetrics and gynaecology

Occupational medicine

Old age psychiatry

Ophthalmology

Oral and maxillo-facial surgery (also known as dental, oral and maxillo-facial surgery (basic medical and dental training))

Otolaryngology (also known as otorhinolaryngology, and as ENT surgery)

Paediatric surgery

Paediatric cardiology

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

Paediatric and perinatal pathology

Paediatrics

Palliative medicine

Pharmaceutical medicine

Plastic surgery

Psychiatry of learning disability

Public health medicine (also known as community medicine)

Rehabilitation medicine

Renal medicine (also known as renal disease, and formerly known as nephrology)

Respiratory medicine (also known as thoracic medicine)

Rheumatology

Trauma and orthopaedic surgery (also known as orthopaedics, and formerly as orthopaedic surgery)

Tropical medicine

Sport and exercise medicine

Urology

Vascular surgery.”.

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**Commencement Information**

**I66** Sch. 1 para. 48 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**



## General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 **U.K.**

49. The General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 <sup>M42</sup> are amended as follows.

### Commencement Information

**I67** Sch. 1 para. 49 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Marginal Citations

**M42** As set out in the Schedule to the [General Medical Council \(Applications for General Practice and Specialist Registration\) Regulations Order of Council 2010 \(S.I. 2010/475\)](#). Relevant amending instrument is [S.I. 2011/1248](#).

50. In regulation 2 (interpretation), in paragraph (2)—

- (a) in sub-paragraph (a), for “competent authority or authorities of the United Kingdom under Article 56 of the Directive” substitute “ General Council ”;
- (b) in sub-paragraph (b), omit “other than the United Kingdom”.

### Commencement Information

**I68** Sch. 1 para. 50 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

51. In regulation 5 (evidence), in paragraph (1), omit sub-paragraph (i).

### Commencement Information

**I69** Sch. 1 para. 51 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

52.—(1) Regulation 6 (collection of information, evidence and advice) is amended as follows.

- (2) In paragraph (1), for “Subject to paragraph (3), the” substitute “ The ”.
- (3) Omit paragraph (3).

### Commencement Information

**I70** Sch. 1 para. 52 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

53. Omit regulation 7 (statements of eligibility).

### Commencement Information

**I71** Sch. 1 para. 53 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- 54.**—(1) Regulation 8 (determination of applications) is amended as follows.
- (2) In paragraph (1), in sub-paragraph (a), omit the words from “including” to “Act”.
- (3) Omit paragraph (2).
- (4) In paragraph (3), omit the words from “, unless” to the end.

**Commencement Information**

**I72** Sch. 1 para. 54 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**General Medical Council (Form and Content of the Registers) Regulations No 2 2010** **U.K.**

**55.** The General Medical Council (Form and Content of the Registers) Regulations No 2 2010<sup>M43</sup> are amended as follows.

**Commencement Information**

**I73** Sch. 1 para. 55 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M43** Made by the General Medical Council in exercise of powers conferred by section 31(1) and (2) of the Medical Act 1983.

**56.** In regulation 2 (interpretation), in the list of defined terms beginning “the Principal List”, for “, “the visiting doctors list” and “the list of visiting medical practitioners from relevant European States”” substitute “and “the visiting doctors list””.

**Commencement Information**

**I74** Sch. 1 para. 56 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**57.** In regulation 4 (form and keeping of registers), omit paragraph (d).

**Commencement Information**

**I75** Sch. 1 para. 57 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**58.** In regulation 5 (entries in the register), omit paragraph (f).

**Commencement Information**

**I76** Sch. 1 para. 58 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## General Medical Council (Licence to Practise and Revalidation) Regulations 2012 **U.K.**

**59.** The General Medical Council (Licence to Practise and Revalidation) Regulations 2012 <sup>M44</sup> are amended as follows.

### Commencement Information

**I77** Sch. 1 para. 59 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Marginal Citations

**M44** As set out in the Schedule to the **General Medical Council (Licence to Practise and Revalidation) Regulations Order of Council 2012 (S.I. 2012/2685)**.

**60.** In regulation 3 (grant or refusal of a licence) <sup>M45</sup>, in paragraph (1)(a), omit “18 (visiting medical practitioners from relevant European States)”.

### Commencement Information

**I78** Sch. 1 para. 60 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Marginal Citations

**M45** Relevant amending instruments are **S.I. 2014/1273**, 2015/1375.

**61.** In regulation 4 (withdrawal of a licence), in paragraph (2)—

- (a) in paragraph (c), for “another”, substitute “ a ”;
- (b) omit sub-paragraph (f).

### Commencement Information

**I79** Sch. 1 para. 61 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**62.** In regulation 6 (revalidation), in paragraph (2)(a), omit “18 (visiting medical practitioners from relevant European States)”.

### Commencement Information

**I80** Sch. 1 para. 62 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

## The National Health Service Pension Scheme Regulations 2015 **U.K.**

**63.** In the National Health Service Pension Scheme Regulations 2015 <sup>M46</sup>, in Schedule 15 (definitions), in column 2 of the entry for “CCT”, omit the words from “including” to the end.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I81** Sch. 1 para. 63 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M46** S.I. 2015/94, to which there are amendments not relevant to this instrument.

### The National Health Service (General Medical Services Contracts) Regulations 2015 **U.K.**

**64.** In the National Health Service (General Medical Services Contracts) Regulations 2015<sup>M47</sup>, in regulation 3 (interpretation), in the definition of “CCT”, omit the words from “including” to the end.

#### Commencement Information

**I82** Sch. 1 para. 64 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M47** S.I. 2015/1862, to which there are amendments not relevant to this instrument

### The National Health Service (Personal Medical Services Agreements) Regulations 2015 **U.K.**

**65.** In the National Health Service (Personal Medical Services Agreements) Regulations 2015<sup>M48</sup>, in regulation 3 (interpretation), in the definition of “CCT”, omit the words from “including” to the end.

#### Commencement Information

**I83** Sch. 1 para. 65 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M48** S.I. 2015/1879, to which there are amendments not relevant to this instrument.

## PART 2 **U.K.**

### Savings and transitional provision

#### General Practitioner Register and Specialist Register **U.K.**

**66.—(1)** Where an application for inclusion in the General Practitioner Register kept under section 34C of the Medical Act 1983 or the Specialist Register kept under section 34D of that Act is received before [<sup>F25</sup>IP completion day], provisions of that Act, the Postgraduate Medical Education and Training Order of Council 2010 and the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 [<sup>F26</sup>(except for provisions listed in sub paragraph (3))] continue to apply in relation to the application (including any appeal arising from it) without the amendments made to those enactments by Part 1 of this Schedule.

(2) Where a provision continues to apply by virtue of paragraph (1), it is to be read as if, in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

[<sup>F27</sup>(3) The provisions listed in this paragraph are the following provisions listed in the table in Schedule 4A (Directive 2005/36: Functions of the General Council Under Section 49B(3)) to the Medical Act 1983—

- (a) Article 50(3b);
- (b) Article 56(2) in respect of the words “and through the IMI”;
- (c) Articles 56(2a), 56a(1) and 56a(2);
- (d) Article 56a(3) in respect of the words “by way of an alert through the IMI,”;
- (e) Article 56a(5), (6) and (7).]

#### Textual Amendments

- F25** Words in Sch. 1 para. 66(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(2)**
- F26** Words in Sch. 1 para. 66(1) inserted (24.2.2022) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022 \(S.I. 2022/82\)](#), regs. 1(2), **3(2)(a)**
- F27** Sch. 1 para. 66(3) inserted (24.2.2022) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022 \(S.I. 2022/82\)](#), regs. 1(2), **3(2)(b)**

#### Commencement Information

- I84** Sch. 1 para. 66 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### IMI alerts **U.K.**

67.—(1) Where an alert has been sent by the General Medical Council before [<sup>F28</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015 as they then had effect, the decision to send the alert continues to be appealable for the purposes of section 40 of the Medical Act 1983 (subject to the provisions of that Act) despite the repeal of section 40(1B).

(2) In disposing of such an appeal, the powers of the court (or the sheriff) are, instead of those set out in section 40(8) of the Medical Act 1983—

- (a) to dismiss the appeal, or
- (b) to allow the appeal <sup>F29</sup>....

#### Textual Amendments

- F28** Words in Sch. 1 para. 67(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(2)**
- F29** Words in Sch. 1 para. 67(2)(b) omitted (24.2.2022) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022 \(S.I. 2022/82\)](#), regs. 1(2), **3(2)(c)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

### Commencement Information

**I85** Sch. 1 para. 67 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

### [<sup>F30</sup>Swiss medical practitioners: saving of old law U.K.]

**67A.**—(1) This paragraph applies where—

- (a) an application to be registered, or provisionally registered, under the 1983 Act is received from a qualifying Swiss applicant before the end of the Swiss recognition period, or
- (b) an application to be registered under the 1983 Act is received from a qualifying Swiss applicant who is, immediately before the end of the Swiss recognition period, provisionally registered under the 1983 Act.

(2) Where this paragraph applies, any provision made by or under the 1983 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1983 Act and the 2010 Order specified in sub-paragraphs (4) and (5)).

(3) The reference in sub-paragraph (2) to “the establishment provisions” is to the provisions of the following enactments—

- (a) the 1983 Act other than—
    - (i) the provisions of that Act mentioned in the table following paragraph 68(3) of this Schedule, and
    - (ii) sections 5(2A), 21B, 21C, 34D(5), 34G, 34J, 34K, 34L, 44B and 46(2A)(b);
  - (b) the National Health Service Pension Scheme Regulations 2008;
  - (c) the 2010 Order other than the provisions of that Order mentioned in the table following paragraph 68(3);
  - (d) the National Health Service Pension Scheme Regulations 2015;
  - (e) the National Health Service (General Medical Services Contracts) Regulations 2015;
  - (f) the National Health Service (Personal Medical Services Agreements) Regulations 2015.
- (4) The modifications to the 1983 Act mentioned in sub-paragraph (2) are—
- (a) section 3 is to be read as if—
    - (i) in subsection (1) for paragraph (b) there were substituted—
      - “(b) being a Swiss national—
        - (i) holds one or more primary European qualifications, and
        - (ii) makes an application, before the end of the Swiss recognition period, for registration under this paragraph, or is, at the end of that period, provisionally registered under section 15A (provisional registrations for EEA nationals etc),
      - (c) being a national of the United Kingdom—
        - (i) holds one or more primary European qualifications obtained in Switzerland, and
        - (ii) makes an application, before the end of the Swiss recognition period, for registration under this paragraph, or is, at the end of that period provisionally registered under section 15A, or

- (d) being a national of the United Kingdom who is established in Switzerland and—
  - (i) holds one or more primary European qualifications none of which was obtained in Switzerland, and
  - (ii) makes an application, before the end of the Swiss recognition period, for registration under this paragraph, or is, at the end of that period, provisionally registered under section 15A.”;
- (ii) for subsection (2) there were substituted—

“(2) Any person who is a third country national and was, immediately before IP completion day, by virtue of an enforceable EU right (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and pursuit of the medical profession, shall be treated for the purposes of—

  - (a) subsection (1)(b), as if he were a Swiss national, or
  - (b) subsection (1)(c) or (d), as if he were a United Kingdom national,

and shall be treated no less favourably than if he were a national of either of those states, as the case may be.”;
- (b) section 5(4) is to be read as if, in the definition of “the Directive”, for “amended from time to time” there were substituted “it had effect immediately before IP completion day”;
- (c) section 14 is to be read as if—
  - (i) subsection (3) were omitted;
  - (ii) in subsection (4)(a), for “national of a relevant European State” there were substituted “qualifying Swiss applicant”;
- (d) section 14A is to be read as if—
  - (i) in subsection (1)—
    - (aa) in the words before paragraph (a), for “national of a relevant European State” there were substituted “qualifying Swiss applicant”;
    - (bb) before paragraph (a), there were inserted—

“(zb) who makes an application for registration under this section before the end of the Swiss recognition period.”;
  - (ii) subsection (2) were omitted;
- (e) section 15A is to be read as if—
  - (i) in subsections (1) and (2), for the words “national of a relevant European State” there were substituted “qualifying Swiss applicant”;
  - (ii) in subsection (2), for the words “his fitness to practise is not impaired” there were substituted—

“—

    - (c) the person makes an application, before the end of the Swiss recognition period, for registration under this section, and
    - (d) the person’s fitness to practise is not impaired.”;
  - (iii) subsection (3) were omitted;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (iv) in subsection (5), after “medical training” there were inserted “in a relevant European State”;
- (f) section 16(2) is to be read as if “other than a primary United Kingdom qualification” were omitted;
- (g) section 17(1) is to be read as if “other than the United Kingdom” were omitted;
- (h) section 19 is to be read as if—
  - (i) before subsection (1), there were inserted—
    - “(A1) Subsection (1) applies only in relation to a qualifying Swiss applicant—
      - (a) who has made an application, before the end of the Swiss recognition period, for registration under this section, or
      - (b) who is provisionally registered under section 21.”;
  - (ii) in subsection (1)—
    - (aa) in the words before paragraph (a), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (bb) for paragraph (aa), there were substituted—
      - “(aa) that qualification has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying the person to practise as a medical practitioner in Switzerland.”;
  - (iii) subsection (2) were omitted;
  - (iv) in subsection (3), paragraph (a) were omitted;
- (i) section 19A is to be read as if—
  - (i) in the words before paragraph (a), for “An exempt person” there were substituted “A qualifying Swiss applicant”;
  - (ii) before paragraph (a), there were inserted—
    - “(zb) who has made an application for registration under this section before the end of the Swiss recognition period.”;
- (j) section 21 is to be read as if for subsection (2) there were substituted—
  - “(2) Where a qualifying Swiss applicant—
    - (a) makes an application to the General Council, before the end of the Swiss recognition period, to be provisionally registered under this section, and
    - (b) satisfies the Registrar of the matters specified in paragraphs (a), (aa) and (c) of section 19(1),
 the practitioner shall, if the Council think fit so to direct, be provisionally registered under this section.”;
- (k) section 55(1) is to be read as if—
  - (i) in the definition of “the General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning of regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (ii) in the appropriate places, there were inserted—



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““qualifying Swiss applicant” has the meaning given in paragraph 67A(6) of Schedule 1 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;

““Swiss recognition period” means the period of four years beginning with the day immediately after IP completion day;”;

(iii) after subsection (1), there were inserted—

“(1ZB) For the purposes of this Act, an application for registration is made when it is received by the Registrar.”.

(5) The modifications to the 2010 Order mentioned in sub-paragraph (2) are—

(a) article 2 is to be read as if—

(i) after the definition of “the Act”, there were inserted—

““the Directive” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as it had effect immediately before IP completion day;”;

(ii) after the definition of “previous legislation”, there were inserted—

““qualifying Swiss applicant” has the meaning given in paragraph 67A(6) of Schedule 1 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;

(b) article 4 is to be read as if—

(i) in paragraph (1)—

(aa) for “exempt persons” there were substituted “qualifying Swiss applicants”;

(bb) the words “other than the United Kingdom” were omitted;

(ii) in paragraph (4), “Subject to paragraph (5),” were omitted;

(iii) paragraph (5) were omitted;

(iv) for paragraph (6)(a), there were substituted—

“(a) is a qualifying Swiss applicant who holds a qualification in general practice which was granted otherwise than in a relevant European State but has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying that person to practise as a general practitioner in Switzerland; or”;

(c) article 5 is to be read as if—

(i) the existing paragraph were paragraph (1) and in that paragraph, in the words before sub-paragraph (a), for “A person” there were substituted “A qualifying Swiss applicant”;

(ii) after paragraph (1), there were inserted—

“(2) In this article, any reference to “the General Systems Regulations” is a reference to those Regulations as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019).”;

(d) article 8 is to be read as if—

(i) in paragraph (1)—

(aa) for “exempt persons” there were substituted “qualifying Swiss applicants”;

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- (bb) “outside the United Kingdom” were omitted;
  - (ii) in paragraphs (2) and (3)—
    - (aa) “Subject to paragraph (4),” were omitted;
    - (bb) for “a person” there were substituted “A person”;
  - (iii) paragraph (4) were omitted;
  - (iv) for paragraph (5)(a), there were substituted—
    - “(a) is a qualifying Swiss applicant who holds a specialist qualification which was granted otherwise than in a relevant European State but has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive, as qualifying that person to practise as a specialist in Switzerland; or”;
  - (e) in article 10, the words “other than the United Kingdom” were omitted in each place where they occur.
- (6) In this paragraph—
- “the 1983 Act” means the Medical Act 1983;
  - “the 2010 Order” means the Postgraduate Medical Education and Training Order of Council 2010;
  - “qualifying Swiss applicant” means a Swiss applicant (“A”)—
    - (a) who holds a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019),
    - (b) who had not, before IP completion day, applied for registration under section 3, 14A, 19, 19A or 21B of the 1983 Act, or to be provisionally registered under that Act, and
    - (c) if A falls within paragraph (a) of the definition of “Swiss applicant” and only holds relevant qualifications obtained in EEA States, is established in Switzerland.]

#### Textual Amendments

**F30** Sch. 1 para. 67A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(3)**

#### Commencement Information

**I86** Sch. 1 para. 67A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Visiting medical practitioners: saving of old law for up to <sup>F31</sup>five years] **U.K.**

- 68.**—(1) Where, immediately before <sup>F32</sup>IP completion day]—
- (a) a visiting practitioner was entitled under paragraph 4 (entitlement to provide occasional medical services: first year) <sup>M49</sup> or 7 (entitlement to provide occasional medical services after first year: renewals) of Schedule 2A to the Medical Act 1983 to provide occasional medical services, or
  - (b) the Registrar was in receipt of the required documents (within the meaning of paragraph 5 (first provisions of services: required documents) of that Schedule) from a visiting practitioner seeking to acquire that entitlement,

any provision made by or under that Act continues to apply in relation to the visiting practitioner without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting medical practitioners from relevant European States [<sup>F33</sup>(but subject to the modifications to Schedule 2A to that Act specified in sub-paragraph (4))].

(2) But a visiting practitioner's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the Medical Act 1983 on or after [<sup>F34</sup>IP completion day] (and, accordingly, the entitlement lapses at end of the period mentioned in paragraph 8(1) or (2) (duration of entitlement to provide occasional medical services) of that Schedule).

[<sup>F35</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting practitioner.

(2B) But a Swiss visiting practitioner's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the Medical Act 1983 after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph, "Swiss visiting practitioner" means a visiting practitioner who—

- (a) is a national of the United Kingdom or a Swiss national, or
- (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a regulated profession, no less favourably than a United Kingdom or Swiss national.]

(3) The reference in sub-paragraph (1) to "the provisions relating to visiting medical practitioners from relevant European States" are to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting medical practitioners</i>
Medical Act 1983	section 2(2)(d) section 18 section 30(1)(d) section 32(5) section 44B(1) and (2) section 44C(11) in section 55(1), the definition of "fully registered person" Schedule 1, paragraph 10 Schedule 2A [ <sup>F36</sup> Schedule 3, paragraph 7] Schedule 3A, paragraphs 1 and 2(1)(q)
Postgraduate Medical Education and Training Order of Council 2010	article 3(1)(c) and (2) article 7(1)(c) and (2)
General Medical Council (Form and Content of the Registers) Regulations No 2 2010	regulation 2 regulation 4(d) regulation 5(f)
General Medical Council (Licence to Practise and Revalidation) Regulations 2012	regulation 3(1)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

regulation 4(2)(f)

regulation 6(2)

[<sup>F37</sup>(4) The modifications to Schedule 2A to the Medical Act 1983 mentioned in sub-paragraph (1) are—

- (a) paragraph 1 (application and interpretation) is to be read as if for that paragraph there were substituted—

(1) This Schedule applies to a Swiss visiting practitioner who is lawfully established in medical practice in Switzerland.

(2) In this Schedule, “Swiss visiting practitioner” has the meaning given in paragraph 68(2C) of Schedule 1 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;

- (b) paragraph 2 is to be read as if —

- (i) before paragraph (a) there were inserted—

“(za) an “existing contract” means a written contract which was concluded, and the performance of which started, before IP completion day;”;

- (ii) in paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;

- (iii) in paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland”;

- (iv) in paragraph (c), after “basis” there were inserted—

“—

- (i) on the basis of one or more existing contracts, and

- (ii) for a period not exceeding 90 days in total in any calendar year”;

- (c) paragraph 5(2) is to be read as if—

- (aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;

- (bb) in paragraph (c), for the words from “a relevant European State” to the end, there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner”;

- (d) paragraph 7 is to be read as if—

- (i) sub-paragraphs (3) and (4) were omitted;

- (ii) after sub-paragraph (6)(a), there were inserted—

“(aa) contains details of the existing contract or contracts on the basis of which the occasional medical services will continue to be provided;

- (ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;

- (ac) if the practitioner is not a national of the United Kingdom or Switzerland, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner;”;

- (e) paragraph 8(7) (duration of entitlement to provide occasional medical services) is to be read as if, for paragraph (b), there were substituted—

- “(b) (i) immediately before the time when the suspension or (as the case may be) erasure takes effect, the practitioner is entitled under this Schedule to provide occasional medical services, or
- (ii) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional medical services, is terminated or otherwise expires.”.]

#### Textual Amendments

- F31** Words in Sch. 1 para. 68 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(4)(a)**
- F32** Words in Sch. 1 para. 68(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(4)(c)**
- F33** Words in Sch. 1 para. 68(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(4)(b)**
- F34** Words in Sch. 1 para. 68(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(4)(c)**
- F35** Sch. 1 para. 68(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(4)(d)**
- F36** Words in Sch. 1 para. 68(3) table inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(4)(e)**
- F37** Sch. 1 para. 68(4) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **9(4)(f)**

#### Commencement Information

- I87** Sch. 1 para. 68 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

#### Marginal Citations

- M49** Relevant amending instrument is [S.I. 2016/1030](#).

**Status:** Point in time view as at 24/02/2022.**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)SCHEDULE 2 **U.K.**

Regulation 3

## Pharmacists and pharmacy technicians

**PART 1** **U.K.**

## Amendments to legislation

**Interpretation** **U.K.**

1. In this Schedule—
  - (a) “the 1968 Act” means the Medicines Act 1968<sup>M50</sup>;
  - (b) “the 2010 Order” means the Pharmacy Order 2010<sup>M51</sup>.

**Commencement Information**

**I88** Sch. 2 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M50** 1968 c. 67.

**M51** S.I. 2010/231.

**Medicines Act 1968** **U.K.**

2. The 1968 Act is amended as follows.

**Commencement Information**

**I89** Sch. 2 para. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

3. In section 67E (interpretation of provisions about defences)<sup>M52</sup>, in the definition of “registrant”—

- (a) in paragraph (a), for “2, 4 or 5” substitute “ or 2 ”;
- (b) in paragraph (b), omit the words from “or the register” to “European State”.

**Commencement Information**

**I90** Sch. 2 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M52** Section 67E was inserted by **S.I. 2018/181**.

4. In section 69 (general provisions about pharmacies)<sup>M53</sup>, omit subsection (1ZA).

**Commencement Information**

**I91** Sch. 2 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M53** Subsection (1ZA) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2010/231](#).

5. In section 71 (business carried on by body corporate)<sup>M54</sup>, omit subsection (7).

**Commencement Information**

**I92** Sch. 2 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M54** Subsection (7) was substituted by [S.I. 2010/231](#).

6. In section 78 (restrictions on use of titles etc.)<sup>M55</sup>—

- (a) in subsection (5), omit the words from “or in the” to “European State”;
- (b) in subsection (5A), omit “or 4”.

**Commencement Information**

**I93** Sch. 2 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M55** Subsections (5) and (5A) were substituted by [S.I. 2010/231](#).

**Pharmacy Order 2010** **U.K.**

7. The 2010 Order is amended as follows.

**Commencement Information**

**I94** Sch. 2 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

8. In article 3 (interpretation)<sup>M56</sup>[<sup>F38</sup>, in sub-paragraph (1)]—

(a) for the definition of “the Directive” substitute—

““the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [<sup>F39</sup>IP completion day];”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (b) omit the definitions of “competent authority”, “Directive 2002/58/EC”, “European mutual recognition area”, “European professional card”, “exempt person”, “General Systems Regulations”, “IMI”, “IMI file” and “third country”;
- (c) in the definition of “registered pharmacist”, omit “or 4”;
- (d) in the definition of “registered pharmacy technician”, omit “or 5”.

#### Textual Amendments

- F38** Words in Sch. 2 para. 8 inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(2)(a)**
- F39** Words in Sch. 2 para. 8(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(2)(b)**

#### Commencement Information

- I95** Sch. 2 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M56** Relevant amending instruments are [S.I. 2011/1043](#), 2016/1030.

9. In article 19 (establishment, maintenance of, and access, to the Register), in paragraph (2)—
- (a) in the words before paragraph (a), for “five” substitute “ three ”;
  - (b) in paragraphs (a) and (b), omit “other than visiting practitioners”;
  - (c) at the end of paragraph (b), insert “ and ”;
  - (d) omit sub-paragraph (d) (including the final “and”);
  - (e) omit sub-paragraph (e).

#### Commencement Information

- I96** Sch. 2 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

10. In article 20 (entitlement to entry in Parts 1 or 2 of the Register), for paragraph (4), substitute—

“(4) The Registrar must treat a person who—

- (a) applies to be entered in Part 1 of the Register as a pharmacist,
- (b) qualified as a pharmacist in a relevant European State,
- (c) was, on [<sup>F40</sup>IP completion day], in the register of pharmaceutical chemists for Northern Ireland, or was entered in that register on or after [<sup>F40</sup>IP completion day] further to an application made before [<sup>F40</sup>IP completion day], and
- (d) has remained in that register since [<sup>F40</sup>IP completion day] or, as the case may be, since that entry (disregarding any period in which the person was not in the register as a result of a decision that was later overturned in an appeal or other legal proceeding),

as meeting the requirements of paragraph (1)(a)(i).”



### Textual Amendments

**F40** Words in Sch. 2 para. 10 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(3)**

### Commencement Information

**I97** Sch. 2 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**11.**—(1) Article 21 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists) <sup>M57</sup> is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (a), omit the words from “(and” to the end;
- (b) omit sub-paragraph (b);
- (c) omit sub-paragraph (c) (but not the final “or”);
- (d) in sub-paragraph (d)—
  - (i) in the words before paragraph (i), omit “subject to paragraph (2),”;
  - (ii) omit paragraph (ii)(aa) (including the final “or”);
  - (iii) in paragraph (ii)(bb), omit “whether or not P is an exempt person.”.

(3) After paragraph (1), insert—

“(1A) A relevant European qualification is to be treated as a qualification which has been approved under paragraph (1)(d)(i).

(1B) In this article “relevant European qualification” means—

- (a) a qualification that falls within article 21A and has not been designated by the Council for the purposes of this sub-paragraph, or
- (b) a qualification in pharmacy that does not fall within article 21A but—
  - (i) was granted in a relevant European State, and
  - (ii) attests, in the opinion of the Council, to a comparable standard of proficiency to that attested to by a qualification approved under paragraph (1)(a).

(1C) The Council—

- (a) may designate a qualification for the purposes of paragraph (1B)(a) only with the approval of the Privy Council;
- (b) must maintain and publish a list of the qualifications that are so designated.”.

(4) Omit paragraphs (2) to (5).

### Commencement Information

**I98** Sch. 2 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M57** Relevant amending instrument is 2016/1030.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

12. After article 21, insert—

**“European qualifications: pharmacists**

**21A.**—(1) Subject to the following provisions of this article, a qualification falls within this article if it was awarded in a relevant European State and is listed in Annex V, point 5.6.2 of the Directive.

(2) A qualification falls within this article only if it is accompanied, where applicable, by the certificate listed in relation to the qualification in the column entitled “Certificate accompanying the diploma” in Annex V, point 5.6.2 of the Directive.

(3) A qualification does not fall within this article if it was awarded before the reference date, or is evidence of training begun before that date.

(4) In paragraph (3) “reference date” means the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.6.2 of the Directive.”

**Commencement Information**

**I99** Sch. 2 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**13.**—(1) Article 22 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacy technicians) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (a), at the end insert “ or ”;

(b) omit sub-paragraph (b) (including the final “or”);

(c) in sub-paragraph (c)—

(i) in paragraph (i), omit the final “or”;

(ii) after paragraph (i), insert—

“(ia) holds a qualification which was granted in a relevant European State and, despite its not having been approved under paragraph (i), attests, in the opinion of the Council, to a comparable standard of proficiency to that attested to by a qualification approved under paragraph (1)(a), or”;

(iii) omit paragraph (ii)(aa);

(iv) in paragraph (ii)(bb) omit “whether or not T is an exempt person.”.

(3) Omit paragraphs (2) and (3).

**Commencement Information**

**I100** Sch. 2 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**14.**—(1) Article 23 (form, manner and content of applications for entry or for renewal of an entry in the register: pharmacists and pharmacy technicians) <sup>M58</sup> is amended as follows.

(2) In paragraph (1)(c)—

(a) in paragraph (iii)—

- (i) omit “who is not an exempt person”;
  - (ii) at the end insert “ and ”;
  - (b) omit paragraph (iv);
  - (c) omit paragraph (vi) (including the final “and”).
- (3) Omit paragraphs (4) to (11).

**Commencement Information**

**I101** Sch. 2 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M58** Relevant amending instrument is [S.I. 2016/1030](#).

15. In article 23A (supplementary provisions as to necessary knowledge of English)<sup>M59</sup>, omit paragraphs (5) and (7).

**Commencement Information**

**I102** Sch. 2 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M59** Article 23A was inserted by [S.I. 2015/806](#).

- 16.—(1) Article 24 (notification by the Registrar: entry and renewal)<sup>M60</sup> is amended as follows.
- (2) Omit paragraphs (2A) and (2B).
  - (3) In paragraph (3), for “specified period” substitute “ period of three months beginning with the relevant date ”.
  - (4) In paragraph (4)—
    - (a) omit sub-paragraph (a) (including the final “or”);
    - (b) in the words after sub-paragraph (b)—
      - (i) omit the words from “a decision”, where it first occurs, to “or”;
      - (ii) omit “(as the case may be)”;
      - (iii) for “specified period” substitute “ period of three months beginning with the relevant date ”.
  - (5) Omit paragraph (5).
  - (6) In paragraph (5A), for “any period of time for the purposes of paragraph (5)” substitute “ the period of three months for the purposes of paragraph (3) or (4) ”.

**Commencement Information**

**I103** Sch. 2 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Marginal Citations

**M60** Paragraphs (2A), (2B) and (5A) were inserted, and paragraphs (4) and (5) were amended, by [S.I. 2015/806](#).

17. In article 29 (corrections to the Register), in paragraph (3)(a), omit “or in Part 4 or 5 of the Register”.

#### Commencement Information

**I104** Sch. 2 para. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

18. In article 32 (indemnity arrangements) <sup>M61</sup>, omit paragraph (11).

#### Commencement Information

**I105** Sch. 2 para. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M61** Article 32 was substituted by [S.I. 2014/1887](#).

19. Omit article 33 (visiting pharmacists and pharmacy technicians from relevant European States).

#### Commencement Information

**I106** Sch. 2 para. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

20. Omit article 33A (European professional card) <sup>M62</sup>.

#### Commencement Information

**I107** Sch. 2 para. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M62** Article 33A was inserted by [S.I. 2016/1030](#). Relevant amendments made by paragraph 354 of Schedule 19 to the Data Protection Act 2018.

21. In article 36 (fees in connection with entry)—

- (a) in paragraph (1), for “Subject to paragraph (3), the” substitute “The”;
- (b) omit paragraph (3).

#### Commencement Information

**I108** Sch. 2 para. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

22. In article 37 (restoration to the Register), in paragraph (5), for “, 2, 4 or 5” substitute “ or 2 ”.

**Commencement Information**

**I109** Sch. 2 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

23.—(1) Article 38 (offences relating to the Register) is amended as follows.

(2) In paragraph (2)—

- (a) in sub-paragraph (a), omit “or 4”;
- (b) in sub-paragraph (b), omit “or 5”.

(3) In paragraph (4)—

- (a) in sub-paragraph (a), omit “or 4”;
- (b) in sub-paragraph (b), omit “or 5”.

**Commencement Information**

**I110** Sch. 2 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

24.—(1) Article 39 (appealable decisions) <sup>M63</sup> is amended as follows.

(2) In paragraph (1)—

- (a) omit sub-paragraphs (a), (c), (cb) and (e);
- (b) in sub-paragraphs (i) and (l), for “, 2, 4 or 5” substitute “ or 2 ”;
- (c) omit sub-paragraphs (t) and (u).

(3) Omit paragraph (1A).

**Commencement Information**

**I111** Sch. 2 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M63** Paragraph (1)(cb) was inserted by **S.I. 2015/806**. Paragraph (1)(t) and (u) and (1A) were inserted by **S.I. 2016/1030**.

25. In article 40 (appeals to the Appeals Committee) <sup>M64</sup>—

- (a) omit paragraph (1A);
- (b) in paragraph (2), omit sub-paragraph (b) (together with the “or” before it);
- (c) in paragraph (7)—
  - (i) in sub-paragraph (b), omit the words from “or, in” to the end;
  - (ii) omit sub-paragraph (ca) (but not the final “or”).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I112** Sch. 2 para. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M64** Paragraphs (1A) and (7)(ca) were inserted by, and paragraph (7)(b) was amended by, **S.I. 2016/1030**.

- 26.** In article 41 (appeals from the Appeals Committee) <sup>M65</sup>, in paragraph (4)—
- (a) in sub-paragraph (b), omit the words from “or, in” to the end;
  - (b) omit sub-paragraph (ca) (but not the final “or”).

#### Commencement Information

**I113** Sch. 2 para. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M65** Paragraph (4)(ca) was inserted by, and paragraph (4)(b) was amended by, **S.I. 2016/1030**.

- 27.** In article 42 (education, training and acquisition of experience) <sup>M66</sup>, in paragraph (1)(a), omit from “except” to “22(1)(b),”.

#### Commencement Information

**I114** Sch. 2 para. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M66** Relevant amending instrument is **S.I. 2016/1030**.

- 28.** Omit article 42A (professional traineeships carried out in other relevant European States, etc) <sup>M67</sup>.

#### Commencement Information

**I115** Sch. 2 para. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M67** Article 42A was inserted by **S.I.2016/1030**.

- 29.** In article 43 (continuing professional development)—
- (a) omit paragraph (5)(c);
  - (b) omit paragraph (8)(b);
  - (c) omit paragraph (9).

**Commencement Information**

**I116** Sch. 2 para. 29 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**30.** In article 66 (rules), omit paragraph (2).

**Commencement Information**

**I117** Sch. 2 para. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**31.** Omit article 67 (The Directive: designation of competent authority etc) <sup>M68</sup>.

**Commencement Information**

**I118** Sch. 2 para. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**Marginal Citations**

**M68** Relevant amendments made by paragraph 357 of Schedule 19 to the Data Protection Act 2018, [S.I. 2016/1030](#).

**32.** Omit article 71 (review) <sup>M69</sup>.

**Commencement Information**

**I119** Sch. 2 para. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**Marginal Citations**

**M69** Article 71 was inserted by [S.I. 2016/1030](#).

**33.** Omit Schedule 2 (visiting pharmacists and pharmacy technicians from relevant European States) <sup>M70</sup>.

**Commencement Information**

**I120** Sch. 2 para. 33 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**Marginal Citations**

**M70** Relevant amending instrument is [S.I. 2016/1030](#).

**34.** Omit Schedule 2A (European professional card) <sup>M71</sup>.

**Commencement Information**

**I121** Sch. 2 para. 34 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Marginal Citations

**M71** Schedule 2A was inserted by [S.I. 2016/1030](#). Relevant amendments made by paragraph 358 of Schedule 19 to the Data Protection Act 2018.

**35.** Omit Schedule 3 (The Directive: designation of competent authority etc) <sup>M72</sup>.

#### Commencement Information

**I122** Sch. 2 para. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M72** Relevant amendments made by paragraph 359 of Schedule 19 to the Data Protection Act 2018, [S.I. 2015/806](#), [2016/1030](#).

### Medicines for Human Use (Clinical Trials) Regulations 2004 **U.K.**

**36.** In the Medicines for Human Use (Clinical Trials) Regulations 2004 <sup>M73</sup>, in regulation 2(1) (interpretation), in the definition of “pharmacist”—

- (a) in paragraph (a), omit “or 4”;
- (b) in paragraph (b), omit the words from “, or the” to “European State,”.

#### Commencement Information

**I123** Sch. 2 para. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M73** [S.I. 2004/1031](#). Paragraph (a) was substituted by [S.I. 2010/231](#), and paragraph (b) was amended by, [S.R. 2008 No.192](#).

### Approved European Pharmacy Qualifications Order of Council 2007 **U.K.**

**37.** The Approved European Pharmacy Qualifications Order of Council 2007 <sup>M74</sup> is revoked.

#### Commencement Information

**I124** Sch. 2 para. 37 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M74** [S.I. 2007/564](#).

### National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 **U.K.**

**38.** In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 <sup>M75</sup>, in regulation 2 (interpretation), in paragraph (1), in the definition of “pharmacist”, omit “or 4”.



**Commencement Information**

**I125** Sch. 2 para. 38 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M75** [S.S.I. 2009/183](#). Relevant amending instrument is [S.I. 2010/231](#).

**General Pharmaceutical Council (Registration) Rules 2010** **U.K.**

**39.**—(1) The General Pharmaceutical Council (Registration) Rules 2010 <sup>M76</sup> are amended as follows.

- (2) In rule 10 (entry in the Register)—
- (a) in paragraph (3)—
- (i) omit sub-paragraphs (e), (f), (h) and (i);
- (ii) in sub-paragraph (j)—
- (aa) omit paragraph (i) (including the final “or”);
- (bb) in paragraph (ii), omit from “in”, where it first occurs, to “way),”;
- (iii) in sub-paragraph (k)—
- (aa) omit paragraph (i) (including the final “and”);
- (bb) in paragraph (ii), omit “whether or not the applicant is an exempt person,”;
- (b) omit paragraph (3ZA);
- (c) in paragraph (12), omit the definition of “attesting state” (including the final “and”).
- (3) In the heading to Part 4, for “, 2, 4 and 5” substitute “ and 2 ”.
- (4) In rule 18 (notice of intention to remove: stage 1)—
- (a) in paragraph (1)(a), omit “, 4 or 5”;
- (b) in paragraph (5)(a)(i), omit “, 4 or 5”.
- (5) In rule 19 (subsequent action by Registrar: stage 2)—
- (a) in paragraph (1), omit “, 4 or 5”;
- (b) in paragraph (4)(a), omit “, 4 or 5”;
- (c) in paragraph (5)(b), omit “, 4 or 5”.
- (6) In rule 20 (decisions in contested cases: stage 3), in paragraph (3)(a), omit “, 4 or 5”.

**Commencement Information**

**I126** Sch. 2 para. 39 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M76** As set out in the Schedule to the [General Pharmaceutical Council \(Registration Rules\) Order of Council 2010](#) ([S.I. 2010/1617](#)). Paragraph 10(3ZA) was inserted by [S.I. 2016/1030](#). Paragraph 10(12) was substituted by [S.I. 2010/2660](#). Relevant amending instruments are [S.I. 2012/3171](#), 2016/1008, 1030.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

## Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010 **U.K.**

**40.** The Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010 <sup>M77</sup> is revoked.

### Commencement Information

**I127** Sch. 2 para. 40 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

### Marginal Citations

**M77** [S.I. 2010/1620](#).

## General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011 **U.K.**

**41.—(1)** The General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011 <sup>M78</sup> are amended as follows.

(2) In rule 5 (steps which the Registrar may take)—

- (a) in paragraph (2)(b), for “, 2, 4 or 5” substitute “ or 2 ”;
- (b) omit paragraph (3).

(3) In rule 6 (remedial measures), in paragraph (1)(f), omit paragraph (ii) and the “or” before it.

(4) In rule 8 (subsequent action by the Registrar: stage 2), in paragraph (1), for “, 2, 4 or 5” substitute “ or 2 ”.

(5) In rule 9 (decisions in contested cases: stage 3), in paragraph (5), for “, 2, 4 or 5” substitute “ or 2 ”.

(6) In rule 11 (suspension from the register pending appeal), in paragraph (1)(a), for “, 2, 4 or 5” substitute “ or 2 ”.

### Commencement Information

**I128** Sch. 2 para. 41 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

### Marginal Citations

**M78** As set out in the Schedule to the [General Pharmaceutical Council \(Continuing Professional Development and Consequential Amendments\) Rules Order of Council 2011 \(S.I. 2011/1367\)](#).

## Human Medicines Regulations 2012 **U.K.**

**42.** In the Human Medicines Regulations 2012 <sup>M79</sup>, in regulation 8(1) (interpretation)—

- (a) in the definition of “health care professional”, in paragraph (d), omit “or 5”;
- (b) in the definition of “pharmacist”—
  - (i) in paragraph (a), omit “or 4”;
  - (ii) in paragraph (b), omit the words from “or the” to “European State”.

**Commencement Information**

**I129** Sch. 2 para. 42 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

**Marginal Citations**

**M79** S.I. 2012/1916.

**National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013** **U.K.**

**43.** In the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 <sup>M80</sup>, in regulation 2(1)—

- (a) in the definition of “registered pharmacist”, omit “or 4”;
- (b) in the definition of “registered pharmacy technician”, omit “or 5”.

**Commencement Information**

**I130** Sch. 2 para. 43 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

**Marginal Citations**

**M80** S.I. 2013/349.

**PART 2** **U.K.**

Savings and transitional provision

**Pending applications** **U.K.**

**44.** Where an application for entry in, or restoration to, a part of the register kept under the 2010 Order is received before [<sup>F41</sup>IP completion day], any provision made by or under that Order (except for provision contained in Schedule 2A to the Order) continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

**Textual Amendments**

**F41** Words in Sch. 2 para. 44 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1394), regs. 1(2), **10(3)**

**Commencement Information**

**I131** Sch. 2 para. 44 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

[<sup>F42</sup>Swiss pharmacists qualifying outside the United Kingdom: saving of old law **U.K.**

**44A.**—(1) Where an application for registration in Part 1 of the Register is received from a qualifying Swiss applicant before the end of the Swiss recognition period, any provision made by an instrument amended by Part 1 of this Schedule continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 2010 Order and the General Pharmaceutical Council (Registration) Rules 2010 specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 2010 Order, other than articles 19(2)(d) and (e), 32(11), 33, 33A, 36(3), 39(1)(c) and (e), 66(2) and 71, and Schedule 2A;
- (b) the Approved European Pharmacy Qualifications Order of Council 2007;
- (c) the General Pharmaceutical Council (Registration) Rules 2010;
- (d) the Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010.

(3) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—

- (a) article 3(1) is to be read as if—
  - (i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for “as amended from time to time” there were substituted “as it had effect immediately before IP completion day”;
  - (ii) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (iii) there were inserted at the appropriate place—
    - ““qualifying Swiss applicant” has the meaning given in paragraph 44A(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;
  - (iv) for the definition of “third country”, there were substituted—
    - ““third country” has the same meaning as in regulation 2(1) of the 2007 Regulations.”;
- (b) article 20(4) is to be read as if, for sub-paragraph (a), there were substituted—
  - “(a) is a qualifying Swiss applicant who has qualified as a pharmacist in a relevant European State.”;
- (c) article 21 is to be read as if—
  - (i) in paragraph (1), in sub-paragraphs (b) and (c), for “an exempt person”, there were substituted “a qualifying Swiss applicant”;
  - (ii) in paragraph (1), in sub-paragraph (d)—
    - (aa) in the words before paragraph (i), “subject to paragraph (2)” were omitted;
    - (bb) in paragraph (ii)(aa), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (cc) in paragraph (ii)(bb), “whether or not P is an exempt person” were omitted;
  - (iii) paragraphs (2), and (4)(b) were omitted, and the “and” at the end of paragraph (4) (a) were omitted;

- (iv) in paragraph (5)—
    - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (bb) in sub-paragraph (a), for “another relevant European State” there were substituted “a competent authority in Switzerland, pursuant to Article 2(2) of the Directive”;
  - (d) in article 23—
    - (i) paragraph (1)(c) is to be read as if—
      - (aa) paragraph (iii) were omitted;
      - (bb) in paragraph (iv), in the words before sub-paragraph (aa) and in sub-paragraph (bb), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
      - (cc) in paragraph (iv)(aa) and (bb), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
      - (dd) in paragraph (vi), for “an exempt person” there were substituted “a qualifying Swiss applicant”, and for “a relevant European State” there were substituted “Switzerland”;
    - (ii) paragraph (4) is to be read as if for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (iii) paragraph (9) is to be read as if for the words from “in relation” to the end, there were substituted “in relation to a qualifying Swiss applicant, means Switzerland”;
  - (e) article 23A(7) is to be read as if for “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (f) article 36(1) is to be read as if for “Subject to paragraph (3), the” there were substituted “The”.
- (4) The modifications to the General Pharmaceutical Council (Registration) Rules 2010 mentioned in sub-paragraph (1) are—
- (a) rule 2 is to be read as if after the definition of “prescribed fee”, there were inserted—

““qualifying Swiss applicant” has the meaning given in paragraph 44A(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
  - (b) rule 10 is to be read as if—
    - (i) in paragraph (3)(e)—
      - (aa) in the words before paragraph (i), for “an exempt person within the meaning given in article 3(1) of the Order” there were substituted “a qualifying Swiss applicant”;
      - (bb) in paragraphs (i) and (ii), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
      - (cc) in paragraph (ii), for “Community right by virtue of which the applicant is an exempt person” there were substituted “enforceable EU right by virtue of which the applicant is a qualifying Swiss applicant”;
    - (ii) in paragraph (3)(f), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
    - (iii) in paragraph (3)(h), in the words before paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (iv) in paragraph (3)(i), in the words before paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (v) in paragraph (3)(j), in paragraphs (i) and (ii), for “an exempt person”, in each place it occurs, there were substituted “a qualifying Swiss applicant”;
  - (vi) in paragraph (3)(k)—
    - (aa) in paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (bb) in paragraph (ii), “, whether or not the applicant is an exempt person,” were omitted;
  - (vii) paragraph (3ZA) were omitted;
  - (viii) in paragraph (12), for the definition of “attesting State” there were substituted—
    - ““attesting State” means Switzerland;”.
- (5) For the purposes of this paragraph—
- “qualifying Swiss applicant” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration under Schedule 2 to the 2010 Order);
- “the Register” has the meaning given in article 3(1) of the 2010 Order, as it had effect immediately before IP completion day.]

#### Textual Amendments

**F42** Sch. 2 paras. 44A, 44B inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(4)**

#### Commencement Information

**I132** Sch. 2 para. 44A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### <sup>F42</sup>Swiss pharmacy technicians qualifying outside the United Kingdom: saving of old law **U.K.**

**44B.**—(1) Where an application for registration in Part 2 of the Register is received from a Swiss pharmacy technician before the end of the Swiss recognition period, any provision made by an instrument amended by Part 1 of this Schedule continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 2010 Order and the General Pharmaceutical Council (Registration) Rules 2010 specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 2010 Order, other than articles 19(2)(d) and (e), 32(11), 33, 36(1) and (3), 39(1)(c) and (e), <sup>F43</sup>66(2) and 71];
  - (b) the General Pharmaceutical Council (Registration) Rules 2010.
- (3) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—
- (a) article 3(1) is to be read as if—

- (i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for “as amended from time to time” there were substituted “as it had effect immediately before IP completion day”;
  - (ii) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (iii) there were inserted at the appropriate place—
    - ““Swiss pharmacy technician” has the meaning given in paragraph 44B(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
  - (iv) for the definition of “third country”, there were substituted—
    - ““third country” has the same meaning as in regulation 2(1) of the 2007 Regulations.”;
- (b) article 22 is to be read as if—
- (i) in paragraph (1)(b), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (ii) in paragraph (1)(c)—
    - (aa) in paragraph (ii)(aa), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (bb) in paragraph (ii)(bb), “whether or not T is an exempt person,” were omitted;
  - (iii) in paragraph (2)—
    - (aa) in the words before sub-paragraph (a), for “exempt person” there were substituted “Swiss pharmacy technician”;
    - (bb) in sub-paragraph (b), after “the Directive” there were inserted “as they had effect immediately before IP completion day”;
  - (iv) in paragraph (3)—
    - (aa) in the words before sub-paragraph (a) for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (bb) in sub-paragraph (a), for “another relevant European State” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”;
- (c) article 23(1) is to be read as if in sub-paragraph (c)—
- (i) paragraph (iii) were omitted;
  - (ii) in paragraph (iv)—
    - (aa) in the words before sub-paragraph (aa) and in sub-paragraph (bb), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (aa) in sub-paragraphs (aa) and (bb), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
  - (iii) in paragraph (vi)—
    - (aa) for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (bb) for “a relevant European State” there were substituted “Switzerland”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (d) article 23(4) is to be read as if for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (e) article 23(9) is to be read as if for the words from “in relation” to the end, there were substituted “in relation to a Swiss pharmacy technician, means Switzerland”;
  - (f) article 23A(7) is to be read as if for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (g) article 36(1) is to be read as if for “Subject to paragraph (3), the” there were substituted “The”.
- (4) The modifications to the General Pharmaceutical Council (Registration) Rules 2010 mentioned in sub-paragraph (1) are—
- (a) rule 2 is to be read as if after the definition of “prescribed fee” there were inserted—
    - ““Swiss pharmacy technician” has the meaning given in paragraph 44B(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
  - (b) rule 10 is to be read as if—
    - (i) in paragraph (3)(e)—
      - (aa) in the words before paragraph (i), for “an exempt person within the meaning given in article 3(1) of the Order” there were substituted “a Swiss pharmacy technician”;
      - (bb) in paragraphs (i) and (ii), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
      - (cc) in paragraph (ii), for “Community right by virtue of which the applicant is an exempt person” there were substituted “enforceable EU right by virtue of which the applicant is a Swiss pharmacy technician”;
    - (ii) in paragraph (3)(f), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
    - (iii) in paragraph (3)(h), in the words before paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (iv) in paragraph (3)(i), in the words before paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (v) in paragraph (3)(j), in paragraphs (i) and (ii), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (vi) in paragraph (3)(k)—
      - (aa) in paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
      - (bb) in paragraph (ii) “, whether or not the applicant is an exempt person,” were omitted;
    - (vii) paragraph (3ZA) were omitted;
    - (viii) in paragraph (12), for the definition of “attesting State” there were substituted—
      - ““attesting State” means Switzerland;”.
- (5) For the purposes of this paragraph—
- “the Register” has the meaning given in article 3(1) of the 2010 Order, as it had effect immediately before IP completion day;
  - “Swiss pharmacy technician” means a qualifying applicant who had not, before IP completion day, made a registration application.]



#### Textual Amendments

- F42** Sch. 2 paras. 44A, 44B inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1394), regs. 1(2), **10(4)**
- F43** Words in Sch. 2 para. 44B(2)(a) substituted (24.2.2022) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022](#) (S.I. 2022/82), regs. 1(2), **3(3)(a)**

#### Commencement Information

- I133** Sch. 2 para. 44B in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Visiting pharmacists and pharmacy technicians: saving of old law for up to <sup>F44</sup>five years] **U.K.**

- 45.—(1) Where, immediately before <sup>F45</sup>IP completion day]—
- (a) a visiting pharmacist or pharmacy technician was entitled under paragraph 3, 6, 11 or 14 of Schedule 2 to the 2010 Order to provide occasional pharmacy services, or
  - (b) the Registrar was in receipt of the required documents (within the meaning of paragraph 4 or 12 of that Schedule) from a pharmacist or pharmacy technician seeking to acquire that entitlement,

any provision made by an Act or instrument amended by Part 1 of this Schedule continues to apply in relation to the pharmacist or technician without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting practitioners from relevant European States <sup>F46</sup>(but subject, in the case of a Swiss visiting practitioner, to the modifications to the 2010 Order specified in subparagraph (4)).

(2) But a visiting practitioner's entitlement does not continue (or further continue) under paragraph 6 or 14 of Schedule 2 to the 2010 Order on or after <sup>F47</sup>IP completion day] (and, accordingly, the entitlement lapses at the end of—

- (a) in the case of a pharmacist, the period mentioned in paragraph 7(1) or (2) of that Schedule;
- (b) in the case of a pharmacy technician, the period mentioned in paragraph 15(1) or (2) of that Schedule).

<sup>F48</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting practitioner.

(2B) But a Swiss visiting practitioner's entitlement does not continue (or further continue) under paragraph 6 or 14 of Schedule 2 to the 2010 Order after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of—

- (a) in the case of a pharmacist, the period mentioned in paragraph 7(1) or (2) of that Schedule;
- (b) in the case of a pharmacy technician, the period mentioned in paragraph 15(1) or (2) of that Schedule).

(2C) In this paragraph, “Swiss visiting practitioner” means a visiting practitioner who—

- (a) is a national of the United Kingdom or Switzerland, or
- (b) a third country national, who was, immediately before IP completion day, entitled by virtue of an enforceable EU right to be treated, for the purposes of access to and pursuit of the profession of pharmacist or pharmacy technician, no less favourably than a national of the United Kingdom or Switzerland.]

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting practitioners from relevant European States” is to the provisions listed in the following table.

<b><i>Instrument</i></b>	<b><i>Provision relating to visiting practitioners</i></b>
The 1968 Act	section 67E section 69(1ZA) section 71(7) section 78(5) and (5A)
The 2010 Order	in article 3(1), the definitions of “competent authority”, “exempt person”, “General Systems Regulations”, “registered pharmacist” and “registered pharmacy technician” article 19(2)(d) and (e) article 29(3)(a) article 32(11) article 33 article 36(3) article 37(5) article 38(2) and (4) article 39(1)(c), (e), (i) and (l) article 43(5)(c), (8)(b) and (9) Schedule 2
Medicines for Human Use (Clinical Trials) Regulations 2004	regulation 2(1)
National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009	regulation 2(1)
General Pharmaceutical Council (Registration) Rules 2010	rule 18(1)(a) and (5)(a)(i) rule 19(1), (4)(a) and (5)(b) rule 20(3)(a)
General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011	rule 5(2)(b) and (3) rule 6(f)(ii) rule 8(1) rule 9(5) rule 11(1)(a)
Human Medicines Regulations 2012	regulation 8(1)
National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013	regulation 2(1)

- [<sup>F49</sup>(4) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—
- (a) article 3(1) is to be read as if in the definition of “competent authority” for “a relevant European State” there were substituted “Switzerland”;
  - (b) article 43(9) is to be read as if, for the words from “the relevant” to the end, there were substituted “Switzerland”;
  - (c) Part 1 of Schedule 2 is to be read as if—
    - (i) for paragraph 1(1), there were substituted—

“(1) This Part of this Schedule applies to a Swiss visiting practitioner who is lawfully established as a pharmacist in Switzerland.”;
    - (ii) in paragraph 1(2)—
      - (aa) before paragraph (a), there were inserted—
        - “(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;
        - (zb) “Swiss visiting practitioner” has the meaning given in paragraph 45(2C) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;
      - (bb) in paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;
      - (cc) in paragraph (b), for the words from “the relevant” to the end, there were substituted “Switzerland”;
      - (dd) in paragraph (c), after “basis” there were inserted—

“—

        - (i) on the basis of one or more existing contracts, and
        - (ii) for a period not exceeding 90 days in total in any calendar year.”;
    - (iii) in paragraph 4(2)—
      - (aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
      - (bb) in paragraph (c), for the words from “a relevant European State” to the end, there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner”;
    - (iv) in paragraph 6—
      - (aa) sub-paragraphs (3) and (4) were omitted;
      - (bb) in sub-paragraph (6), after paragraph (a), there were inserted—
        - “(aa) contains details of the existing contract or contracts on the basis of which the occasional pharmacy services will continue to be provided;
        - (ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
        - (ac) if the practitioner is not a national of the United Kingdom or Switzerland, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner.”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

(v) paragraph 7(7) is to be read as if, for paragraph (b), there were substituted—

- “(b) (i) immediately before the time when the supervision or, as the case may be, removal takes effect, the practitioner is entitled under this Part to provide occasional pharmacy services, or
- (ii) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional pharmacy services, is terminated or otherwise expires.”;

(d) Part 2 of Schedule 2 is to be read as if—

(i) in paragraph 9(1), for the words from “an exempt person” to the end, there were substituted “a Swiss visiting practitioner who is lawfully established as a pharmacy technician in Switzerland”;

(ii) in paragraph 9(2)—

(aa) before paragraph (a) there were inserted—

“(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;

(zb) “Swiss visiting practitioner” has the meaning given in paragraph 45(2C) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;

(bb) in paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;

(cc) in paragraph (b), for the words from “the relevant” to the end, there were substituted “Switzerland”;

(dd) in paragraph (c), after “basis” there were inserted—

“—

(i) on the basis of one or more existing contracts, and

(ii) for a period not exceeding 90 days in total in any calendar year.”;

(iii) in paragraph 12(2)—

(aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;

(bb) in paragraph (c), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner”;

(iv) in paragraph 14—

(aa) sub-paragraphs (3) and (4) were omitted;

(bb) in sub-paragraph (6), after paragraph (a), there were inserted—

“(aa) contains details of the existing contract or contracts on the basis of which the occasional pharmacy services will continue to be provided;

(ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;

- (ac) if the practitioner is not a national of the United Kingdom or Switzerland, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner;”;
- (v) in paragraph 15(6), after paragraph (a), there were inserted—
- “(aa) ceases to have a valid contract to provide occasional pharmacy services, because the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional pharmacy services, is terminated or otherwise expires; or”.]

#### Textual Amendments

- F44** Words in Sch. 2 para. 45 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(5)(a)**
- F45** Words in Sch. 2 para. 45(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**
- F46** Words in Sch. 2 para. 45(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(5)(b)**
- F47** Words in Sch. 2 para. 45(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**
- F48** Sch. 2 para. 45(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(5)(c)**
- F49** Sch. 2 para. 45(4) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(5)(d)**

#### Commencement Information

- I134** Sch. 2 para. 45 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

### European Professional Card **U.K.**

- 46.**—(1) Sub-paragraph (2) applies where, immediately before [<sup>F50</sup>IP completion day]—
- a person held a valid European professional card for establishment as a pharmacist in Great Britain, or
  - the General Pharmaceutical Council was in receipt of a person's application for such a card, the application having been transmitted to it under Article 4d(1) of the Directive.
- (2) For the purposes of registration in the register kept under the 2010 Order, the person is not required to resubmit any document or evidence held by the Council which is derived from the person's IMI file and which does not appear to the Council to have become invalid.
- (3) In this paragraph—
- “the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), as it had effect immediately before [<sup>F51</sup>IP completion day];

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (b) “IMI file” has the meaning given by article 3 of the 2010 Order as it had effect immediately before [<sup>F52</sup>IP completion day].

#### Textual Amendments

- F50** Words in Sch. 2 para. 46(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**
- F51** Words in Sch. 2 para. 46(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**
- F52** Words in Sch. 2 para. 46(3)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**

#### Commencement Information

- I135** Sch. 2 para. 46 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**47.—**(1) Where, immediately before [<sup>F53</sup>IP completion day], a person was entitled as mentioned in paragraph 15(2) of Schedule 2A to the 2010 Order, any provision made by or under that Order continues to apply in relation to the person without the amendments made by Part 1 of this Schedule to the provisions relating to the provision of occasional pharmacy services by holders of a European professional card.

(2) For the purposes of paragraph 15(4)(a) of Schedule 2A to the 2010 Order as it continues to apply by virtue of sub-paragraph (1)—

- (a) a European professional card that was transmitted as mentioned in paragraph 15(1)(a) of that Schedule is to be treated as becoming invalid on the expiry of the period of 18 months beginning on the day on which it was transmitted;
- (b) a European professional card that was issued as mentioned in paragraph 15(1)(b) of that Schedule is to be treated as becoming invalid on the expiry of the period of 12 months beginning with the day on which it was issued.

(3) The reference in sub-paragraph (1) to “the provisions relating to the provision of occasional pharmacy services by holders of a European professional card” is to the provisions listed in the following table.

<i>Instrument</i>	<i>Provision relating to visiting practitioners</i>
The 1968 Act	section 67E section 69(1ZA) section 71(7) section 78(5) and (5A)
The 2010 Order	in article 3(1), the definitions of “competent authority”, “European professional card”, “General Systems Regulations”, “IMI”, “IMI file” and “registered pharmacist” article 19(2)(d) article 29(3)(a)

article 33A

article 36(3)

article 37(5)

article 38(2) and (4)

article 39(1)(c), (i) and (l)

article 43(5)(c), (8)(b) and (9)

in Schedule 2A, paragraphs 2 (except the definitions of “automatically recognised pharmacist”, “EPC holder” and “missing document”), 15 and 16

Medicines for Human Use (Clinical Trials) regulation 2(1)  
Regulations 2004

National Health Service (Pharmaceutical regulation 2(1)  
Services) (Scotland) Regulations 2009

General Pharmaceutical Council rule 18(1)(a) and (5)(a)(i)  
(Registration) Rules 2010 rule 19(1), (4)(a) and (5)(b)  
rule 20(3)(a)

General Pharmaceutical Council rule 5(2)(b) and (3)  
(Continuing Professional Development and rule 8(1)  
Consequential Amendments) Rules 2011 rule 9(5)  
rule 11(1)(a)

Human Medicines Regulations 2012 regulation 8(1)

National Health Service (Pharmaceutical regulation 2(1)  
and Local Pharmaceutical Services)  
Regulations 2013

#### Textual Amendments

**F53** Words in Sch. 2 para. 47(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**

#### Commencement Information

**I136** Sch. 2 para. 47 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**48.**—(1) A decision within article 39(1)(u) of the 2010 Order taken before [<sup>F54</sup>IP completion day], or a failure within article 39(1A) of that Order arising before [<sup>F54</sup>IP completion day], continues to be appealable for the purposes of article 40 of that Order (subject to the provisions of the Order) despite the revocation of article 39(1)(u) and (1A).

(2) In disposing of such an appeal (or a further appeal under article 41 of the 2010 Order), the powers of the Appeal Committee (or the relevant court) are, instead of those set out in article 40(7) (or 41(4)) of the 2010 Order, to—

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (a) dismiss the appeal, or
- (b) allow the appeal and—
  - (i) direct the Council to take such steps as the Committee (or the relevant court) thinks fit to draw the findings of the Committee (or court) to the attention of the European Commission;
  - (ii) direct that the person in respect of whom the decision was taken (or the failure arose) is to be treated, for the purposes of paragraph 45(1)(a), as a person who held a valid European professional card for establishment in Great Britain immediately before [<sup>F55</sup>IP completion day],

and, in the case of an appeal under article 41, to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

#### Textual Amendments

- F54** Words in Sch. 2 para. 48(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**
- F55** Words in Sch. 2 para. 48(2)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**

#### Commencement Information

- I137** Sch. 2 para. 48 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### IMI alerts **U.K.**

**49.**—(1) Where an alert has been sent by the General Pharmaceutical Council before [<sup>F56</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (as they had effect before [<sup>F56</sup>IP completion day]), the decision to send the alert continues to be appealable for the purposes of article 40 of the 2010 Order (subject to the provisions of that Order) despite the revocation of article 39(1)(t).

(2) In disposing of such an appeal (or a further appeal under article 41 of the 2010 Order), the powers of the Appeal Committee (or the relevant court) are, instead of those set out in article 40(7) (or 41(4)) of the 2010 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F57</sup>...

and, in the case of an appeal under article 41, to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

#### Textual Amendments

- F56** Words in Sch. 2 para. 49(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **10(6)**
- F57** Words in Sch. 2 para. 49(2)(b) omitted (24.2.2022) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022 \(S.I. 2022/82\)](#), regs. 1(2), **3(3)(b)**



#### Commencement Information

**I138** Sch. 2 para. 49 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Interpretation of saved provisions **U.K.**

**50.** Where a provision continues to apply by virtue of this Part, it is to be read as if—

(a) in article 3(1) of the 2010 Order—

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

““the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [F58IP completion day];”;

(ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [F59IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

(iii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—

“(a) a person who, immediately before [F60IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [F60IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of pharmacist or pharmacy technician by virtue of an enforceable EU right, or

(c) a person who, immediately before [F60IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession of pharmacist or pharmacy technician, no less favourably than a national of a relevant European State;”;

(iv) in the definition of “General Systems Regulations” [F61(other than that definition as it continues to apply by virtue of paragraph 44A or 44B of this Part)], [F62at the end] there were inserted—

“(a) in relation to anything done before [F63IP completion day], as they had effect at that time;

(b) otherwise, as (and only to the extent that) they have effect, on or after [F63IP completion day], in relation to an entitlement which arose before [F63IP completion day] or arises as a result of something done before [F63IP completion day];”;

(b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

### Textual Amendments

- F58** Words in Sch. 2 para. 50(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), [10\(7\)\(a\)](#)
- F59** Words in Sch. 2 para. 50(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), [10\(7\)\(a\)](#)
- F60** Words in Sch. 2 para. 50(a)(iii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), [10\(7\)\(a\)](#)
- F61** Words in Sch. 2 para. 50(a)(iv) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), [10\(7\)\(b\)\(i\)](#)
- F62** Words in Sch. 2 para. 50(a)(iv) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), [10\(7\)\(b\)\(ii\)](#)
- F63** Words in Sch. 2 para. 50(a)(iv) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), [10\(7\)\(a\)](#)

### Commencement Information

- I139** Sch. 2 para. 50 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## SCHEDULE 3 [U.K.](#)

Regulation 4

### Dentists and dental care professionals

## PART 1 [U.K.](#)

### Amendments to legislation

#### Interpretation [U.K.](#)

1. In this Schedule—

“the 1984 Act” means the Dentists Act 1984 <sup>M81</sup>;

“the 1998 Regulations” means the European Primary and Specialist Dental Qualifications Regulations 1998 <sup>M82</sup>.

### Commencement Information

- I140** Sch. 3 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

- M81** 1984 c. 24.

**M82** [S.I. 1998/811](#).

## Dentists Act 1984 **U.K.**

2. The 1984 Act is amended as follows.

### Commencement Information

**I141** Sch. 3 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. In section 12A (degrees and licences)<sup>M83</sup>, in subsection (2), in the definition of “basic dental training”, for “is to” substitute “ would ”.

### Commencement Information

**I142** Sch. 3 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M83** Section 12A was inserted by [S.I. 2007/3101](#).

4. In section 14 (dentists register)<sup>M84</sup>, in subsection (1A)—

- (a) for “three” substitute “ two ”;
- (b) at the end of paragraph (a), insert “ and ”;
- (c) omit paragraph (c) and the “and” before it.

### Commencement Information

**I143** Sch. 3 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M84** Section 14 was substituted by [S.I. 2005/2011](#) and subsection (1A) was inserted by [S.I. 2007/3101](#).

5. In section 15 (qualification for registration)<sup>M85</sup>—

- (a) in subsection (1)—
  - (i) at the end of paragraph (a), insert “ and ”;
  - (ii) omit paragraphs (b) and (ba) (including the final “and”);
- (b) for subsection (2), substitute—

“(2) In this Act “recognised overseas diploma” means—

  - (a) a relevant European diploma, or
  - (b) any other diploma granted in a country overseas that is recognised for the time being by the Council for the purposes of this Act.

(2ZA) In this Act “relevant European diploma” means—

  - (a) an appropriate European diploma, within the meaning given by Schedule 2, that has not been designated by the Council for the purposes of this Act, or

**Status:** Point in time view as at 24/02/2022.

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- (b) a dental qualification that is not an appropriate European diploma but—
  - (i) was granted in a relevant European State, and
  - (ii) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a UK diploma in dentistry (within the meaning given by section 12A(2)).
- (2ZB) The Council—
  - (a) may designate a diploma for the purposes of subsection (2ZA)(a) only with the approval of the Privy Council;
  - (b) must maintain and publish a list of the diplomas that are so designated.”;
- (c) in subsection (3), omit “, (b) or (ba)”;
- (d) after subsection (4), insert—
  - “(4ZA) Subsection (4)(c) does not apply to a person whose application under this section is made in reliance on a relevant European diploma.”;
- (e) omit subsections (4A) to (4C).

#### Commencement Information

**I144** Sch. 3 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M85** Subsection (1)(b) and (ba) was substituted by [S.I. 2007/3101](#). Subsection (3)(ba) was inserted by 2015/806. Subsections (4A) to (4BD) were substituted by [S.I. 2007/3101](#). Subsection (4C) was inserted by [S.I. 1998/811](#). Relevant amending instruments are [S.I. 2007/3101](#), 2016/1030.

6. In section 15A (necessary knowledge of English) <sup>M86</sup>, omit subsections (5) and (7).

#### Commencement Information

**I145** Sch. 3 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M86** Section 15A was inserted by [S.I. 2015/806](#).

7. In section 16 (overseas diplomas) <sup>M87</sup>, omit subsections (2A) and (2B).

#### Commencement Information

**I146** Sch. 3 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M87** Subsections (2A) was inserted by [S.I. 1998/811](#). Subsection (2B) was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2003/3148](#), 2007/3101.

8. In section 17 (temporary registration) <sup>M88</sup>—

- (a) omit subsection (3A);
- (b) in subsection (3B), omit “(except subsection (5))”.

**Commencement Information**

**I147** Sch. 3 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M88** Subsection (3A) was inserted by [S.I. 1998/811](#), and subsection (3B) was inserted by [S.I. 2015/806](#). Relevant amending instruments are [S.I. 2003/3148](#), [2007/3101](#).

- 9.** In section 18 (registration procedure) <sup>M89</sup>, omit subsections (2A) and (2B).

**Commencement Information**

**I148** Sch. 3 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M89** Subsections (2A) and (2B) were inserted by [S.I. 2007/3101](#).

- 10.** In section 19 (registration regulations) <sup>M90</sup>—
- (a) in subsection (1), for “Subject to subsection (1A), the” substitute “The ”;
  - (b) omit subsection (1A).

**Commencement Information**

**I149** Sch. 3 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M90** Subsection (1A) was inserted by, and subsection (1) was amended by, [S.I. 2007/3101](#).

- 11.** In section 21A (notification of result of application) <sup>M91</sup>—
- (a) omit subsections (2A) and (2B);
  - (b) in subsection (3), for the words from “application—” to the end substitute “ application within the period of three months beginning with the relevant date. ”.

**Commencement Information**

**I150** Sch. 3 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M91** Section 21A was substituted by [S.I. 2007/3101](#). Subsections (2A) and (2B) were inserted by [S.I. 2015/806](#).

- 12.** In section 26A (indemnity requirements) <sup>M92</sup>, omit subsection (11).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

#### Commencement Information

**I151** Sch. 3 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M92** Section 26A was substituted by **S.I. 2014/1887**.

**13.** In section 29 (appeals) <sup>M93</sup>—

- (a) in subsection (1), omit paragraph (d);
- (b) in subsection (1B), omit “or regulation 67 of the General System Regulations,”;
- (c) in subsection (3)—
  - (i) in paragraph (b), omit the words after “against”;
  - (ii) in paragraphs (c) and (d), omit “the Council,”.

#### Commencement Information

**I152** Sch. 3 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M93** Subsection (1)(d) was inserted by **S.I. 2016/1030**. Subsection (1B) was inserted by **S.I. 2005/2011**. Subsection (3) was substituted by section 31(2)(d) of the **National Health Service Reform and Health Care Professions Act 2002 (c. 17)** and subsection (3)(b) to (d) was substituted by **S.I. 2005/2011**. Relevant amending instruments is **S.I. 2016/1030**.

**14.** Omit section 34AA (professional training and development for visiting dentists) <sup>M94</sup>.

#### Commencement Information

**I153** Sch. 3 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M94** Section 34AA was inserted by **S.I. 2007/3101**.

**15.** In section 35 (effect of disqualification in relevant European States) <sup>M95</sup>—

- (a) in subsection (1), for “15(1)(b) or (ba) above” substitute “ 15(1)(c) in reliance on a relevant European diploma ”;
- (b) in subsection (3), for the words from “is registered” to “when he is” substitute “ has been registered under section 15(1)(c) in reliance on a relevant European diploma, or under subsection (1)(b) or (ba) of that section as it had effect before [<sup>F64</sup>IP completion day], when he was ”;
- (c) in subsection (5), for “15(1)(b) or (ba)” substitute “ 15(1)(c) in reliance on a relevant European diploma, or under subsection (1)(b) or (ba) of that section as it had effect before [<sup>F65</sup>IP completion day], ”.

#### Textual Amendments

- F64** Words in Sch. 3 para. 15(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(2)**
- F65** Words in Sch. 3 para. 15(c) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(2)**

#### Commencement Information

- I154** Sch. 3 para. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M95** Relevant amending instruments are [S.I. 2005/2011](#), 2007/3101.

- 16.** Omit section 36 (visiting dentists from relevant European states) <sup>M96</sup>.

#### Commencement Information

- I155** Sch. 3 para. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M96** Relevant amending instruments are [S.I. 1996/1496](#), 2007/3101.

- 17.** Omit sections 36ZA (designation of competent authority) <sup>M97</sup> and 36ZB (fees for certificates) <sup>M98</sup>.

#### Commencement Information

- I156** Sch. 3 para. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M97** Section 36ZA was inserted by [S.I. 2007/3101](#) and amended by paragraph 29 of Schedule 19 to the Data Protection Act 2018.
- M98** Section 36ZB was inserted by [S.I. 2007/3101](#).

- 18.** In section 36B (dental care professionals register) <sup>M99</sup>, for subsection (1A) substitute—  
“(1A) The dental care professionals register shall contain particulars of persons who under section 36C are entitled to be registered in the dental care professionals register.”

#### Commencement Information

- I157** Sch. 3 para. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

### Marginal Citations

**M99** Section 36B was inserted by [S.I. 2005/2011](#). Subsection (1A) was inserted by [S.I. 2007/3101](#).

- 19.** In section 36C (qualifications for registration) <sup>M100</sup>—
- (a) in subsection (1), for paragraphs (a) and (b) substitute—
    - “(a) of matter A or C, and
    - (b) of matter D.”;
  - (b) omit subsection (3);
  - (c) after subsection (4), insert—
    - “(4A) Subsection (4)(b) does not apply to a person whose application for registration is made in reliance on a relevant qualification that—
      - (a) was granted in a relevant European State, and
      - (b) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2).”;
  - (d) in subsection (5), for paragraphs (a) and (b) substitute—
    - “(a) shall take into account all that person's relevant qualifications, and all relevant knowledge or experience, wherever acquired, and
    - (b) may determine that a person must perform to the satisfaction of the Council in any test or assessment specified in the determination.”;
  - (e) omit subsections (6A) and (6B).

### Commencement Information

**I158** Sch. 3 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M100** Section 36C was inserted by [S.I. 2005/2011](#). Subsections (3) and (5)(b) were substituted by, [S.I. 2007/3101](#). Subsections (6A) and (6B) were inserted by [S.I. 2015/806](#). Relevant amending instrument is [S.I. 2006/1718](#).

- 20.** In section 36CA (necessary knowledge of English) <sup>M101</sup>—
- (a) omit subsections (5), (7) and (8);
  - (b) in subsection (14)(a), omit “the principal list of”.

### Commencement Information

**I159** Sch. 3 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M101** Section 36CA was inserted by [S.I. 2015/806](#).

- 21.** In section 36E (rules relating to the register) <sup>M102</sup>, in paragraph (a), omit “the principal list of”.



**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I160** Sch. 3 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M102** Section 36E was inserted by **S.I. 2005/2011**. Relevant amending instrument is **S.I. 2007/3101**.

**22.** In section 36F (registration fees) <sup>M103</sup>—

- (a) [<sup>F66</sup>in subsection (1),] for “Subject to subsection (1A), the” substitute “The”;
- (b) omit subsection (1A).

#### Textual Amendments

**F66** Words in Sch. 3 para. 22(a) inserted (31.12.2020 immediately before IP completion day) by **The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394)**, regs. 1(2), **11(3)**

#### Commencement Information

**I161** Sch. 3 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M103** Section 36F was inserted by **S.I. 2005/2011**. Subsection (1A) was inserted by **S.I. 2007/3101**. Relevant amending instruments are **S.I. 2007/3101**, 2015/806.

**23.** In section 36L (indemnity arrangements) <sup>M104</sup>, omit subsection (11).

#### Commencement Information

**I162** Sch. 3 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M104** Section 36L was substituted by **S.I. 2014/1887**.

**24.** In section 36S (appeals) <sup>M105</sup>—

- (a) in subsection (1), omit paragraph (d);
- (b) in subsection (3), omit “or regulation 67 of the General System Regulations,”;
- (c) in subsection (6)—
  - (i) in paragraph (b), omit the words after “against”;
  - (ii) in paragraphs (c) and (d), omit “the Council,”.

#### Commencement Information

**I163** Sch. 3 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

### Marginal Citations

**M105** Section 36S was inserted by [S.I. 2005/2011](#). Relevant amending instrument is [S.I. 2016/1030](#).

**25.** Omit sections 36Z3 (visiting dental care professionals from relevant European states) <sup>M106</sup> and 36Z4 (training and development for visiting professionals) <sup>M107</sup>.

### Commencement Information

**I164** Sch. 3 para. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M106** Section 36Z3 was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

**M107** Section 36Z4 was inserted by [S.I. 2007/3101](#).

**26.** In section 53 (interpretation) <sup>M108</sup>, in subsection (1)—

- (a) omit the definitions of “competent authority”, “Directive [2002/58/EC](#)”, “exempt person”, “the General Systems Regulations”, “IMI”, and “national”;
- (b) for the definition of “the Directive” substitute—
 

““the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [<sup>F67</sup>IP completion day];”.

### Textual Amendments

**F67** Words in Sch. 3 para. 26(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), [regs. 1\(2\), 11\(4\)](#)

### Commencement Information

**I165** Sch. 3 para. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M108** The definitions of “competent authority”, “the Directive”, “exempt person”, “the General Systems Regulations”, “national”, and “relevant European State” were inserted by [S.I. 2007/3101](#). The definitions of “Directive [2002/58/EC](#)” and “IMI” were inserted by, and “the General Systems Regulations” was substituted by, [S.I. 2016/1030](#). Relevant amending instrument is [S.I. 2011/1043](#).

**27.** In Schedule 2 (European Dental Qualifications) <sup>M109</sup>—

- (a) in paragraph 1(1), omit the definition of “medical qualification”;
- (b) in paragraph 2—
  - (i) for “paragraphs 3, 3A and 4” substitute “ paragraph 3 ”;
  - (ii) for “any” substitute “ a ”;
  - (iii) for “15(1)(b)” substitute “ 15(2ZA) ”;
  - (iv) for “, provided that, where the diploma” substitute “ if it ”;

- (v) after “Directive”, where it first occurs, insert “ and ”;
- (c) in paragraph 3—
  - (i) for “15(1)(b)” substitute “ 15(2ZA) ”;
  - (ii) omit the words from “unless” to the end;
- (d) omit paragraphs 3A to 10.

#### Commencement Information

**I166** Sch. 3 para. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M109** Relevant amending instruments are S.I. 1996/1496, 2003/3148, 2004/1947, 2007/3101, 2013/3036, 2016/1030.

#### 28. In Schedule 2A (registration appeals) <sup>M110</sup>—

- (a) in paragraph 1—
  - (i) in the definition of “appealable registration decision”, omit “and (4)”;
  - (ii) in the definition of “person concerned”, omit “or (4)”;
  - (iii) in the definition of “the requisite period”—
    - (aa) omit “(ba),”;
    - (bb) for “, (i) or (j)” substitute “ or (i) ”;
    - (cc) omit the words after “the decision”, where it first appears;
- (b) in paragraph 2(1)—
  - (i) in paragraph (a), omit “, (b)”;
  - (ii) omit paragraphs (aa), (ab), (ba) and (bb);
  - (iii) omit paragraphs (j), (k) and (l);
- (c) in paragraph 3—
  - (i) in sub-paragraph (2)—
    - (aa) omit “, (aa)”;
    - (bb) for “, (i) or (j)” substitute “ or (i) ”;
  - (ii) omit sub-paragraphs (3) and (4);
- (d) in paragraph 4(1)(b), omit “or (4)”.

#### Commencement Information

**I167** Sch. 3 para. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M110** Schedule 2A was inserted by S.I. 2005/2011. Relevant amending instruments are S.I. 2007/3101, 2015/806.

#### 29. Omit Schedule 4 (visiting dentists from relevant European states) <sup>M111</sup>.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I168** Sch. 3 para. 29 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M111** Schedule 4 was substituted by **S.I. 2007/3101**. Relevant amending instrument is **S.I. 2016/1030**.

**30.** Omit Schedule 4ZA (designation of competent authority) <sup>M112</sup>.

#### Commencement Information

**I169** Sch. 3 para. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M112** Schedule 4ZA was inserted by **S.I. 2007/3101**. Relevant amending instruments are Schedule 19 to the Data Protection Act 2018, **S.I. 2016/1030**.

**31.** In Schedule 4A (registration appeals) <sup>M113</sup>—

- (a) in paragraph 1—
  - (i) in the definition of “appealable registration decision”, omit “and (4)”;
  - (ii) in the definition of “person concerned”, omit “or (4)”;
  - (iii) in the definition of “the requisite period”, omit “(ab),”;
- (b) in paragraph 2(1)—
  - (i) omit paragraphs (aa) and (ab);
  - (ii) omit paragraph (i) and the “and” before it;
- (c) in paragraph 3, omit sub-paragraphs (3) and (4);
- (d) in paragraph 4(1)(b), omit “or (4)”.

#### Commencement Information

**I170** Sch. 3 para. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M113** Schedule 4A was inserted by **S.I. 2005/2011**. Relevant amending instruments are **S.I. 2007/3101**, 2015/806.

### European Primary and Specialist Dental Qualifications Regulations 1998 **U.K.**

- 32.**—(1) The 1998 Regulations are amended as follows.
- (2) In regulation 2 (interpretation) <sup>M114</sup>, in paragraph (1)—
- (a) for the definition of “the Directive” substitute—
    - ““the Directive” means Directive **2005/36/EC** of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No

- L255, 30.09.2005, p 22), and any reference in these Regulations to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [F<sup>68</sup>IP completion day];”;
- (b) omit the definitions of “Directive 2002/58/EC”, “exempt person”, “the GDPR”, “General Systems Regulations”, “IMI” and “national”.
- (3) In regulation 3 (power of direction in relation to EU obligations) <sup>M115</sup>, in paragraph (1), after “arise from” insert “ retained ”.
- (4) Omit regulation 4 (designation of competent authority) <sup>M116</sup>.
- (5) In regulation 7 (minimum requirements for specialist training) <sup>M117</sup>—
- (a) in paragraph (1), for “is to” substitute “ would ”;
- (b) in paragraph (2), for “can” substitute “ would ”.
- (6) In regulation 8 (distinctive titles and specialist lists) <sup>M118</sup>—
- (a) in paragraph (2)—
- (i) at the end of sub-paragraph (b), insert “ or ”;
- (ii) omit sub-paragraphs (c) and (e) (and the “or” before sub-paragraph (e));
- (b) omit paragraphs (2A) and (2B).
- (7) In regulation 9 (eligible specialists) <sup>M119</sup>—
- (a) in paragraph (1)—
- (i) omit sub-paragraph (a) (including “and”);
- (ii) in sub-paragraph (b), for “recognised” substitute “ relevant European ”;
- (b) in paragraph (2), for “Subject to paragraph (2A), a” substitute “ A ”;
- (c) omit paragraphs (2A) and (3);
- (d) in paragraph (4)—
- (i) omit sub-paragraph (a);
- (ii) in sub-paragraph (b), omit “in any other case,”.
- (8) Omit regulation 9A (applications by nationals of relevant European States etc.) <sup>M120</sup>.
- (9) In regulation 10 (recognised European qualifications) <sup>M121</sup>—
- (a) in the heading, for “Recognised” substitute “ Relevant European ”;
- (b) before paragraph (1), insert—
- “(A1) In regulation 9(1), “relevant European specialist dental qualification” means an appropriate European specialist dental qualification, within the meaning of paragraph (1), that has not been designated by the GDC for the purposes of this paragraph.
- (B1) The GDC—
- (a) may designate a qualification for the purposes of paragraph (A1) only with the approval of the Privy Council;
- (b) must maintain and publish a list of the qualifications that are so designated.”;
- (c) in paragraph (1)—
- (i) in the words before sub-paragraph (a)—
- (aa) for “recognised” substitute “ appropriate European ”;
- (bb) for “regulation 9(1)” substitute “ paragraph (A1) ”;
- (ii) in sub-paragraph (a)(ii), omit “other than the United Kingdom”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (iii) omit sub-paragraphs (aa) to (e);
- (d) omit paragraph (2).
- (10) Omit regulation 13 (access to other specialities by nationals of relevant European States etc.)<sup>M122</sup>.
- (11) In regulation 14 (appeals to panel)<sup>M123</sup>, in paragraph (1), omit sub-paragraphs (ba) to (bc).
- (12) Omit Schedule A1 (competent authority functions)<sup>M124</sup>.

#### Textual Amendments

**F68** Words in Sch. 3 para. 32(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(4)**

#### Commencement Information

**I171** Sch. 3 para. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M114** Paragraph (1) was amended by [S.I. 2004/1947](#), 2007/3101, 2011/1043, 2016/1030, Schedule 19 to the Data Protection Act 2018. There are other amending instruments but none is relevant.

**M115** Regulation 3 was amended by [S.I. 2007/3101](#), 2011/1043.

**M116** Regulation 4 was substituted by [S.I. 2007/3101](#).

**M117** Paragraph (1) and (2) were substituted by [S.I. 2007/3101](#).

**M118** Paragraph (2) to (2B) were substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

**M119** Relevant amending instruments are [S.I. 2003/3148](#), 2007/3101.

**M120** Regulation 9A was inserted by [S.I. 2007/3101](#).

**M121** Relevant amending instruments are [S.I. 2004/1947](#), 2007/3101, 2013/3036.

**M122** Regulation 13 was substituted by [S.I. 2003/3148](#). Relevant amending instrument is [S.I. 2007/3101](#).

**M123** Relevant amending instrument is [S.I. 2007/3101](#).

**M124** Schedule A1 was inserted by [S.I. 2007/3101](#). Relevant amendments made by Schedule 19 to the Data Protection Act 2018. Relevant amending instrument is [S.I. 2016/1030](#).

### General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015 **U.K.**

**33.** In the General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015<sup>M125</sup>, in rule 1(2) (interpretation)—

- (a) in the definitions of “dental care professional” and “dentist”, omit the words from “other” to the end;
- (b) in the definition of “register”, in paragraphs (a) and (b), omit the words from “in relation” to the end.

#### Commencement Information

**I172** Sch. 3 para. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M125** As set out in the Schedule to the [General Dental Council \(Indemnity Arrangements\) \(Dentists and Dental Care Professionals\) Rules Order of Council 2015 \(S.I. 2015/1758\)](#). Relevant amending instrument is [S.I. 2007/3101](#).

### General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 **U.K.**

**34.** In the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 <sup>M126</sup>, in rule 1(3) (interpretation), in the definition of “practitioner”, omit the words from “other” to the end.

#### Commencement Information

**I173** Sch. 3 para. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M126** As set out in the Schedule to the [General Dental Council \(Continuing Professional Development\) \(Dentists and Dental Care Professionals\) Rules Order of Council 2017 \(S.I. 2017/966\)](#).

## PART 2 **U.K.**

### Savings and transitional provision

#### Pending applications **U.K.**

**35.**—(1) Where an application for—

- (a) registration in, or restoration to, a register kept under the 1984 Act, or
- (b) entry into a list kept under regulations made under section 26 of the 1984 Act,

is received before [<sup>F69</sup>IP completion day], any provision made by or under that Act, or (in the case of an application within paragraph (b)) by the 1998 Regulations, continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

(2) For the purposes of paragraph (1) a list transmitted under section 18(3) of the 1984 Act is to be regarded as an application for registration in the dentists register.

#### Textual Amendments

**F69** Words in Sch. 3 para. 35(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), [11\(4\)](#)

#### Commencement Information

**I174** Sch. 3 para. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

**[<sup>F70</sup>Swiss dentists qualifying outside the United Kingdom: saving of old law U.K.]**

**35A.**—(1) Where an application for registration in the dentists register is received from a Swiss dentist before the end of the Swiss recognition period, any provision made by or under the 1984 Act, or by the 1998 Regulations, continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1984 Act and the 1998 Regulations specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 1984 Act (other than sections 14(1A), 19(1) and (1A), 26A(11), 34AA and 36, paragraph 2(1)(l) of Schedule 2A, and Schedule 4);
  - (b) the 1998 Regulations (other than regulations 8(2)(e), (2A) and (2B) and 14(1)(bc)).
- (3) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—
- (a) section 14(1A) is to be read as if paragraph (c) were omitted;
  - (b) section 15 is to be read as if—
    - (i) in subsections (1)(b) and (ba), for “any exempt person” there were substituted “any Swiss dentist”;
    - (ii) in subsection (4A), for “an exempt person” there were substituted “a Swiss dentist”;
    - (iii) for subsection (4BD), there were substituted—
      - “(4BD) In subsections (4B) to (4BC), the “attesting State”, in relation to A, is Switzerland.”;
  - (c) section 15A(7) is to be read as if for “an exempt person” there were substituted “a Swiss dentist”;
  - (d) section 16 is to be read as if—
    - (i) in subsection (2A)—
      - (aa) in the words before paragraph (a), for “an exempt person” there were substituted “a Swiss dentist”;
      - (bb) for paragraph (b), there were substituted—
        - “(b) if the person holds a dental qualification—
          - (i) which was granted otherwise than in a relevant European State or the United Kingdom, and
          - (ii) has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying the person to practise as a dentist in Switzerland,
    - (ii) subsection (2B) were omitted;
  - (e) section 17(3A) is to be read as if—
    - (i) for “an exempt person” there were substituted “a Swiss dentist”;
    - (ii) for the words from “a relevant” to the end there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive, of the Swiss dentist’s right to practise as a dentist in Switzerland”;
  - (f) section 18(2A) is to be read as if—
    - (i) in the words before paragraph (a), for “An exempt person” there were substituted “A Swiss dentist”;



- (ii) in paragraph (a), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
  - (iii) in paragraph (b), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, the enforceable EU right by virtue of which A is a Swiss dentist”;
- (g) section 53(1) is to be read as if—
- (i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for the words “as amended from time to time”, there were substituted “as it had effect immediately before IP completion day”;
  - (ii) in the definition of “the General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (iii) there were inserted at the appropriate place—  
““Swiss dentist” has the meaning given in paragraph 35A(5) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
- (h) Schedule 2A is to be read as if in paragraph 2(1)(ab) for “an exempt person” there were substituted “a Swiss dentist”.
- (4) The modifications to the 1998 Regulations mentioned in sub-paragraph (1) are—
- (a) regulation 2(1) is to be read as if—
- (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (ii) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for the words “as amended from time to time”, there were substituted “as it had effect immediately before IP completion day”;
  - (iii) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (iv) there were inserted at the appropriate place—  
““Swiss dentist” has the meaning given in paragraph 35A(5) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
- (b) regulation 8(2)(c) is to be read as if for “an exempt person” there were substituted “a Swiss dentist”;
- (c) regulation 9 is to be read as if—
- (i) in paragraph (1)(a) for “an exempt person” there were substituted “a Swiss dentist”;
  - (ii) in paragraph (2)—
    - (aa) “Subject to paragraph (2A),” were omitted;
    - (bb) for “a person”, there were substituted “A person”;
  - (iii) paragraph (2A) were omitted;
  - (iv) in paragraph (3)—

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss dentist”;
- (bb) in sub-paragraph (b)(ii), for the words from “a relevant European State” to “Kingdom”, there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of the Directive,”;
- (d) regulation 9A is to be read as if—
  - (i) in paragraph (1), in the words before sub-paragraph (a), for “An exempt person”, there were substituted “A Swiss dentist”;
  - (ii) in paragraph (2)(a) for the words from “in the” to the end, there were substituted “in Switzerland”;
  - (iii) in paragraph (3), for “an exempt person”, there were substituted “a Swiss dentist”;
- (e) regulation 13(2)(a), is to be read as if for “a relevant European State, other than the United Kingdom”, there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”.
- (5) In this paragraph—
  - “registration application” means an application for registration in the dentists register;
  - “Swiss dentist” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration under Schedule 4 to the 1984 Act).]

#### Textual Amendments

**F70** Sch. 3 paras. 35A, 35B inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(5)**

#### Commencement Information

**I175** Sch. 3 para. 35A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### [<sup>F70</sup>Swiss dental care professionals: saving of old law **U.K.**

**35B.—(1)** Where a registration application is received from a Swiss dental care professional before the end of the Swiss recognition period, any provision made by or under the 1984 Act, or by the 1998 Regulations, continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1984 Act specified in sub-paragraph (3)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the 1984 Act (other than sections 36B(1A), 36CA(14), 36E, 36F(1) and (1A), 36L(11), 36Z3 and 36Z4 and paragraph 2(1)(i) of Schedule 4A).

(3) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

(a) section 36B is to be read as if for subsection (1A) there were substituted—

“(1A) The dental care professionals register shall contain particulars of persons who under section 36C are entitled to be registered in that register.”;

(b) section 36C is to be read as if—

(i) in subsection (3)(a) and subsection (5)(b), for “an exempt person” there were substituted “a Swiss dental care professional”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (ii) in subsection (5)(b)(ii), for “a relevant European State, other than the United Kingdom,” there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of the Directive,”;
  - (c) section 36CA is to be read as if—
    - (i) in subsection (7), for “an exempt person” there were substituted “a Swiss dental care professional”;
    - (ii) in subsection (8), “the principal list of” were omitted;
  - (d) section 36E(a) is to be read as if “the principal list of” were omitted;
  - (e) section 53(1) is to be read as if—
    - (i) in the definition of “the General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
    - (ii) there were inserted at the appropriate place—

““Swiss dental care professional” has the meaning given in paragraph 35B(4) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019);”;
  - (f) in Schedule 4A, paragraph 2(1)(aa) is to be read as if for “an exempt person” there were substituted “a Swiss dental care professional”.
- (4) In this paragraph—
- “registration application” means an application for registration in the dental care professionals register as a person entitled to be registered under section 36C of the 1984 Act under a title applying to the profession pursued by any of the following—
- (a) clinical dental technicians;
  - (b) dental hygienists;
  - (c) dental nurses;
  - (d) dental technicians;
  - (e) dental therapists;
  - (f) orthodontic therapists;
- “Swiss dental care professional” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration as a visiting dental care professional).]

#### Textual Amendments

**F70** Sch. 3 paras. 35A, 35B inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(5)**

#### Commencement Information

**I176** Sch. 3 para. 35B in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

## Assessments in relation to specialties **U.K.**

36. Regulation 13 of the 1998 Regulations continues to apply for the purposes of any assessment referred to in paragraph (1)(a)(i) or (b) of that regulation that has begun but not been concluded before [<sup>F71</sup>IP completion day].

### Textual Amendments

**F71** Words in Sch. 3 para. 36 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(6)**

### Commencement Information

**I177** Sch. 3 para. 36 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## Visiting dentists: saving of old law for up to [<sup>F72</sup>five years] **U.K.**

37.—(1) Where, immediately before [<sup>F73</sup>IP completion day]—

- (a) a visiting dentist was entitled under paragraph 4 or 7 of Schedule 4 to the 1984 Act to provide occasional dental services, or
- (b) the registrar was in receipt of the required documents (within the meaning of paragraph 5 of that Schedule) from a dentist seeking to acquire that entitlement,

any provision made by or under the Act, or by the 1998 Regulations, continues to apply in relation to the dentist without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting dentists from relevant European states [<sup>F74</sup>(but subject, in the case of a Swiss visiting dentist, to the modifications to the 1984 Act and the 1998 Regulations specified in sub-paragraphs (4) and (5))].

(2) But a visiting dentist's entitlement does not continue (or further continue) under paragraph 7 of Schedule 4 to the 1984 Act on or after [<sup>F75</sup>IP completion day] (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

[<sup>F76</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting dentist.

(2B) But a Swiss visiting dentist's entitlement does not continue (or further continue) under paragraph 7 of Schedule 4 to the 1984 Act on or after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph, “Swiss visiting dentist” means a visiting dentist who—

- (a) is a national of the United Kingdom or a Swiss national, or
- (b) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of dentistry, no less favourably than a national of the United Kingdom or Switzerland.]

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting dentists from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting dentists</i>
The 1984 Act	section 14(1A)

	section 19(1) and (1A)
	section 26A(11)
	section 34AA
	section 36
	in section 53(1), the definitions of “the Directive”, “exempt person”, “the General Systems Regulations”, and “national”
	Schedule 2A, paragraph 2(1)(l)
	Schedule 4
The 1998 Regulations	regulation 8(2)(e), (2A) and (2B)
	regulation 14(1)(bc)
General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015	rule 1(2)
General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017	rule 1(3)

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[<sup>F77</sup>(4) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

- (a) section 34AA(4) is to be read as if, for the words from “the relevant” to the end, there were substituted “Switzerland”;
- (b) section 53(1) is to be read as if—
  - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (ii) the definitions of “exempt person” and “national” were omitted;
- (c) Schedule 4 is to be read as if—
  - (i) for paragraph 1 there were substituted—

“1.—(1) This Schedule applies to a Swiss visiting dentist who is lawfully established in dental practice in Switzerland.

(2) In this Schedule, “Swiss visiting dentist” has the meaning given in paragraph 37(2C) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;

- (ii) in paragraph 2—
  - (aa) before sub-paragraph (a), there were inserted—
    - “(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;”;
  - (bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting dentist”;
  - (cc) in sub-paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland; and”;
  - (dd) in sub-paragraph (c), after “basis” there were inserted—

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

“—

- (i) on the basis of one or more existing contracts, and
- (ii) for a period not exceeding 90 days in total in any calendar year.”;
- (iii) in paragraph 5(2)—
  - (aa) in paragraph (b), for “a relevant European State”, there were substituted “the United Kingdom or Switzerland”;
  - (bb) in paragraph (c), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting dentist”;
- (iv) in paragraph 7(6), after paragraph (a), there were inserted—
  - “(aa) contains details of the existing contract or contracts on the basis of which the occasional dental services will continue to be provided;
  - (ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
  - (ac) if the practitioner is not a national of the United Kingdom or a Swiss national, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting dentist.”;
- (v) in paragraph 8(6), after paragraph (a), there were inserted—
  - “(aa) ceases to have a valid contract to provide occasional [<sup>F78</sup>dental] services, because the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional dental services, is terminated or otherwise expires; or”.

(5) The modification to the 1998 Regulations mentioned in sub-paragraph (1) is that regulation 8(2)(e) is to be read as if for “an exempt person” there were substituted “a Swiss visiting dentist (within the meaning given in paragraph 37(2C) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019).”]

#### Textual Amendments

- F72** Words in Sch. 3 para. 37 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(7)(a)**
- F73** Words in Sch. 3 para. 37(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(7)(b)(i)**
- F74** Words in Sch. 3 para. 37(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(7)(b)(ii)**
- F75** Words in Sch. 3 para. 37(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(7)(c)**
- F76** Sch. 3 para. 37(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(7)(d)**
- F77** Sch. 3 para. 37(4)(5) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(7)(e)**

**F78** Word in Sch. 3 para. 37(4)(c)(v) substituted (24.2.2022) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022 \(S.I. 2022/82\)](#), regs. 1(2), **3(4)(a)**

#### Commencement Information

**I178** Sch. 3 para. 37 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Visiting dental care professionals: saving of old law for up to <sup>F79</sup>five years] **U.K.**

**38.**—(1) Where—

(a) a person had, immediately before <sup>F80</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of relevant dental care services (and section 36Z3(3) of the 1984 Act accordingly applied to the person), and

(b) the person continues to have that benefit on or after <sup>F81</sup>IP completion day],

any provision made by or under the 1984 Act continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting dental care professionals from relevant European states <sup>F82</sup>(but subject, in the case of a Swiss visiting dental care professional, to the modifications to the 1984 Act specified in sub-paragraph (4)).

<sup>F83</sup>(1A) For the purposes of this paragraph, “Swiss visiting dental care professional” means a visiting dental care professional who is a relevant applicant.

(1B) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide relevant dental care services for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting dental care professional—

(a) in respect of a title under which the professional is registered as required by section 36Z3(3), when the person's name is erased under section 36Z3(6) of the 1984 Act;

(b) in respect of any other title, when the person's entitlement ceases by reason of the operation of section 36Z3(5) of the 1984 Act.

<sup>F84</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting dental care professional.

(2B) But a Swiss visiting dental care professional's entitlement does not continue (or further continue) under section 36Z3 of the 1984 Act on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting dental care professional” means a visiting dental care professional who—

(a) is a national of the United Kingdom or is a Swiss national, or

(b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a dental care profession dental care, no less favourably than a national of the United Kingdom or Switzerland.]

(3) In sub-paragraph (1)—

(a) “relevant dental care services” means services that were “relevant services” within the meaning of section 36Z3(11) of the 1984 Act, as it had effect immediately before <sup>F85</sup>IP completion day];

(b) the reference to “the provisions relating to visiting dental care professionals from relevant European states” is to the provisions listed in the following table.



**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
The 1984 Act	section 36B(1A) section 36CA(14) section 36E [ <sup>F86</sup> section 36F(1) and (1A)] section 36L(11) section 36Z3 section 36Z4 in section 53(1), the definitions of “competent authority”, “exempt person”, “the General Systems Regulations”, and “national” Schedule 4A, paragraph 2(1)(i)
General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015	rule 1(2)
General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017	rule 1(3)

- [<sup>F87</sup>(4) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—
- (a) section 36Z3 is to be read as if—
    - (i) in subsection (1)—
      - (aa) for “an exempt person” there were substituted “a relevant applicant”;
      - (bb) for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
    - (ii) after subsection (1) there were inserted—
      - “(1A) In this section, “relevant applicant” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;
  - (b) section 36Z4 is to be read as if, in subsection (4), for the words from “the relevant” to the end there were substituted “Switzerland”;
  - (c) section 53(1) is to be read as if, in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”.]

#### **Textual Amendments**

- F79** Words in Sch. 3 para. 38 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(8)(a)**
- F80** Words in Sch. 3 para. 38(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(8)(b)(i)**



- F81** Words in Sch. 3 para. 38(1)(b) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **11(8)(b)(i)**
- F82** Words in Sch. 3 para. 38(1) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **11(8)(b)(ii)**
- F83** Sch. 3 para. 38(1A)(1B) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **11(8)(c)**
- F84** Sch. 3 para. 38(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **11(8)(d)**
- F85** Words in Sch. 3 para. 38(3)(a) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **11(8)(e)**
- F86** Words in Sch. 3 para. 38 table substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **11(8)(f)**
- F87** Sch. 3 para. 38(4) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **11(8)(g)**

#### Commencement Information

- I179** Sch. 3 para. 38 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

#### IMI alerts **U.K.**

**39.**—(1) Where an alert has been sent by the General Dental Council before [F88IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of section 29 or (as the case may be) 36S of the 1984 Act (subject to the provisions of that Act) despite the repeal of sections 29(1)(d) and 36S(1)(d).

(2) In disposing of such an appeal, the powers of the relevant court are, instead of those set out in section 29(3) or 36S(6) of the 1984 Act, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F89</sup>...,

and to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

#### Textual Amendments

- F88** Words in Sch. 3 para. 39(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **11(9)**
- F89** Words in Sch. 3 para. 39(2)(b) omitted (24.2.2022) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022 (S.I. 2022/82), regs. 1(2), **3(4)(b)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

### Commencement Information

**I180** Sch. 3 para. 39 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

### Interpretation of saved provisions **U.K.**

- 40.** Where a provision continues to apply by virtue of this Part, it is to be read as if—
- (a) in section 53(1) of the 1984 Act or regulation 2(1) of the 1998 Regulations (whichever is relevant)—
- (i) there were substituted for the definition of “the Directive”—
- (aa) in the case of section 53(1) of the 1984 Act—
- ““the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [F90IP completion day];”;
- (bb) in the case of regulation 2(1) of the 1998 Regulations—
- ““the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in these Regulations to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [F90IP completion day];”;
- (ii) there were inserted at the appropriate place—
- ““enforceable EU right” means a right recognised and available in domestic law, immediately before [F90IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;
- (iii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—
- (aa) in the case of section 53(1) of the 1984 Act—
- “(a) a person who, immediately before [F90IP completion day], was a national of a relevant European State,
- (b) a person who, immediately before [F90IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession by virtue of an enforceable EU right, or
- (c) a person who, immediately before [F90IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of a relevant European State;”;
- (bb) in the case of regulation 2(1) of the 1998 Regulations—
- “(a) a person who, immediately before [F90IP completion day], was a national of a relevant European State,

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (b) a person who, immediately before [F90IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of dentistry by virtue of an enforceable EU right, or
- (c) a person who, immediately before [F90IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession of dentistry, no less favourably than a national of a relevant European State;”;
- (iv) in the definition of “the General Systems Regulations” (or “General Systems Regulations”) [F91(other than those definitions as they continue to apply by virtue of paragraph 35A or 35B)], at the end there were inserted—
  - “(a) in relation to anything done before [F90IP completion day], as they had effect at that time;
  - (b) otherwise, as (and only to the extent that) they have effect, on or after [F90IP completion day], in relation to an entitlement which arose before [F90IP completion day] or arises as a result of something done before [F90IP completion day];”;
- (v) in the definition of “national”, for “is not” there were substituted “ was not, immediately before [F90IP completion day]”;
- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

#### Textual Amendments

- F90** Words in Sch. 3 para. 40(a)(i)-(v) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(10)(a)**
- F91** Words in Sch. 3 para. 40(a)(iv) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **11(10)(b)**

#### Commencement Information

- I181** Sch. 3 para. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

## SCHEDULE 4 **U.K.**

Regulation 5

Nurses, midwives and nursing associates

### PART 1 **U.K.**

#### Amendments to legislation

#### Interpretation **U.K.**

1. In this Schedule, “the 2001 Order” means the Nursing and Midwifery Order 2001 <sup>M127</sup>.

##### Commencement Information

**I182** Sch. 4 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

##### Marginal Citations

**M127** S.I. 2002/253.

#### Nursing and Midwifery Order 2001 **U.K.**

2. The 2001 Order is amended as follows.

##### Commencement Information

**I183** Sch. 4 para. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

3. In article 5A (knowledge of English) <sup>M128</sup>, omit paragraphs (5) and (7).

##### Commencement Information

**I184** Sch. 4 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

##### Marginal Citations

**M128** Article 5A was inserted by **S.I. 2015/806**.

4. In article 6 (register of nurses, midwives and nursing associates) <sup>M129</sup>, omit paragraph (3)(aa).

##### Commencement Information

**I185** Sch. 4 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

##### Marginal Citations

**M129** Paragraph (3)(aa) was inserted by **S.I. 2007/3101**. Relevant amending instrument is **S.I. 2018/838**.

5. In article 7 (register: supplemental provision)<sup>M130</sup>, omit paragraph (4).

**Commencement Information**

**I186** Sch. 4 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M130** Paragraph (4) was inserted by **S.I. 2007/3101** and substituted by **S.I. 2018/838**.

6. In article 8 (access to register)<sup>M131</sup>, omit paragraph (5).

**Commencement Information**

**I187** Sch. 4 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M131** Relevant amending instrument is **S.I. 2007/3101**.

7. In article 9 (registration)<sup>M132</sup>—
- (a) in paragraph (1), for “Subject to paragraph (7), a” substitute “ A ”;
  - (b) omit paragraphs (3A) to (3C);
  - (c) in paragraph (5), for the words from “ “the specified period”” to the end substitute “ “the specified period” means the period of three months beginning with the relevant date. ”;
  - (d) in paragraph (6), omit the words from “, including” to “13(1A),”;
  - (e) omit paragraph (7).

**Commencement Information**

**I188** Sch. 4 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M132** Paragraphs (3A) and (7) were inserted by **S.I. 2007/3101**, paragraphs (3B) and (3C) were inserted by **S.I. 2015/806**. Paragraph (5) was substituted by **S.I. 2007/3101** and paragraph (7) was substituted by **S.I. 2018/838**. Relevant amending instruments are **S.I. 2007/3101**, 2015/806, 2018/838.

8. In article 10 (renewal and readmission)<sup>M133</sup>—
- (a) in paragraph (1), for “Subject to paragraph (6), where” substitute “ Where ”;
  - (b) omit paragraph (6).

**Commencement Information**

**I189** Sch. 4 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

### Marginal Citations

**M133** Paragraph (1) was amended by and paragraph (6) was inserted by [S.I. 2007/3101](#).

9. In article 12A (indemnity arrangements)<sup>M134</sup>, omit paragraph (11).

### Commencement Information

**I190** Sch. 4 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M134** Article 12A was inserted by [S.I. 2014/1887](#) and paragraph (11) was substituted by [S.I. 2018/838](#).

10. In article 13 (approved qualifications)<sup>M135</sup>—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (a), insert “ or ”;

(ii) omit sub-paragraphs (b) and (c);

(iii) in sub-paragraph (d)—

(aa) omit “he is not an exempt person and”;

(bb) at the end insert “ or ”;

(iv) omit sub-paragraphs (e) and (f);

(b) omit paragraphs (1A) and (1B);

(c) after paragraph (2) insert—

“(3) A relevant European qualification is to be treated as a qualification as to which the Council is satisfied as mentioned in paragraph (1)(d)(i) (and accordingly included in any list kept under paragraph (2)(a)).

(4) In this article “relevant European qualification” means a qualification that falls within article 13AA and has not been designated by the Council for the purposes of this paragraph.

(5) The Council—

(a) may designate a qualification for the purposes of paragraph (4) only with the approval of the Privy Council;

(b) must maintain and publish a list of the qualifications that are so designated.

[<sup>F92</sup>(6) A person who applies, on or after IP completion day, for admission to the register is to be deemed to satisfy the requirements of Article 9(2)(a).”].

### Textual Amendments

**F92** Words in Sch. 4 para. 10(c) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), [regs. 1\(2\), 12\(2\)](#)

### Commencement Information

**I191** Sch. 4 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M135** Paragraphs (1)(b)-(f) were substituted, by and paragraphs (1A) and (1B) were inserted by, [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2015/806](#), 2016/1030, 2018/838.

**11.** After article 13 insert—

**“European qualifications**

**13AA.**—(1) Subject to the following provisions of this article, a qualification falls within this article if it was awarded in a relevant European State and—

- (a) in relation to registration as a nurse in sub-Part 1 of the Nurses' Part of the register, it is listed in Annex V, point 5.2.2 of the Directive;
  - (b) in relation to registration in the Midwives' Part of the register, it is listed in Annex V, point 5.5.2 of the Directive.
- (2) A qualification within paragraph (1)(b) falls within this article only if—
- (a) it attests to training that satisfies the conditions in paragraph (1)(a), (b) or (c) of article 41 of the Directive, and
  - (b) in the case mentioned in paragraph (1)(c) of that article, it is accompanied by a certificate of the sort described in paragraph (2) of that article.
- (3) A qualification does not fall within this article if it was awarded before the reference date, or on or after that date in respect of a course of training begun before that date.
- (4) In paragraph (3), “reference date” means—
- (a) in the case of a qualification within paragraph (1)(a), the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.2.2 of the Directive;
  - (b) in the case of a qualification within paragraph (1)(b), the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.5.2 of the Directive.”.

**Commencement Information**

**I192** Sch. 4 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**12.** Omit article 14 (EEA qualifications) <sup>M136</sup>.

**Commencement Information**

**I193** Sch. 4 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M136** Relevant amending instrument is [S.I. 2007/3101](#).

**13.** In article 15 (education and training) <sup>M137</sup>, omit paragraph (2).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I194** Sch. 4 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M137** Relevant amending instrument is [S.I. 2007/3101](#).

**14.** In article 19 (post-registration training) <sup>M138</sup>, omit paragraphs (2A) to (2D).

#### Commencement Information

**I195** Sch. 4 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M138** Paragraphs (2A) to (2D) were inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

**15.** In article 37 (appeals against decisions of the Registrar) <sup>M139</sup>—

- (a) in paragraph (1), omit sub-paragraphs (zb), (aa), and (e) to (h);
- (b) in paragraph (9)—
  - (i) in sub-paragraph (b), omit the words from “or, in” to the end;
  - (ii) at the end of paragraph (c), insert “ or ”;
  - (iii) omit sub-paragraph (ca) (including the final “or”).

#### Commencement Information

**I196** Sch. 4 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M139** Paragraph (1)(zb) was inserted by [S.I. 2015/806](#). Paragraph (1)(aa) was inserted by [S.I. 2007/3101](#). Paragraphs (1)(e)-(h) and (9)(ca) were inserted by, and paragraph (9)(b) was amended by, [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2016/1030](#), [2018/838](#).

**16.** In article 38 (other appeals) <sup>M140</sup>, in paragraph (3)—

- (a) in sub-paragraph (b), omit the words from “or, in” to the end;
- (b) at the end of paragraph (c), insert “ or ”;
- (c) omit sub-paragraph (ca) (including the final “or”).

#### Commencement Information

**I197** Sch. 4 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**



#### **Marginal Citations**

**M140** Paragraph (3)(ca) was inserted by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2016/1030](#), [2017/231](#).

**17.** Omit articles 39 to 40 (EEA provisions) <sup>M141</sup>.

#### **Commencement Information**

**I198** Sch. 4 para. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### **Marginal Citations**

**M141** Articles 39 and 40 were substituted by, and article 39A was inserted by, [S.I. 2007/3101](#). Article 39B was inserted by [S.I. 2016/1030](#). Article 39C was inserted by [S.I. 2018/838](#). Relevant amendments made by Schedule 19 to the Data Protection Act 2018. Relevant amending instruments are [S.I. 2016/1030](#), [2018/838](#).

**18.** Omit article 55 (review) <sup>M142</sup>.

#### **Commencement Information**

**I199** Sch. 4 para. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### **Marginal Citations**

**M142** Article 55 was inserted by [S.I. 2016/1030](#).

**19.** Omit Schedule 2A (visiting European practitioners) <sup>M143</sup>.

#### **Commencement Information**

**I200** Sch. 4 para. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### **Marginal Citations**

**M143** Schedule 2A was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2011/1043](#), [2016/1030](#).

**20.** Omit Schedule 2B (European Professional Card) <sup>M144</sup>.

#### **Commencement Information**

**I201** Sch. 4 para. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### **Marginal Citations**

**M144** Schedule 2B was inserted by [2016/1030](#), and amended by Schedule 19(2) Data Protection Act 2018.

**21.** Omit Schedule 3 (competent authority functions) <sup>M145</sup>.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

#### Commencement Information

**I202** Sch. 4 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M145** Schedule 3 was substituted by 2007/3101, and amended by Schedule 19(2) Data Protection Act 2018. Relevant amending instruments are **S.I. 2015/806**, 2016/1030.

#### 22. In Schedule 4 (interpretation) <sup>M146</sup>—

(a) for the definition of “the Directive” substitute—

““the Directive” means Directive **2005/36/EC** of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [<sup>F93</sup>IP completion day];”;

(b) omit the definitions of “competent authority”, “Directive **2002/58/EC**”, “European professional card”, “exempt person”, “General Systems Regulations”, “IMI”, “IMI file”, “national”, and “visiting nurse, midwife or nursing associate from a relevant European State”.

#### Textual Amendments

**F93** Words in Sch. 4 para. 22(a) substituted (31.12.2020 immediately before IP completion day) by **The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020** (S.I. 2020/1394), **regs. 1(2), 12(3)**

#### Commencement Information

**I203** Sch. 4 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M146** Relevant amending instruments are Data Protection Act 2018, **S.I. 2003/3148**, 2007/3101, 2011/1043, 2016/1030, 2018/838.

#### Nursing and Midwifery Council (Fees) Rules 2004 **U.K.**

**23.** In the Nursing and Midwifery Council (Fees) Rules 2004 <sup>M147</sup>, in rule 3 (prescribed fees), in the table—

(a) omit entry (d);

(b) in Column (2)—

(i) in entry (a), for “, (b), (c), (dd), (e) or (f)” substitute “ or (dd) ”;

(ii) in entry (c), omit “(c),”.

#### Commencement Information

**I204** Sch. 4 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M147** As set out in the Schedule to the [Nursing and Midwifery Council \(Fees\) Rules Order of Council 2004 \(S.I. 2004/1654\)](#).

### **Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004** **U.K.**

**24.** In the Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004 <sup>M148</sup>, omit article 8.

#### Commencement Information

**I205** Sch. 4 para. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M148** [S.I. 2004/1765](#). Relevant amending instruments are [S.I. 2007/3101](#), 2018/838.

### **European Nursing and Midwifery Qualifications Designation Order of Council 2004** **U.K.**

**25.** The European Nursing and Midwifery Qualifications Designation Order of Council 2004 <sup>M149</sup> is revoked.

#### Commencement Information

**I206** Sch. 4 para. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M149** [S.I. 2004/1766](#).

### **Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004** **U.K.**

**26.** The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 <sup>M150</sup> are amended as follows.

- (1) In rule 2 (interpretation) <sup>M151</sup>, omit paragraph (2).
- (2) Omit rule 2A (visiting European practitioners) <sup>M152</sup>.
- (3) In rule 3 (education) <sup>M153</sup>, omit paragraphs (1) to (2).
- (4) In rule 5 (applications for registration) <sup>M154</sup>—
  - (a) in paragraph (2)(a)—
    - (i) at the end of paragraph (i), insert “ or ”;
    - (ii) omit paragraph (ii);
    - (iii) in paragraph (iii), omit “(c),”;
    - (iv) omit paragraph (iv) (and the “or” before it);
  - (b) omit paragraphs (3) to (4A).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (5) In rule 6 (declarations of good health and character) <sup>M155</sup>—
- (a) in paragraph (1)(e), omit “(c) or”;
  - (b) omit paragraphs (1A) to (1F);
  - (c) in paragraph (5)(b), omit “or paragraph (1D), (1E),”;
  - (d) in paragraph (6)(b), omit “or paragraph (1B), (1C),”.
- (6) In rule 8 (unsuccessful applications) <sup>M156</sup>—
- (a) for “13(1)(b), (c), (d), (dd), (e) or (f)” substitute “ 13(1)(d) or (dd) ”;
  - (b) in paragraphs (b) and (c), omit “or (d)”.
- (7) In rule 15 (readmission) <sup>M157</sup>, in paragraph (2), omit “to (1E)”.
- (8) In rule 20 (periods for appeals) <sup>M158</sup>—
- (a) in paragraph (a)—
    - (i) for “(za), (zb), (a), (aa), (b), (c) or (e) to (h)” substitute “ (za), (a), (b) or (c) ”;
    - (ii) at the end insert “ or ”;
  - (b) omit paragraph (c) (and the “or” before it).
- (9) In rule 21 (notice of appeal) <sup>M159</sup>, in paragraph (2)—
- (a) in sub-paragraph (iii), for “(za), (zb), (a), (aa), (b), (c) or (e) to (g)” substitute “ (za), (a), (b) or (c) ”;
  - (b) in sub-paragraph (iv), omit “or (h)”.
- (10) In Schedule 3 (applications for registration) <sup>M160</sup>, omit paragraphs (ba) and (bb).

#### Commencement Information

**I207** Sch. 4 para. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M150** As set out in the Schedule to the [Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) Rules Order of Council 2004 \(S.I. 2004/1767\)](#).

**M151** Paragraph (2) was inserted by [S.I. 2007/3101](#).

**M152** Rule 2A was inserted by [S.I. 2007/3101](#) and substituted by pending amending instrument [S.I. 2018/838](#).

**M153** Paragraphs (1) and (2) were substituted by [S.I. 2007/3101](#).

**M154** Paragraphs (3) and (4) were inserted by [S.I. 2007/3101](#). Paragraph (4A) was inserted by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2007/3101](#), 2016/1030, 2018/838.

**M155** Paragraphs (1A) to (1F) were inserted by [S.I. 2007/3101](#), except paragraph (1ZA) which was inserted by [S.I. 2018/838](#). Relevant amending instruments are [S.I. 2007/3101](#), 2018/838.

**M156** Rule 8 was substituted by 2011/2297. Relevant amending instrument is [S.I. 2018/838](#).

**M157** Relevant amending instruments are [S.I. 2007/3101](#), 2014/1887, 2015/1923. There are other amending instruments but none is relevant.

**M158** Relevant amending instruments are [S.I. 2015/1923](#), 2016/1030.

**M159** Relevant amending instruments are [S.I. 2015/1923](#), 2016/1030.

**M160** Relevant amending instrument is [S.I. 2007/3101](#).

## PART 2 U.K.

### Savings and transitional provision

#### Pending applications U.K.

27.—(1) Where a relevant application is received before [<sup>F94</sup>IP completion day], any provision made by or under the 2001 Order (except for provision contained in Schedule 2B to the Order) continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

(2) In sub-paragraph (1) “relevant application” means an application for—

- (a) admission to a part of the register of qualified nurses, midwives and nursing associates,
- (b) renewal of registration in that register,
- (c) readmission to that register following lapse of registration, or
- (d) restoration to that register following striking-off.

#### Textual Amendments

**F94** Words in Sch. 4 para. 27(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(3)**

#### Commencement Information

**I208** Sch. 4 para. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### [<sup>F95</sup>Swiss nurses and midwives qualifying outside the United Kingdom: saving of old law U.K.]

27A.—(1) Where a registration application is received from a qualifying Swiss applicant before the end of the Swiss recognition period, any provision made by or under the 2001 Order continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 2001 Order and the 2004 Registration Rules specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 2001 Order (other than articles 6(3)(aa), 7(4), 9(1) and (7), 10(1) and (6), 12A(11), 19(2A) to (2D), 37(1)(aa), 39, 39A and 39C and Schedule 2A);
- (b) the Nursing and Midwifery Council (Fees) Rules 2004;
- (c) the European Nursing and Midwifery Qualifications Designation Order of Council 2004;
- (d) the 2004 Registration Rules (other than rules 2A, 20(a) (so far as it relates to article 37(1)(aa) of the 2001 Order) and 21(2)(a)(iii) (so far as it relates to article 37(1)(aa) of the 2001 Order)).

(3) The modifications to the 2001 Order mentioned in sub-paragraph (1) are that the Order is to be read as if—

- (a) in article 5A(7) for “an exempt person” there were substituted “a qualifying Swiss applicant”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (b) in article 9(3A) for “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (c) in article 13—
    - (i) for each reference to “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (ii) in paragraph (1)—
      - (aa) in sub-paragraph (c), in the words before paragraph (i), “subject to paragraph (1A)” were omitted;
      - (bb) sub-paragraphs (d) and (dd) were omitted;
    - (iii) paragraph (1A) were omitted;
    - (iv) in paragraph (1B), for sub-paragraph (a), there were substituted—
      - “(a) if the person holds a nursing or midwifery qualification which—
        - (i) was granted otherwise than in a relevant European State or the United Kingdom; but
        - (ii) has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying the person to practise as a nurse or midwife in Switzerland,

the acceptance of that qualification; and”;
  - (d) in article 37—
    - (i) in paragraph (1), sub-paragraphs (f) to (h) were omitted;
    - (ii) in paragraph (9)—
      - (aa) in sub-paragraph (b), the words from “or, in” to the end were omitted;
      - (bb) sub-paragraph (ca) (including the final “or”) were omitted;
  - (e) article 39B were omitted;
  - (f) Schedule 2B were omitted;
  - (g) in Schedule 4—
    - (i) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
    - (ii) there were inserted, at the appropriate place—
      - ““qualifying Swiss applicant” has the meaning given in paragraph 27A(5) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”.
- (4) The modifications to the 2004 Registration Rules mentioned in sub-paragraph (1) are that those Rules are to be read as if—
- (a) rule 3 were omitted;
  - (b) in rule 5(2)(a)(ii), “a valid European professional card as a nurse or” were omitted;
  - (c) in rule 6, for paragraph (1F) there were substituted—
    - “(1F) In paragraphs (1B) to (1E) the “attesting State”, in relation to A, is Switzerland.”;
  - (d) in Schedule 3 to the Rules—

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (i) in paragraph (ba), for “a relevant European State”, there were substituted “the United Kingdom or Switzerland”;
  - (ii) in paragraph (bb), for the words from “a relevant European State” to the end, there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the applicant is a qualifying Swiss applicant”.
- (5) In this paragraph—
- “the 2004 Registration Rules” means the Nursing and Midwifery (Education, Registration and Registration Appeals) Rules 2004;
- “qualifying Swiss applicant” means—
- (a) a Swiss applicant (“A”)—
    - (i) who holds a relevant qualification in nursing or midwifery,
    - (ii) who had not, before IP completion day, applied to be registered in the Midwives’ Part, or Sub-Part 1 of the Nurses’ Part of the register (as the case may be), and
    - (iii) if A falls within paragraph (a) of the definition of “Swiss applicant” and only holds relevant qualifications obtained in EEA States, is established in Switzerland; or
  - (b) a qualifying applicant who—
    - (i) holds a relevant qualification as a nursing associate, and
    - (ii) had not, before IP completion day, applied to be registered in the Nursing Associates’ Part of the register;
- “the register” has the meaning given in Schedule 4 to the 2001 Order;
- “registration application” means an application for registration—
- (a) in Sub-Part 1 of the Nurses’ Part of the register,
  - (b) in the Midwives’ Part of the register, or
  - (c) in the Nursing Associates’ Part of the register;
- “relevant qualification” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.]

#### Textual Amendments

**F95** Sch. 4 para. 27A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(4)**

#### Commencement Information

**I209** Sch. 4 para. 27A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Visiting nurses, midwives and nursing associates: saving of old law for up to [<sup>F96</sup>five years] [U.K.](#)**

- 28.**—(1) Where, immediately before [<sup>F97</sup>IP completion day]—
- (a) a visiting nurse or midwife was entitled under paragraph 4 or 7 of Schedule 2A to the 2001 Order to provide occasional services, or
  - (b) the Registrar was in receipt of the required documents (within the meaning of paragraph 5 of that Schedule) from a nurse or midwife seeking to acquire that entitlement,

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

any provision made by or under the Order continues to apply in relation to the nurse or midwife without the amendments that the Part 1 of this Schedule makes to the provisions relating to visiting midwives and certain visiting nurses from relevant European states [<sup>F98</sup>(but subject, in the case of a Swiss visiting nurse or Swiss visiting midwife, to the modifications to the 2001 Order specified in sub-paragraph (4))].

(2) But a visiting nurse or midwife's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the 2001 Order on or after [<sup>F99</sup>IP completion day] (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule. [<sup>F100</sup>This sub-paragraph is subject to sub-paragraphs (2A) to (2C).])

[<sup>F101</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting nurse or a Swiss visiting midwife.

(2B) But a Swiss visiting nurse or Swiss visiting midwife's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the 2001 Order on or after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph—

“Swiss visiting midwife” means a visiting midwife who is—

- (a) a national of the United Kingdom or a Swiss national, or
- (b) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the medical profession, no less favourably than a United Kingdom national or Swiss national;

“Swiss visiting nurse” means a visiting nurse who is—

- (a) a national of the United Kingdom or a Swiss national, or
- (b) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the medical profession, no less favourably than a United Kingdom national or Swiss national.]

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting midwives and certain visiting nurses from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting practitioners</i>
The 2001 Order	article 6(3)(aa)
	article 7(4)
	article 9(1) and (7)
	article 10(1) and (6)
	article 12A(11)
	article 19(2A) to (2D)
	article 37(1)(aa)
	article 39
	Schedule 2A
	in Schedule 4, the definitions of “competent authority”, “the Directive”, “exempt person”, “General Systems Regulations”, “national”,



	“relevant European State” and “visiting nurse or midwife from a relevant European State”
Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004	article 8
Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004	rule 2A rule 20(a) (so far as it relates to article 37(1)(aa) of the 2001 Order) rule 21(2)(a)(iii) (so far as it relates to article 37(1)(aa) of the 2001 Order)

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- [<sup>F102</sup>(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—
- (a) article 10(6) is to be read as if for the words from “visiting nurse” to the end there were substituted “Swiss visiting nurse or Swiss visiting midwife”;
  - (b) article 19(2D) is to be read as if, for the words from “the relevant” to the end there were substituted “Switzerland”;
  - (c) Schedule 2A is to be read as if—
    - (i) for paragraph 1, there were substituted—
      - “1. This Schedule applies to—
        - (a) a Swiss visiting nurse who is lawfully established as a nurse in Switzerland; or
        - (b) a Swiss visiting midwife who is lawfully established as a midwife in Switzerland.”;
      - (ii) in paragraph 2—
        - (aa) before sub-paragraph (a), there were inserted—
          - “(za) an “existing contract” means a written contract which was concluded, and the performance of which started, before IP completion day;”;
        - (bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting nurse or Swiss visiting midwife”;
        - (cc) in sub-paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland”;
        - (dd) in sub-paragraph (d), at the end, there were inserted—
          - “—
            - (i) on the basis of one or more existing contracts, and
            - (ii) for a period not exceeding 90 days in total in any calendar year.”;
    - (iii) in paragraph 5(2)—
      - (aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
      - (bb) for paragraph (c), there were substituted—
        - “(c) if the practitioner is not a national of the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting nurse or Swiss visiting midwife;”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

(iv) in paragraph 7, for sub-paragraph (6), there were substituted—

“(6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—

- (a) states the practitioner’s wish to provide occasional nursing services or occasional midwifery services in a further year;
- (b) contains details of the existing contract or contracts on the basis of which those services will continue to be provided;
- (c) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
- (d) if the practitioner is not a national of the United Kingdom or a Swiss national, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting nurse or Swiss visiting midwife.”;

(v) in paragraph 8(5), after paragraph (a), there were inserted—

“(aa) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional nursing or midwifery services, is terminated or otherwise expires; or”;

(d) Schedule 4 is to be read as if—

(i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;

(ii) there were inserted, at the appropriate places—

““Swiss visiting midwife” has the meaning given in paragraph 28(2C) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;

“Swiss visiting nurse” has the meaning given in paragraph 28(2C) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”.]

#### Textual Amendments

- F96** Words in Sch. 4 para. 28 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(5)(a)**
- F97** Words in Sch. 4 para. 28(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(5)(b)(i)**
- F98** Words in Sch. 4 para. 28(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(5)(b)(ii)**
- F99** Words in Sch. 4 para. 28(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(5)(c)(i)**
- F100** Words in Sch. 4 para. 28(2) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(5)(c)(ii)**
- F101** Sch. 4 para. 28(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(5)(d)**

**F102** Sch. 4 para. 28(4) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(5)(e)**

#### Commencement Information

**I210** Sch. 4 para. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**29.—(1)** Where—

(a) a person had, immediately before [<sup>F103</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as a nurse or nursing associate (and article 39A(3) or 39C(3) of the 2001 Order accordingly applied to the person), and

(b) the person continues to have that benefit on or after [<sup>F104</sup>IP completion day],

any provision made by or under the 2001 Order continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting general systems nurses and nursing associates from relevant European states [<sup>F105</sup>(but subject, in the case of a relevant applicant, to the modifications to the 2001 Order specified in sub-paragraph (4))].

[<sup>F106</sup>(1A) But a relevant applicant to whom sub-paragraph (1) applies may only provide services as a nurse or midwife (as the case may be) for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting nurse or nursing associate—

(a) in respect of a part of the register in which the person is registered as required by article 39A(3) or 39C(3) of the 2001 Order, when the person's name is removed under article 39A(6) or 39C(6) of the Order;

(b) in respect of any other part of the register, when the person's entitlement ceases by reason of the operation of article 39A(5) or 39C(5) of the 2001 Order.

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting general systems nurses and nursing associates from relevant European states” is to the provisions listed in the table in paragraph 28(3), but as if—

(a) the references to article 39 of, and Schedule 2A to, the 2001 Order were omitted, and

(b) there were inserted at the appropriate place a reference to articles 39A and 39C of the 2001 Order.

[<sup>F107</sup>(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—

(a) article 10(6) is to be read as if for the words from “visiting nurse” to the end there were substituted “relevant applicant”;

(b) article 39A(1) is to be read as if—

(i) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a relevant applicant”;

(ii) in sub-paragraph (a), for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;

(c) article 39C(1) is to be read as if—

(i) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a relevant applicant”;

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- (ii) in sub-paragraph (a), for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
- (d) Schedule 4 is to be read as if—
  - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (ii) there were inserted, at the appropriate place—
    - ““relevant applicant” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”.]

#### Textual Amendments

- F103** Words in Sch. 4 para. 29(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(6)(a)(i)**
- F104** Words in Sch. 4 para. 29(1)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(6)(a)(i)**
- F105** Words in Sch. 4 para. 29(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(6)(a)(ii)**
- F106** Sch. 4 para. 29(1A) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(6)(b)**
- F107** Sch. 4 para. 29(4) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(6)(c)**

#### Commencement Information

- I211** Sch. 4 para. 29 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### European Professional Card **U.K.**

- 30.**—(1) Sub-paragraph (2) applies where, immediately before [<sup>F108</sup>IP completion day]—
- (a) a person held a valid European professional card for establishment as a nurse in the United Kingdom, or
  - (b) the Nursing and Midwifery Council was in receipt of a person's application for such a card, the application having been transmitted to it under Article 4d(1) of the Directive.
- (2) For the purposes of registration in the register of qualified nurses, midwives and nursing associates, the person is not required to resubmit any document or evidence held by the Council which is derived from the person's IMI file and which does not appear to the Council to have become invalid.
- (3) In this paragraph—
- (a) “the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), as it had effect immediately before [<sup>F109</sup>IP completion day];

- (b) “IMI file” has the meaning given by Schedule 4 to the 2001 Order as it had effect immediately before [F110IP completion day].

#### Textual Amendments

- F108** Words in Sch. 4 para. 30(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(7)**
- F109** Words in Sch. 4 para. 30(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(7)**
- F110** Words in Sch. 4 para. 30(3)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(7)**

#### Commencement Information

- I212** Sch. 4 para. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**31.**—(1) Where, immediately before [F111IP completion day], a person was entitled as mentioned in paragraph 15(2) of Schedule 2B to the 2001 Order, any provision made by or under that Order continues to apply in relation to the person without the amendments made by Part 1 of this Schedule to the provisions relating to the provision of occasional nursing services by holders of a European professional card.

(2) For the purposes of paragraph 15(4)(a) of Schedule 2B to the 2001 Order as it continues to apply by virtue of sub-paragraph (1)—

- (a) a European professional card that was transmitted as mentioned in paragraph 15(1)(a) of that Schedule is to be treated as becoming invalid on the expiry of the period of 18 months beginning with the day on which it was transmitted;
- (b) a European professional card that was issued as mentioned in paragraph 15(1)(b) of that Schedule is to be treated as becoming invalid on the expiry of the period of 12 months beginning with the day on which it was issued.

(3) The reference in sub-paragraph (1) to “the provisions relating to the provision of occasional nursing services by holders of a European professional card” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting practitioners</i>
The 2001 Order	article 6(3)(aa)
	article 7(4)
	article 10(1) and (6)
	article 19(2A) to (2D)
	article 39
	article 39B
	in Schedule 2B, paragraphs 2 (except the definitions of “automatically recognised nurse”, “EPC holder” and “missing document”), 15 and 16

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in Schedule 4, the definitions of “competent authority”, “the Directive”, “European professional card”, “General Systems Regulations”, “IMI”, and “relevant European State”

Nurses and Midwives (Parts of and Entries in the article 8 Register) Order of Council 2004

#### Textual Amendments

**F111** Words in Sch. 4 para. 31(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(7)**

#### Commencement Information

**I213** Sch. 4 para. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**32.—**(1) A decision within article 37(1)(g) of the 2001 Order taken before [<sup>F112</sup>IP completion day], or a failure within article 37(1)(h) of that Order arising before [<sup>F112</sup>IP completion day], continues to be appealable for the purposes of article 37 of that Order (subject to the provisions of the Order) despite the revocation of article 37(1)(h) and (g).

(2) In disposing of such an appeal (or a further appeal under article 38 of the 2001 Order), the powers of the Council (or the court or sheriff) are, instead of those set out in article 37(9) (or 38(3)) of the 2001 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and—
  - (i) direct that such steps be taken as the Council (or the court or sheriff) thinks fit to draw the findings of the Council (or the court or sheriff) to the attention of the European Commission;
  - (ii) direct that the person in respect of whom the decision was taken (or the failure arose) is to be treated, for the purposes of paragraph 29(1)(a), as a person who held a valid European professional card <sup>F113</sup>... as a nurse in the United Kingdom immediately before [<sup>F114</sup>IP completion day],

and, in the case of an appeal under article 38, to make such order as to costs (or, in Scotland, expenses) as the court or sheriff thinks fit.

#### Textual Amendments

**F112** Words in Sch. 4 para. 32(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(8)(a)**

**F113** Words in Sch. 4 para. 32(2)(b)(ii) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(8)(b)**

**F114** Words in Sch. 4 para. 32(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(8)(a)**

#### Commencement Information

**I214** Sch. 4 para. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### IMI alerts **U.K.**

**33.—**(1) Where an alert has been sent by the Nursing and Midwifery Council before [<sup>F115</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of article 37 of the 2001 Order despite the revocation of article 37(1)(f).

(2) In disposing of such an appeal (or a further appeal under article 38 of the 2001 Order), the powers of the Council (or the court or sheriff) are, instead of those set out in article 37(9) (or 38(3)) of the 2001 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F116</sup> ...,

and, in the case of an appeal under article 38, to make such order as to costs (or, in Scotland, expenses) as the court or sheriff thinks fit.

#### Textual Amendments

**F115** Words in Sch. 4 para. 33(1) substituted (31.12.2020 immediately before IP completion day) by *The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1394), **regs. 1(2), 12(9)**

**F116** Words in Sch. 4 para. 33(2)(b) omitted (24.2.2022) by virtue of *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022* (S.I. 2022/82), **regs. 1(2), 3(5)**

#### Commencement Information

**I215** Sch. 4 para. 33 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Interpretation of saved provisions **U.K.**

**34.** Where a provision continues to apply by virtue of this Part, it is to be read as if—

(a) in Schedule 4 to the 2001 Order—

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

““the Directive” means Directive *2005/36/EC* of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [<sup>F117</sup>IP completion day];”;

(ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F118</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

(iii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—



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- “(a) a person who, immediately before [F<sup>119</sup>IP completion day], was a national of a relevant European State,
  - (b) a person who, immediately before [F<sup>119</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the medical profession by virtue of an enforceable EU right, or
  - (c) a person who, immediately before [F<sup>119</sup>IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of a relevant European State;”;
- (iv) in the definition of “General Systems Regulations” [F<sup>120</sup>(other than in the definition as it continues to apply by virtue of paragraph 27A)], at the end there were inserted—
- “(a) in relation to anything done before [F<sup>121</sup>IP completion day], as they had effect at that time;
  - (b) otherwise, as (and only to the extent that) they have effect, on or after [F<sup>121</sup>IP completion day], in relation to an entitlement which arose before [F<sup>121</sup>IP completion day] or arises as a result of something done before [F<sup>121</sup>IP completion day];”;
- (v) in the definition of “national”, for “is not” there were substituted “was not, immediately before [F<sup>122</sup>IP completion day]”;
- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

#### Textual Amendments

- F117** Words in Sch. 4 para. 34(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(10)(a)**
- F118** Words in Sch. 4 para. 34(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(10)(a)**
- F119** Words in Sch. 4 para. 34(a)(iii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(10)(a)**
- F120** Words in Sch. 4 para. 34(a)(iv) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(10)(b)**
- F121** Words in Sch. 4 para. 34(a)(iv) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(10)(a)**
- F122** Words in Sch. 4 para. 34(a)(v) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(10)(a)**

#### Commencement Information

- I216** Sch. 4 para. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)



## SCHEDULE 5 **U.K.**

Regulation 6

### Opticians

## **PART 1** **U.K.**

### Amendments to legislation

#### **Interpretation** **U.K.**

1. In this Schedule, “the 1989 Act” means the Opticians Act 1989 <sup>M161</sup>.

#### **Commencement Information**

**I217** Sch. 5 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### **Marginal Citations**

**M161** 1989 c. 44.

#### **Opticians Act 1989** **U.K.**

2. The 1989 Act is amended as follows.

#### **Commencement Information**

**I218** Sch. 5 para. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

3. In section 8 (qualifications for registration) <sup>M162</sup>—

- (a) omit subsection (1A);
- (b) after subsection (2A) insert—

“(2B) A determination under subsection (2A) may not be made in relation to a person whose qualification—

- (a) was granted in a relevant European State, and
- (b) indicates, in the opinion of the Council, a level of attainment of competency comparable to that indicated by an approved UK qualification.

(2C) In subsection (2B), “approved UK qualification” means a qualification that is—

- (a) approved under section 12(7)(b), and
- (b) granted by an establishment in the United Kingdom that is approved under section 12(7)(a).”.

#### **Commencement Information**

**I219** Sch. 5 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Marginal Citations

**M162** Relevant amending instruments are [S.I. 2005/848](#), 2007/3101.

4. Omit sections 8B to 8D (registration of visiting European practitioners) <sup>M163</sup>.

#### Commencement Information

**I220** Sch. 5 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M163** Sections 8B to 8D were inserted by [S.I. 2007/3101](#). Sections 8C and 8D were amended by [S.I. 2016/1030](#).

5. In section 10 (general provisions as to registers and lists) <sup>M164</sup>—
- (a) in subsection (1)(c), omit “subject to subsection (1ZA),”;
  - (b) omit subsection (1ZA).

#### Commencement Information

**I221** Sch. 5 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M164** Relevant amending instruments are [S.I. 2005/848](#), 2007/3101.

6. In section 10A (indemnity arrangements) <sup>M165</sup>, omit subsection (11).

#### Commencement Information

**I222** Sch. 5 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M165** Section 10A was inserted by [S.I. 2005/848](#) and substituted by [S.I. 2014/1887](#).

7. In section 11A (continuing education and training), omit subsections (5) to (7) <sup>M166</sup>.

#### Commencement Information

**I223** Sch. 5 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M166** Section 11A was inserted by [S.I. 2005/848](#) and subsections (5) to (7) were inserted by [S.I. 2007/3101](#).

8. In section 11B (failure to satisfy continuing education and training requirements) <sup>M167</sup>, omit subsections (1A) to (1C).

**Commencement Information**

**I224** Sch. 5 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M167** Section 11B was inserted by [S.I. 2005/848](#) and subsections (1A) to (1C) were inserted by [S.I. 2007/3101](#).

**9.** In section 23G (appeals) <sup>M168</sup>—

(a) in subsection (1)—

(i) in paragraph (c), at the end insert “ and ”;

(ii) omit paragraph (e) and the “and” before it;

(b) in subsection (4), in paragraphs (b) and (c), for “(e)” substitute “ (d) ”;

(c) omit subsection (8).

**Commencement Information**

**I225** Sch. 5 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M168** Section 23G was inserted by [S.I. 2005/848](#). Relevant amending instrument is [S.I. 2016/1030](#).

**10.** In section 29 (death or bankruptcy) <sup>M169</sup>, omit subsection (2A).

**Commencement Information**

**I226** Sch. 5 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M169** Subsection 2A was inserted by [S.I. 2007/3101](#).

**11.** In section 36 (interpretation) <sup>M170</sup>, in subsection (1)—

(a) omit the definitions of “exempt person” and “General Systems Regulations”;

(b) in the definition of “individual registrant”, for “ , 8A or 8B ” substitute “ or 8A ”;

(c) in the definition of “register”, omit paragraph (ca);

(d) in the definitions of “registered dispensing optician” and “registered optometrist”, omit the words from “or in” to the end.

**Commencement Information**

**I227** Sch. 5 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M170** Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#), [2011/1043](#), [2016/1030](#).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

12. In Schedule 1 (constitution of the General Council)<sup>M171</sup>, in paragraph 1A(1)(b)(ii), omit “or 8B”.

**Commencement Information**

I228 Sch. 5 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Marginal Citations**

M171 Relevant amending instrument is S.I. 2008/1774.

**National Health Service (Scotland) Act 1978** U.K.

13. In the National Health Service (Scotland) Act 1978<sup>M172</sup>, in section 108 (interpretation), in subsection (1), in the definition of “ophthalmic optician” omit from “, or in” to “that Act” (where it first occurs).

**Commencement Information**

I229 Sch. 5 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Marginal Citations**

M172 1978 c. 29. Relevant amending instruments are S.I. 2005/848, 2007/3101.

**National Health Service Act 2006** U.K.

14. In the National Health Service Act 2006<sup>M173</sup>, in section 275 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act,”.

**Commencement Information**

I230 Sch. 5 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Marginal Citations**

M173 2006 c. 41. Relevant amending instrument is S.I. 2007/3101.

**National Health Service (Wales) Act 2006** U.K.

15. In the National Health Service (Wales) Act 2006<sup>M174</sup>, in section 206 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act,”.

**Commencement Information**

I231 Sch. 5 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M174** 2006 c. 42. Relevant amending instrument is [S.I. 2007/3101](#).

### National Health Service (General Ophthalmic Services) Regulations 1986 **U.K.**

**16.** In the National Health Service (General Ophthalmic Services) Regulations 1986 <sup>M175</sup>, in regulation 2 (interpretation), in paragraph (1), in the definition of “optician” omit from “or in” to “that Act”.

#### Commencement Information

**I232** Sch. 5 para. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M175** [S.I. 1986/975](#). Relevant amending instruments are [S.I. 2005/1481](#), [2007/122](#) (W.12), [2007/3101](#).

### National Health Service (Service Committees and Tribunal) Regulations 1992 **U.K.**

**17.** In the National Health Service (Service Committees and Tribunal) Regulations 1992 <sup>M176</sup>, in regulation 2 (interpretation), in paragraph (1), in paragraph (b) of the definition of “optician” omit from “or in” to “that Act”.

#### Commencement Information

**I233** Sch. 5 para. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M176** [S.I. 1992/664](#). Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#).

### General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993 **U.K.**

**18.** In the General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993 <sup>M177</sup>, in rule 4 (classes of exempt person), omit paragraph (c).

#### Commencement Information

**I234** Sch. 5 para. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M177** As set out in the Schedule to the [General Optical Council \(Testing of Sight by Persons Training as Ophthalmic Opticians Rules\) Order of Council 1994](#) ([S.I. 1994/70](#)). Relevant amending instrument is [S.I. 2007/3101](#).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

## Medicines for Human Use (Clinical Trials) Regulations 2004 **U.K.**

19. In the Medicines for Human Use (Clinical Trials) Regulations 2004 <sup>M178</sup>, in regulation 2 (interpretation), in paragraph (1), in paragraph (e) of the definition of “health care professional” omit from “or in” to “that Act,”.

### Commencement Information

**I235** Sch. 5 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Marginal Citations

**M178** S.I. 2004/1031. Relevant amending instrument is S.I. 2007/3101.

## General Optical Council (Registration) Rules 2005 **U.K.**

20. In the General Optical Council (Registration) Rules 2005 <sup>M179</sup>—

- (a) in rule 2 (interpretation), omit paragraph (1A);
- (b) in rule 5(1) (information from applicants)—
  - (i) in sub-paragraph (d), omit from “(except” to “registered)”;
  - (ii) in sub-paragraph (f), omit from “except” to “8(1A),”;
- (c) in rule 12 (entries on the register), omit paragraph (2);
- (d) in rule 13 (entries relating to specialties), omit paragraph (2);
- (e) omit rules 21A and 21B (visiting opticians from relevant European states).

### Commencement Information

**I236** Sch. 5 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Marginal Citations

**M179** As set out in the Schedule to the **General Optical Council (Registration Rules) Order of Council 2005** (S.I. 2005/1478). Relevant amending instrument is S.I. 2007/3101.

## National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 **U.K.**

21. In the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 <sup>M180</sup>, in regulation 2 (interpretation), in paragraph (1)—

- (a) in the definition of “optometrist”, omit from “or in” to “that Act”;
- (b) in paragraph (b) of the definition of “register”, omit from “or in” to “that Act” (where it first occurs).

### Commencement Information

**I237** Sch. 5 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M180** [S.S.I. 2006/135](#). Relevant amending instrument is [S.I. 2007/3101](#).

### National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 **U.K.**

**22.** In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 <sup>M181</sup>, in regulation 2 (interpretation), in paragraph (1), in paragraph (a) of the definition of “optometrist independent prescriber”, omit from “, or in” to “that Act”.

#### Commencement Information

**I238** Sch. 5 para. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M181** [S.S.I. 2009/183](#).

### Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012 **U.K.**

**23.** In the Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012 <sup>M182</sup>, in regulation 1(2) (interpretation), in the definition of “ophthalmic optician”, omit from “, or in” to “that Act” (where it first occurs).

#### Commencement Information

**I239** Sch. 5 para. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M182** [S.S.I. 2012/110](#).

### Human Medicines Regulations 2012 **U.K.**

**24.** In the Human Medicines Regulations 2012 <sup>M183</sup>, in regulation 8 (interpretation), in paragraph (1)—

- (a) in the definition of “registered optometrist”, omit the words from “or the” to the end;
- (b) in paragraph (c) of the definition of “the relevant register”, omit the words from “or the” to the end.

#### Commencement Information

**I240** Sch. 5 para. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M183** [S.I. 2012/1916](#).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

## PART 2 U.K.

### Savings and transitional provision

#### Pending applications U.K.

25. Where an application for—

- (a) entry in, or restoration to, a register kept under the 1989 Act, or
- (b) the entry, or restoration of an entry, of particulars of a specialty in such a register,

is received before [<sup>F123</sup>IP completion day], any provision made by or under that Act continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

#### Textual Amendments

**F123** Words in Sch. 5 para. 25 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(2)**

#### Commencement Information

**I241** Sch. 5 para. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### [<sup>F124</sup>Swiss opticians and optometrists qualifying outside the United Kingdom: saving of old law U.K.]

**25A.**—(1) Where a registration application is received from a Swiss optician before the end of the Swiss recognition period, any provision made by or under the 1989 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1989 Act and the General Optical Council (Registration) Rules 2005 specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 1989 Act (other than sections 8B to 8D, 10(1)(c) and (1ZA), 10A(11), 11A(5) to (7), 11B(1A) to (1C) and 29(2A) and paragraph 1A(1)(b)(ii) of Schedule 1);
- (b) the General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993;
- (c) the General Optical Council (Registration) Rules 2005 (other than rules 2(1A), 21A and 21B).

(3) The modifications to the 1989 Act mentioned in sub-paragraph (1) are—

- (a) section 8(1A)(a) is to be read as if for “an exempt person” there were substituted “a Swiss optician”;
- (b) section 36 is to be read as if, in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”.



(4) The modifications to the General Optical Council (Registration) Rules 2005 mentioned in sub-paragraph (1) are—

- (a) rule 12(2)(b)(ii) is to be read as if for “a relevant European State, other than the United Kingdom” there were substituted “a competent authority in Switzerland, pursuant to Article 2(2) of the Directive”;
- (b) rule 13(2)(a) is to be read as if for “a relevant European State other than the United Kingdom” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”.

(5) In this paragraph—

“registration application” means an application for registration in the register of optometrists or the register of dispensing opticians kept under section 7 of the 1989 Act;

“Swiss optician” means a qualifying applicant who had not, before IP completion day, made a registration application in respect of registration in the register in which the applicant wishes to be registered on or after IP completion day.]

#### Textual Amendments

**F124** Sch. 5 para. 25A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(3)**

#### Commencement Information

**I242** Sch. 5 para. 25A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Visiting opticians: saving of old law for up to <sup>F125</sup>five years] **U.K.**

26.—(1) Where—

- (a) a person had, immediately before [<sup>F126</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as an optometrist or dispensing optician (and section 8C(3) or 8D(3) of the 1989 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after [<sup>F127</sup>IP completion day],

any provision made by an Act or instrument amended by Part 1 of this Schedule continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting opticians from relevant European states [<sup>F128</sup>(but subject, in the case of a relevant applicant, to the modifications to the 1989 Act specified in sub-paragraph (4))].

[<sup>F129</sup>(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may not provide services as an optometrist or a dispensing optician (as the case may be) for a period exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting optometrist or dispensing optician—

- (a) if the optometrist or optician is registered as required by section 8C(3) or 8D(3) of the 1989 Act, when his or her name is removed under section 8C(6) or 8D(6) of the Act;
- (b) otherwise, when his or her entitlement ceases by reason of the operation of section 8C(5) or 8D(5) of the Act.

[<sup>F130</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting optician.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

(2B) But a Swiss visiting optician’s entitlement does not continue (or further continue) under sections 8C or 8D of the 1989 Act on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting optician” means a visiting optometrist or dispensing optician who—

- (a) is a national of the United Kingdom or is a Swiss national, or
- (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of optometrist or dispensing optician, no less favourably than a national of the United Kingdom or Switzerland.]

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting opticians from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting opticians</i>
The 1989 Act	sections 8B to 8D section 10(1)(c) and (1ZA) section 10A(11) section 11A(5) to (7) section 11B(1A) to (1C) section 29(2A) section 36(1) Schedule 1, paragraph 1A(1)(b)(ii)
National Health Service (Scotland) Act 1978	section 108(1)
National Health Service (General Ophthalmic Services) Regulations 1986	regulation 2(1)
National Health Service (Service Committees and Tribunal) Regulations 1992	regulation 2(1)
Medicines for Human Use (Clinical Trials) Regulations 2004	regulation 2(1)
General Optical Council (Registration) Rules 2005	rules 2(1A), 21A and 21B
National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006	regulation 2(1)
National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009	regulation 2(1)
Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012	regulation 1(2)
Human Medicines Regulations 2012	regulation 8(1)

[<sup>F131</sup>(4) The modifications to the 1989 Act mentioned in sub-paragraph (1) are—

- (a) section 8C is to be read as if in subsection (1)—

- (i) for “an exempt person” there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019”;
- (ii) for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
- (b) section 8D is to be read as if in subsection (1)—
  - (i) for “an exempt person” there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019”;
  - (ii) for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
- (c) section 11A is to be read as if in subsection (7), for the words from “the relevant” to the end there were substituted “Switzerland”;
- (d) section 11B is to be read as if in subsection (1C), for the words from “the relevant” to the end there were substituted “Switzerland”.]

#### Textual Amendments

- F125** Words in Sch. 5 para. 26 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(4)(a)**
- F126** Words in Sch. 5 para. 26(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(4)(b)(i)**
- F127** Words in Sch. 5 para. 26(1)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(4)(b)(i)**
- F128** Words in Sch. 5 para. 26(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(4)(b)(ii)**
- F129** Sch. 5 para. 26(1A) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(4)(c)**
- F130** Sch. 5 para. 26(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(4)(d)**
- F131** Sch. 5 para. 26(4) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(4)(e)**

#### Commencement Information

- I243** Sch. 5 para. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### IMI alerts **U.K.**

27.—(1) Where an alert has been sent by the General Optical Council before [<sup>F132</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

section 23G of the 1989 Act (subject to the provisions of that Act) despite the repeal of section 23G(1) (e).

[<sup>F133</sup>(2) In disposing of such an appeal, the powers of the relevant court continue to be those set out in section 23G(8) of the 1989 Act (as it had effect before the coming into force of these Regulations), but as if the words “that the alert be withdrawn or amended” were omitted.]

#### Textual Amendments

**F132** Words in Sch. 5 para. 27(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(5)**

**F133** Sch. 5 para. 27(2) substituted (24.2.2022) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022 \(S.I. 2022/82\)](#), regs. 1(2), **3(6)**

#### Commencement Information

**I244** Sch. 5 para. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Interpretation of saved provisions **U.K.**

**28.** Where a provision continues to apply by virtue of this Part, it is to be read as if—

(a) in section 36(1) of the 1989 Act—

(i) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F134</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

(ii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—

“(a) a person who, immediately before [<sup>F135</sup>IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [<sup>F135</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession by virtue of an enforceable EU right, or

(c) a person who, immediately before [<sup>F135</sup>IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of a relevant European State;”;

(iii) in the definition of “General Systems Regulations” [<sup>F136</sup>(other than in that definition as it is saved by paragraph 25A)], at the end there were inserted—

“(a) in relation to anything done before [<sup>F137</sup>IP completion day], as they had effect at that time;

(b) otherwise, as (and only to the extent that) they have effect, on or after [<sup>F137</sup>IP completion day], in relation to an entitlement which arose before [<sup>F137</sup>IP completion day] or arises as a result of something done before [<sup>F137</sup>IP completion day];”;

- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

#### Textual Amendments

- F134** Words in Sch. 5 para. 28(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(6)(a)**
- F135** Words in Sch. 5 para. 28(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(6)(a)**
- F136** Words in Sch. 5 para. 28(a)(iii) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(6)(b)**
- F137** Words in Sch. 5 para. 28(a)(iii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **13(6)(a)**

#### Commencement Information

- I245** Sch. 5 para. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## SCHEDULE 6 **U.K.**

Regulation 7

### Osteopaths

## PART 1 **U.K.**

### Amendments to legislation

#### Interpretation **U.K.**

1. In this Schedule, “the 1993 Act” means the Osteopaths Act 1993 <sup>M184</sup>.

#### Commencement Information

- I246** Sch. 6 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M184** [1993 c. 21](#).

#### Osteopaths Act 1993 **U.K.**

2. The 1993 Act is amended as follows.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I247** Sch. 6 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. Omit section 5A (registration of visiting European osteopaths) <sup>M185</sup>.

#### Commencement Information

**I248** Sch. 6 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M185** Section 5A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

4. In section 6 (supplemental provision about registration) <sup>M186</sup>—

- (a) in subsection (1)(a), for “, provisional or temporary” substitute “ or provisional ”;
- (b) in subsection (2), for “Subject to subsection (4A), the” substitute “ The ”;
- (c) omit subsection (4A);
- (d) in subsection (5), omit “, except in the case of temporary registration,”;
- (e) omit subsection (6).

#### Commencement Information

**I249** Sch. 6 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M186** Sections (4A) and (6) were inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2007/3101](#).

5. In section 8 (restoration to the register) <sup>M187</sup>, in subsection (8), for “, provisionally registered osteopaths or temporarily registered osteopaths” substitute “ or provisionally registered osteopaths ”.

#### Commencement Information

**I250** Sch. 6 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M187** Relevant amending instrument is [S.I. 2007/3101](#).

6. In section 14 (recognition of qualifications) <sup>M188</sup>—

- (a) after subsection (2), insert—
  - “(2A) A qualification that—
    - (a) was granted by an institution in a relevant European State, and

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

(b) is, in the opinion of the General Council, evidence of having reached a standard of proficiency comparable to that evidenced by a qualification recognised under subsection (2),

is to be treated for the purposes of this Act as if it were so recognised.”;

(b) in subsection (3), after “qualification”, where it first occurs, insert “ (not being one to which subsection (2A) applies) ”;

(c) omit subsections (10) and (11).

#### Commencement Information

**I251** Sch. 6 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M188** Relevant amending instrument is [S.I. 2011/1043](#).

7. In section 17 (post registration training) <sup>M189</sup>, omit subsections (2A) to (2D).

#### Commencement Information

**I252** Sch. 6 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M189** Sections (2A) to (2D) were inserted by [S.I. 2007/3101](#), and amended by [S.I. 2008/1774](#).

8. In section 29 (appeals against decisions of the Registrar) <sup>M190</sup>, omit subsection (1)(ba).

#### Commencement Information

**I253** Sch. 6 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M190** Subsection (1)(ba) was inserted by [S.I. 2007/3101](#).

9. Omit section 29A (appeals against decisions of the General Council) <sup>M191</sup>.

#### Commencement Information

**I254** Sch. 6 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M191** Section 29A was inserted by [S.I. 2007/3101](#). Relevant amendments made by Schedule 9 to the [Crime and Courts Act 2013 \(c. 22\)](#). Relevant amending instrument is [S.I. 2016/1030](#).

10. In section 37 (indemnity arrangements) <sup>M192</sup>, omit subsection (2).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I255** Sch. 6 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M192** Section 37 was substituted by **S.I. 2014/1887**.

**11.** In section 41 (interpretation) <sup>M193</sup>—

- (a) omit the definitions of “exempt person”, “General Systems Regulations”, and “temporarily registered osteopath”;
- (b) in the definition of “registered osteopath”, for the words from “, as a provisionally” to the end, substitute “ or as a provisionally registered osteopath ”.

#### Commencement Information

**I256** Sch. 6 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M193** Relevant amending instruments are **S.I. 2007/3101**, 2011/1043, 2016/1030.

### General Osteopathic Council (Registration) Rules 1998 **U.K.**

**12.** In the General Osteopathic Council (Registration) Rules 1998 <sup>M194</sup>—

- (a) in rule 3 (form of register)—
  - (i) in paragraph (1)(a) and (b), omit “or other relevant European State”;
  - (ii) in paragraph (3)—
    - (aa) in sub-paragraph (b), for “, conditionally registered or temporarily registered” substitute “ or conditionally registered ”;
    - (bb) in sub-paragraph (d), for “, “conditional” or “temporary”” substitute “or “conditional””;
- (b) in rule 7 (certificates), in paragraph (2)(a)(iv), omit “, a temporarily registered osteopath”.

#### Commencement Information

**I257** Sch. 6 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M194** As set out in the Schedule to the **General Osteopathic Council (Registration) Rules Order of Council 1998 (S.I. 1998/1328)**. Relevant amending instrument is **S.I. 2007/3101**.

### General Osteopathic Council (Application for Registration and Fees) Rules 2000 **U.K.**

**13.** In the General Osteopathic Council (Application for Registration and Fees) Rules 2000 <sup>M195</sup>—



**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (a) in rule 2 (interpretation), in paragraph (1), omit the definition of “European Economic Area State”;
- (b) in rule 6 (entry fee), in paragraph (2)(b), omit “or other European Economic Area State,”;
- (c) in rule 8 (retention fee), in paragraph (2)(b), omit “or other European Economic Area State,”;
- (d) in rule 10 (restoration fee), in paragraph (2)(b), omit “or other European Economic Area State,”.

#### Commencement Information

**I258** Sch. 6 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M195** As set out in the Schedule to the [General Osteopathic Council \(Application for Registration and Fees\) Rules Order of Council 2000 \(S.I. 2000/1038\)](#). Relevant amending instrument is [S.I. 2004/1947](#).

### General Osteopathic Council (Recognition of Qualifications) Rules 2000 **U.K.**

**14.** In the General Osteopathic Council (Recognition of Qualifications) Rules 2000 <sup>M196</sup>, in rule 4 (non-UK qualifications), omit paragraph (2).

#### Commencement Information

**I259** Sch. 6 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M196** As set out in the Schedule to the [General Osteopathic Council \(Recognition of Qualifications\) Rules Order of Council 2000 \(S.I. 2000/1281\)](#). Relevant amending instrument is [S.I. 2007/3101](#).

## PART 2 **U.K.**

### Savings and transitional provision

#### Pending applications **U.K.**

**15.**—(1) Where an application for entry in, or restoration to, the register kept under the 1993 Act is received before [<sup>F138</sup>IP completion day], any provision made by or under that Act continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

(2) Where section 14(10) of the 1993 Act continues to apply by virtue of sub-paragraph (1), the reference in that subsection to EU or Community law is to be read as a reference to Part 3 of the General Systems Regulations (and the section is accordingly to be read with the omission of subsection (11)).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

### Textual Amendments

**F138** Words in Sch. 6 para. 15(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(2)**

### Commencement Information

**I260** Sch. 6 para. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### [<sup>F139</sup>Swiss osteopaths qualifying outside the United Kingdom: saving of old law **U.K.**

**15A.**—(1) Where a registration application is received from a Swiss osteopath before the end of the Swiss recognition period, any provision made by or under the 1993 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1993 Act, the Fees Rules and the Recognition Rules specified in sub-paragraphs (3) to (5)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments (other than the provisions listed in the table following paragraph 16(3))—

- (a) the 1993 Act (other than sections 5A, 6(1), (2), (4A), (5) and (6), 8(8), 17(2A) to (2D), 29(1)(ba), 29A (other than subsection (2)(c)) and 37(2));
- (b) the Fees Rules;
- (c) the Recognition Rules.

(3) The modifications to the 1993 Act mentioned in sub-paragraph (1) are—

- (a) in section 14—
  - (i) in subsection (10), the reference to “EU law”, and
  - (ii) in subsection (10)(b), the reference to “Community law”,

are to be read as a reference to Part 3 of the General Systems Regulations (and the section is accordingly to be read with the omission of subsection (11));

- (b) section 41 is to be read as if in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”.

(4) The modification to the Fees Rules mentioned in sub-paragraph (1) is that rule 6(2)(b) is to be read as if for “or other European Economic Area State” there were substituted, “, Switzerland”.

(5) The modification to the Recognition Rules mentioned in sub-paragraph (1) is that rule 4(2) is to be read as if—

- (a) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss osteopath (within the meaning given in paragraph 15A(6) of Schedule 6 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (b) in sub-paragraph (b)(ii), for “a relevant European State, other than the United Kingdom,” there were substituted “a competent authority in Switzerland, pursuant to Article 2(2) of the Directive”.

(6) In this paragraph—

“the Fees Rules” means the General Osteopathic Council (Application for Registration and Fees) Rules 2000;

“the Recognition Rules” means the General Osteopathic Council (Recognition of Qualifications) Rules 2000;

“registration application” means an application for entry in the register maintained under the 1993 Act;

“Swiss osteopath” means a qualifying applicant who had not, before IP completion day, made a registration application.]

#### Textual Amendments

**F139** Sch. 6 para. 15A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(3)**

#### Commencement Information

**I261** Sch. 6 para. 15A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Visiting osteopaths: saving of old law for up to <sup>F140</sup>five years] **U.K.**

16.—(1) Where—

(a) a person had, immediately before <sup>F141</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as an osteopath (and section 5A(3) of the 1993 Act accordingly applied to the person), and

(b) the person continues to have that benefit on or after <sup>F142</sup>IP completion day],

any provision made by or under the 1993 Act continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting osteopaths from relevant European states <sup>F143</sup>(but subject, in the case of a relevant applicant, to the modifications to the 1993 Act specified in sub-paragraph (4)).

<sup>F144</sup>(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as an osteopath for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting osteopath—

(a) if the osteopath is registered as required by section 5A(3) of the 1993 Act, when the osteopath's name is removed under section 5A(6) of the Act;

(b) otherwise, when the osteopath's entitlement ceases by reason of the operation of section 5A(5) of the Act.

<sup>F145</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting osteopath.

(2B) But a Swiss visiting osteopath's entitlement does not continue (or further continue) under section 5A of the 1993 Act on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting osteopath” means a visiting osteopath who—

(a) is a national of the United Kingdom or is a Swiss national, or

(b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

of the osteopath profession, no less favourably than a national of the United Kingdom or Switzerland.]

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting osteopaths from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting osteopaths</i>
The 1993 Act	section 5A section 6(1), (2), (4A), (5) and (6) section 8(8) section 17(2A) to (2D) section 29(1)(ba) section 29A (other than subsection (2)(c)) section 37(2) section 41
General Osteopathic Council (Registration) Rules 1998	rules 3(1) and (3) and 7(2)(a)

[<sup>F146</sup>(4) The modifications to the 1993 Act mentioned in sub-paragraph (1) are—

- (a) section 5A(1) is to be read as if for the words from “an exempt person” to the end there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“V”) who is lawfully established as an osteopath in Switzerland (“State A”);
- (b) section 17(2D) is to be read as if for the words from “the relevant” to “osteopath” there were substituted “Switzerland”.]

#### Textual Amendments

- F140** Words in Sch. 6 para. 16 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(4)(a)**
- F141** Words in Sch. 6 para. 16(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(4)(b)(i)**
- F142** Words in Sch. 6 para. 16(1)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(4)(b)(i)**
- F143** Words in Sch. 6 para. 16(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(4)(b)(ii)**
- F144** Sch. 6 para. 16(1A) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(4)(c)**
- F145** Sch. 6 para. 16(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(4)(d)**

**F146** Sch. 6 para. 16(4) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(4)(e)**

#### Commencement Information

**I262** Sch. 6 para. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### IMI alerts **U.K.**

17.—(1) Where an alert has been sent by the General Osteopathic Council before [<sup>F147</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of section 29A of the 1993 Act (subject to the provisions of that Act) despite the repeal of section 29A(2)(c).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in section 29A(3) of the 1993 Act, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F148</sup> ...,

and to make such order as to costs (or, in Scotland, expenses) as the court (or sheriff) thinks fit.

#### Textual Amendments

**F147** Words in Sch. 6 para. 17(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(5)**

**F148** Words in Sch. 6 para. 17(2)(b) omitted (24.2.2022) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022 \(S.I. 2022/82\)](#), regs. 1(2), **3(7)**

#### Commencement Information

**I263** Sch. 6 para. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Interpretation of saved provisions **U.K.**

18. Where a provision continues to apply by virtue of this Part, it is to be read as if—

- (a) in section 41 of the 1993 Act—
  - (i) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F149</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;
  - (ii) in the definition of “exempt person”—
    - (aa) for paragraphs (a) to (c) there were substituted—
      - “(a) a person who, immediately before [<sup>F150</sup>IP completion day], was a national of a relevant European State,
      - (b) a person who, immediately before [<sup>F150</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking

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**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

access to, or pursuing, the profession of osteopathy by virtue of an enforceable EU right, or

(c) a person who, immediately before [<sup>F150</sup>IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession of osteopathy, no less favourably than a national of a relevant European State;”;

(bb) in the words after paragraph (c), for “is not” substitute “was not, immediately before [<sup>F150</sup>IP completion day]”;

(iii) in the definition of “General Systems Regulations” [<sup>F151</sup>(other than in that definition as it is saved by paragraph 15A)], at the end there were inserted—

“(a) in relation to anything done before [<sup>F152</sup>IP completion day], as they had effect at that time;

(b) otherwise, as (and only to the extent that) they have effect, on or after [<sup>F152</sup>IP completion day], in relation to an entitlement which arose before [<sup>F152</sup>IP completion day] or arises as a result of something done before [<sup>F152</sup>IP completion day];”;

(b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

#### Textual Amendments

**F149** Words in Sch. 6 para. 18(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(6)(a)**

**F150** Words in Sch. 6 para. 18(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(6)(a)**

**F151** Words in Sch. 6 para. 18(a)(iii) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(6)(b)**

**F152** Words in Sch. 6 para. 18(a)(iii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **14(6)(a)**

#### Commencement Information

**I264** Sch. 6 para. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

SCHEDULE 7 **U.K.**

Regulation 8

Chiropractors

**PART 1** **U.K.**

Amendments to legislation

**Interpretation** **U.K.**

1. In this Schedule, “the 1994 Act” means the Chiropractors Act 1994 <sup>M197</sup>.

**Commencement Information**

**I265** Sch. 7 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M197** 1994 c. 17.

**Chiropractors Act 1994** **U.K.**

2. The 1994 Act is amended as follows.

**Commencement Information**

**I266** Sch. 7 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. Omit section 5A (registration of visiting European chiropractors) <sup>M198</sup>.

**Commencement Information**

**I267** Sch. 7 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M198** Section 5A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

4. In section 6 (supplemental provision about registration) <sup>M199</sup>—
  - (a) in subsection (1)(a), for “, provisional or temporary” substitute “ or provisional ”;
  - (b) in subsection (2), for “Subject to subsection (4A), the” substitute “ The ”;
  - (c) omit subsection (4A);
  - (d) in subsection (5), omit “, except in the case of temporary registration,”;
  - (e) omit subsection (6).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I268** Sch. 7 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M199** Subsections (4A) and (6) were added by **S.I. 2007/3101**. Relevant amending instrument is **S.I. 2007/3101**.

5. In section 8 (restoration to the register) <sup>M200</sup>, in subsection (8), for “, provisionally registered chiropractors or temporarily registered chiropractors” substitute “ or provisionally registered chiropractors ”.

#### Commencement Information

**I269** Sch. 7 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M200** Relevant amending instrument is **S.I. 2007/3101**.

6. In section 14 (recognition of qualifications) <sup>M201</sup>—

(a) after subsection (2), insert—

“(2A) A qualification that—

(a) was granted by an institution in a relevant European State, and

(b) is, in the opinion of the General Council, evidence of having reached a standard of proficiency comparable to that evidenced by a qualification recognised under subsection (2),

is to be treated for the purposes of this Act as if it were so recognised.”;

(b) in subsection (3), after “qualification”, where it first occurs, insert “ (not being one to which subsection (2A) applies) ”;

(c) omit subsections (10) and (11).

#### Commencement Information

**I270** Sch. 7 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M201** Relevant amending instrument is **S.I. 2011/1043**.

7. In section 17 (post registration training) <sup>M202</sup>, omit subsections (2A) to (2D).

#### Commencement Information

**I271** Sch. 7 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**



**Marginal Citations**

**M202** Subsections (2A) to (2D) were inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2008/1774](#).

8. In section 29 (appeals against decisions of the Registrar) <sup>M203</sup>, omit subsection (1)(ba).

**Commencement Information**

**I272** Sch. 7 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M203** Subsection (1)(ba) was inserted by [S.I. 2007/3101](#).

9. Omit section 29A (appeals against decisions of the General Council) <sup>M204</sup>.

**Commencement Information**

**I273** Sch. 7 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M204** Section 29A was inserted by [S.I. 2007/3101](#). Relevant amendments made by Schedule 9 to the Crime and Courts Act 2013. Relevant amending instrument is [S.I. 2016/1030](#).

10. In section 37 (indemnity arrangements) <sup>M205</sup>, omit subsection (2).

**Commencement Information**

**I274** Sch. 7 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M205** Section 37 was substituted by [S.I. 2014/1887](#).

11. In section 43 (interpretation) <sup>M206</sup>—

- (a) omit the definitions of “exempt person”, “the General Systems Regulations”, and “temporarily registered chiropractor”;
- (b) in the definition of “registered chiropractor”, for the words after “conditionally registered chiropractor” substitute “ or as a provisionally registered chiropractor ”.

**Commencement Information**

**I275** Sch. 7 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M206** Relevant amending instruments are [S.I. 2007/3101](#), 2011/1043, 2016/1030.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

## General Chiropractic Council (Registration) Rules 1999 **U.K.**

12. In the General Chiropractic Council (Registration) Rules 1999 <sup>M207</sup>—

- (a) in rule 2 (interpretation), omit paragraph (2A);
- (b) in rule 3 (form of register), in paragraph (4)(a), for “, provisionally registered and temporarily” substitute “ and provisionally ”;
- (c) in rule 6 (certificates), in paragraph (2), for “, provisionally or temporarily” substitute “ or provisionally ”.

### Commencement Information

**I276** Sch. 7 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

### Marginal Citations

**M207** As set out in the Schedule to the [General Chiropractic Council \(Registration\) Rules Order of Council 1999 \(S.I. 1999/1856\)](#). Relevant amending instrument is [S.I. 2007/3101](#).

## General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002 **U.K.**

13. In the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002 <sup>M208</sup>—

- (a) in rule 2 (interpretation), omit the definition of “the Directive”;
- (b) for the heading of Part 2 substitute “ Applications by chiropractors with foreign qualifications ”;
- (c) in rule 4 (application of Part 2)—
  - (i) at the end of paragraph (a), insert “ and ”;
  - (ii) omit paragraph (c) and the “and” before it;
- (d) in rule 5 (treatment of foreign qualifications)—
  - (i) in paragraphs (1) and (2), omit “, subject to paragraph (3),”;
  - (ii) omit paragraph (3);
- (e) in rule 6 (required standard of proficiency)—
  - (i) in paragraph (1), for “Subject to paragraph (1A), in” substitute “ In ”;
  - (ii) omit paragraph (1A);
- (f) omit Part 3 (chiropractors entitled to be authorised under EU law);
- (g) in the Schedule, omit Form B.

### Commencement Information

**I277** Sch. 7 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

### Marginal Citations

**M208** As set out in the Schedule to the [General Chiropractic Council \(Registration of Chiropractors with Foreign Qualifications\) Rules Order of Council 2002 \(S.I. 2002/2704\)](#). Relevant amending instruments are [S.I. 2007/3101](#), [2011/1043](#).

## PART 2 U.K.

### Savings and transitional provision

#### Pending applications U.K.

**14.**—(1) Where an application for entry in, or restoration to, the register kept under the 1994 Act is received before [<sup>F153</sup>IP completion day], any provision made by or under that Act continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

(2) Where section 14(10) of the 1994 Act continues to apply by virtue of sub-paragraph (1), the reference in that subsection to EU or Community law is to be read as a reference to Part 3 of the General Systems Regulations (and the section is accordingly to be read with the omission of subsection (11)).

### Textual Amendments

**F153** Words in Sch. 7 para. 14(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **15(2)**

### Commencement Information

**I278** Sch. 7 para. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### [<sup>F154</sup>Swiss chiropractors qualifying outside the United Kingdom: saving of old law U.K.]

**14A.**—(1) Where a registration application is received from a Swiss chiropractor before the end of the Swiss recognition period, any provision made by or under the 1994 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to that Act and the 2002 Rules specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 1994 Act (other than sections 5A, 6(1), (2), (4A), (5) and (6), 8(8), 17(2A) to (2D), 29(1)(ba), 29A (other than subsection (2)(c)) and 37(2));
- (b) the 2002 Rules (other than rules 2(2A), 3(4)(a) and 6(2)).

(3) The modifications to the 1994 Act are—

- (a) in section 14(10), in both places where it occurs, “EU law” is to be read as a reference to Part 3 of the General Systems Regulations (and the section is accordingly to be read with the omission of subsection (11));

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- (b) section 43 is to be read as if, in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”.
- (4) The modifications to the 2002 Rules mentioned in sub-paragraph (1) are—
- (a) rules 5(3), 6(1A) and 11(1) are to be read as if for each reference to “an exempt person” there were substituted “a Swiss chiropractor”;
- (b) rule 6(1A)(b)(ii) is to be read as if for “a relevant European State” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”;
- (c) rule 11 is to be read as if for paragraph (6) there were substituted—
- “ (6) In paragraphs (2) to (5), the “attesting State” in relation to A, is Switzerland.”.
- (5) In this paragraph—
- “the 2002 Rules” means the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002;
- “registration application” means an application for entry in the register maintained under the 1994 Act;
- “Swiss chiropractor” means a qualifying applicant who had not, before IP completion day, made a registration application.]

#### Textual Amendments

**F154** Sch. 7 para. 14A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **15(3)**

#### Commencement Information

**I279** Sch. 7 para. 14A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Visiting chiropractors: saving of old law for up to <sup>F155</sup>five years] **U.K.**

15.—(1) Where—

- (a) a person had, immediately before [<sup>F156</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as a chiropractor (and section 5A(3) of the 1994 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after [<sup>F157</sup>IP completion day],

any provision made by or under the 1994 Act continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting chiropractors from relevant European states [<sup>F158</sup>(but subject, in the case of a relevant applicant, to the modifications to the 1994 Act specified in sub-paragraph (4))].

[<sup>F159</sup>(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a chiropractor for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting chiropractor—

- (a) if the chiropractor is registered as required by section 5A(3) of the 1994 Act, when his or her name is removed under section 5A(6) of the Act;
- (b) otherwise, when the chiropractor's entitlement ceases by reason of the operation of section 5A(5) of the Act.

[<sup>F160</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting chiropractor.

(2B) But a Swiss visiting chiropractor's entitlement does not continue (or further continue) under section 5A of the 1994 Act on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, "Swiss visiting chiropractor" means a visiting chiropractor who—

- (a) is a national of the United Kingdom or is a Swiss national, or
- (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the chiropractor profession, no less favourably than a national of the United Kingdom or Switzerland.]

(3) The reference in sub-paragraph (1) to "the provisions relating to visiting chiropractors from relevant European states" is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting chiropractors</i>
The 1994 Act	section 5A section 6(1), (2), (4A), (5) and (6) section 8(8) section 17(2A) to (2D) section 29(1)(ba) section 29A (other than subsection (2)(c)) section 37(2) [ <sup>F161</sup> section 43]
General Chiropractic Council (Registration) Rules 1999	rules 2(2A), 3(4)(a) and 6(2)

[<sup>F162</sup>(4) The modifications to the 1994 Act mentioned in sub-paragraph (1) are—

- (a) section 5A(1) is to be read as if for the words from "an exempt" to the end there were substituted "a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) ("V") who is lawfully established as a chiropractor in Switzerland ("State A")";
- (b) section 17(2D) is to be read as if for the words from "the relevant" to "chiropractor" there were substituted "Switzerland".]

#### **Textual Amendments**

**F155** Words in Sch. 7 para. 15 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **15(4)(a)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- F156** Words in Sch. 7 para. 15(1)(a) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(4)(b)(i)**
- F157** Words in Sch. 7 para. 15(1)(b) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(4)(b)(i)**
- F158** Words in Sch. 7 para. 15(1) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(4)(b)(ii)**
- F159** Sch. 7 para. 15(1A) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(4)(c)**
- F160** Sch. 7 para. 15(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(4)(d)**
- F161** Words in Sch. 7 para. 15 table substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(4)(f)**
- F162** Sch. 7 para. 15(4) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(4)(e)**

#### Commencement Information

- I280** Sch. 7 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

#### IMI alerts **U.K.**

16.—(1) Where an alert has been sent by the General Chiropractic Council before [<sup>F163</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of section 29A of the 1994 Act (subject to the provisions of that Act) despite the repeal of section 29A(2)(c).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in section 29A(3) of the 1994 Act, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F164</sup> ...,

and to make such order as to costs (or, in Scotland, expenses) as the court (or sheriff) thinks fit.

#### Textual Amendments

- F163** Words in Sch. 7 para. 16(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(5)**
- F164** Words in Sch. 7 para. 16(2)(b) omitted (24.2.2022) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022 (S.I. 2022/82), regs. 1(2), **3(8)**

#### Commencement Information

- I281** Sch. 7 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

## Interpretation of saved provisions **U.K.**

17. Where a provision continues to apply by virtue of this Part, it is to be read as if—
- (a) in section 43 of the 1994 Act—
    - (i) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F165</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;
    - (ii) in the definition of “exempt person”—
      - (aa) for paragraphs (a) to (c) there were substituted—
        - “(a) a person who, immediately before [<sup>F166</sup>IP completion day], was a national of a relevant European State,
        - (b) a person who, immediately before [<sup>F166</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of chiropractic by virtue of an enforceable EU right, or
        - (c) a person who, immediately before [<sup>F166</sup>IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession of chiropractic, no less favourably than a national of a relevant European State;”;
      - (bb) in the words after paragraph (c), for “is not” there were substituted “ was not, immediately before [<sup>F166</sup>IP completion day]”;
    - (iii) in the definition of “General Systems Regulations” [<sup>F167</sup>(other than in that definition as it is saved by paragraph 14A)], at the end there were inserted—
      - “(a) in relation to anything done before [<sup>F168</sup>IP completion day], as they had effect at that time;
      - (b) otherwise, as (and only to the extent that) they have effect, on or after [<sup>F168</sup>IP completion day], in relation to an entitlement which arose before [<sup>F168</sup>IP completion day] or arises as a result of something done before [<sup>F168</sup>IP completion day];”;
  - (b) in the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002—
    - (i) in rule 2, in the definition of “the Directive”, for “as amended from time to time” there were substituted “as it had effect immediately before [<sup>F169</sup>IP completion day]”;
    - (ii) in rules 11(1) and 12, the references to the Directive applying or not applying to a case were references to the case falling within or outside the Directive;
  - (c) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

### Textual Amendments

**F165** Words in Sch. 7 para. 17(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1394), regs. 1(2), **15(6)(a)**



**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

- F166** Words in Sch. 7 para. 17(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(6)(a)**
- F167** Words in Sch. 7 para. 17(a)(iii) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(6)(b)**
- F168** Words in Sch. 7 para. 17(a)(iii) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(6)(a)**
- F169** Words in Sch. 7 para. 17(b) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **15(6)(a)**

#### Commencement Information

- I282** Sch. 7 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

## SCHEDULE 8 **U.K.**

Regulation 9

Health <sup>F170</sup> ... professionals

#### Textual Amendments

- F170** Words in Sch. 8 title omitted (31.12.2020 immediately before IP completion day) by virtue of The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **16(2)**

## PART 1 **U.K.**

### Amendments to legislation

#### Interpretation **U.K.**

1. In this Schedule, “the 2001 Order” means the Health <sup>F171</sup> ... Professions Order 2001 <sup>M209</sup>.

#### Textual Amendments

- F171** Words in Sch. 8 para. 1 omitted (31.12.2020 immediately before IP completion day) by virtue of The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **16(3)**

#### Commencement Information

- I283** Sch. 8 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

#### Marginal Citations

- M209** S.I. 2002/254.



## Health <sup>F172</sup>... Professions Order 2001 **U.K.**

2. The 2001 Order is amended as follows.

### Textual Amendments

**F172** Words in Sch. 8 para. 2 heading omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(4)**

### Commencement Information

**I284** Sch. 8 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. In article 6 (health and social work professions register) <sup>M210</sup>, omit paragraph (3)(aa).

### Commencement Information

**I285** Sch. 8 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M210** Paragraph (3)(aa) was inserted by [S.I. 2007/3101](#), and was amended by section 215(5) of the [Health and Social Care Act 2012 \(c. 7\)](#).

4. In article 7 (register: supplemental provision) <sup>M211</sup>, omit paragraph (4).

### Commencement Information

**I286** Sch. 8 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M211** Paragraph (4) was inserted by [S.I. 2007/3101](#), and was amended by section 215(5) of the [Health and Social Care Act 2012](#).

5. In article 8 (access to register) <sup>M212</sup>, omit paragraph (5).

### Commencement Information

**I287** Sch. 8 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Marginal Citations

**M212** Relevant amending instrument is [S.I. 2007/3101](#).

6. In article 9 (registration) <sup>M213</sup>—

- (a) in paragraph (1), for “Subject to paragraph (8), a” substitute “ A ”;
- (b) in paragraph (5), for “specified in the General Systems Regulations” substitute “ of three months beginning with the day on which the application is received ”;

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

(c) omit paragraph (8).

#### Commencement Information

**I288** Sch. 8 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M213** Paragraph (8) was inserted by, and paragraphs (1) and (5) were amended by [S.I. 2007/3101](#). Relevant amendments are made by section 215(5) of the Health and Social Care Act 2012, [S.I. 2014/1887](#).

7. In article 10 (renewal and readmission) <sup>M214</sup>—

- (a) in paragraph (1), for “Subject to paragraph (6), where” substitute “ Where ”;
- (b) omit paragraph (6).

#### Commencement Information

**I289** Sch. 8 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M214** Paragraph (6) was inserted by, and paragraph (1) was amended by, [S.I. 2007/3101](#). Paragraph (6) was also amended by section 215(6) of the Health and Social Care Act 2012.

8. In article 11A (indemnity arrangements) <sup>M215</sup>, omit paragraph (12).

#### Commencement Information

**I290** Sch. 8 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M215** Article 11A was inserted by [S.I. 2014/1887](#).

9. In article 12 (approved qualifications) <sup>M216</sup>—

- (a) in paragraph (1)—
  - (i) at the end of sub-paragraph (a), insert “ or ”;
  - (ii) omit sub-paragraphs (b) and (ba);
  - (iii) in sub-paragraph (c)(iii), omit “(except where he is an exempt person)”;
- (b) omit paragraph (1A).

#### Commencement Information

**I291** Sch. 8 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M216** Paragraph (1)(b) and (c)(iii) was substituted, and paragraph (1A) was inserted, by [S.I. 2007/3101](#). Paragraph (1)(ba) was inserted by [S.I. 2016/1030](#). Relevant amendments are made by section 215(7) of the Health and Social Care Act 2012.

**10.** Omit article 13A (visiting professionals from relevant European states) <sup>M217</sup>.

#### Commencement Information

**I292** Sch. 8 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M217** Article 13A was inserted by [S.I. 2007/3101](#). Relevant amendments made by section 215(5) of the Health and Social Care Act 2012, [S.I. 2016/1030](#).

**11.** In article 19 (post-registration training) <sup>M218</sup>, omit paragraphs (2A) to (2D).

#### Commencement Information

**I293** Sch. 8 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M218** Paragraphs 2A to 2D were inserted by [S.I. 2007/3101](#). Paragraph 2A was amended by section 215(10) of the Health and Social Care Act 2012.

**12.** In article 37 (registration appeals) <sup>M219</sup>, omit paragraph (1)(aa).

#### Commencement Information

**I294** Sch. 8 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M219** Paragraph (1)(aa) was inserted by [S.I. 2007/3101](#) and was amended by section 215(5) of the Health and Social Care Act 2012.

**13.** In article 38 (other appeals) <sup>M220</sup>—

- (a) in paragraph (1)(b), for “mentioned in paragraph (1A)” substitute “ under article 37 ”;
- (b) omit paragraph (1A);
- (c) in paragraph (3)—
  - (i) in sub-paragraph (b), omit the words from “or, in the case” to the end;
  - (ii) in sub-paragraph (c), omit from “, or the failure” to “(1A)(e)”.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

#### Commencement Information

**I295** Sch. 8 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M220** Paragraph (1A) was inserted by **S.I. 2007/3101**. Relevant amending instruments are **S.I. 2004/2033**, **2007/3101**, **2014/1887**, **2016/1030**.

**14.** Omit article 49 (review) <sup>M221</sup>.

#### Commencement Information

**I296** Sch. 8 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M221** Article 49 was inserted by **S.I. 2016/1030**.

**15.** In Schedule 3 (interpretation) <sup>M222</sup>, omit the definitions of “European professional card”, “exempt person”, “General Systems Regulations”, “national”, “relevant European State” and “visiting health <sup>F173</sup> ... professional from a relevant European State”.

#### Textual Amendments

**F173** Words in Sch. 8 para. 15 omitted (31.12.2020 immediately before IP completion day) by virtue of **The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394)**, **regs. 1(2)**, **16(5)**

#### Commencement Information

**I297** Sch. 8 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M222** Relevant amending instruments are **S.I. 2003/3148**, **2007/3101**, **2011/1043**, **2016/1030** and other relevant amendments made by section 215(13) of the Health and Social Care Act 2012.

### Health Professions (Parts of and Entries in the Register) Order of Council 2003 **U.K.**

**16.** In the Health Professions (Parts of and Entries in the Register) Order of Council 2003 <sup>M223</sup>, omit article 7.

#### Commencement Information

**I298** Sch. 8 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M223** **S.I. 2003/1571**. Article 7 was inserted by **S.I. 2007/3101**.

## Health and Care Professions Council (Registration and Fees) Rules 2003 **U.K.**

17. In the Health and Care Professions Council (Registration and Fees) Rules 2003 <sup>M224</sup>—
- (a) in rule 2 (interpretation), omit the definitions of “attesting State” and “competent authority”;
  - (b) omit rule 2A;
  - (c) in rule 4 (registration applications), in paragraph (4)(a), omit paragraphs (ii) and (ia) (but not the final “or”);
  - (d) in rule 7 (knowledge of English), omit “who is not an exempt person”;
  - (e) in rule 17 (scrutiny fees), in paragraph (2), omit “(b) or”.

### Commencement Information

**I299** Sch. 8 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Marginal Citations

**M224** As set out in the Schedule to the [Health Professions Council \(Registration and Fees\) Rules Order of Council 2003 \(S.I. 2003/1572\)](#). Relevant amending instruments are [S.I. 2007/1280](#), 3101, 2012/1479, 2015/1337, 2016/693, 1030.

## Health Professions Council (Registration Appeals) Rules 2003 **U.K.**

18. In the Health Professions Council (Registration Appeals) Rules 2003 <sup>M225</sup>, in rule 4 (period for appealing), in paragraph (b), for the words from “specified” to the end substitute “ of three months referred to in article 9(5) of the Order ”.

### Commencement Information

**I300** Sch. 8 para. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Marginal Citations

**M225** As set out in the Schedule to the [Health Professions Council \(Registration Appeals\) Rules Order of Council 2003 \(S.I. 2003/1579\)](#).

## PART 2 **U.K.**

### Savings and transitional provision

#### Pending applications **U.K.**

19.—(1) Where a relevant application is received before [<sup>F174</sup>IP completion day], any provision made by or under the 2001 Order (except for article 12(1)(ba) of the Order) continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

- (2) In sub-paragraph (1), “relevant application” means an application for—
- (a) admission to a part of the register kept under the 2001 Order,

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (b) renewal of registration in that register,
- (c) readmission to that register following lapse of registration, or
- (d) restoration to that register following striking-off.

#### Textual Amendments

**F174** Words in Sch. 8 para. 19(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(6)**

#### Commencement Information

**I301** Sch. 8 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### <sup>F175</sup> **Swiss health professionals qualifying outside the United Kingdom: saving of old law** **U.K.**

**19A.—**(1) Where a registration application is received from a Swiss health professional before the end of the Swiss recognition period, any provision made by or under the 2001 Order continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 2001 Order and the Registration Rules specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments (other than the articles and rule listed in the table following paragraph 20(3))—

- (a) the 2001 Order;
- (b) the Registration Rules;
- (c) the Health Professions Council (Registration Appeals) Rules 2003.

(3) The modifications to the 2001 Order mentioned in sub-paragraph (1) are that the Order is to be read as if—

- (a) in article 8(5)—
  - (i) for “another relevant European State” there were substituted “Switzerland”;
  - (ii) for “are amended from time to time” there were substituted “had effect immediately before IP completion day”;
- (b) in article 12—
  - (i) in paragraph (1)—
    - (aa) in sub-paragraphs (b) and (c)(iii) for “an exempt person” there were substituted “a Swiss health professional”;
    - (bb) sub-paragraph (ba) were omitted;
  - (ii) in paragraph (1A)—
    - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss health professional”;
    - (bb) in sub-paragraph (a)(ii), for “a relevant European State, other than the United Kingdom” there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on

- the recognition of professional qualifications, as it had effect immediately before IP completion day”;
- (c) in article 38—
- (i) in paragraph (1A), sub-paragraphs (c) to (e) were omitted;
  - (ii) in paragraph (3)—
    - (aa) in sub-paragraph (b), the words from “or, in the case” to the end were omitted;
    - (bb) in sub-paragraph (c), the words from “, or the failure” to “(1A)(e),” were omitted;
- (d) article 49 were omitted;
- (e) in Schedule 3—
- (i) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (ii) there were inserted, at the appropriate place—
    - ““Swiss health professional” has the meaning given in paragraph 19A(5) of Schedule 8 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”.
- (4) The modifications to the Registration Rules mentioned in sub-paragraph (1) are—
- (a) rule 2 is to be read as if—
    - (i) for the definition of “attesting State”, there were substituted—
      - ““attesting State”, in relation to an application, is Switzerland;”;
    - (ii) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (b) rule 7 is to be read as if for “an exempt person” there were substituted “a Swiss health professional (within the meaning given in paragraph 19A(5) of Schedule 8 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (c) Schedule 1 to the Registration Rules is to be read as if after paragraph (d), there were inserted—
    - “(dza) where that person is not a national of the United Kingdom or of Switzerland, proof of the enforceable EU right by virtue of which the person is a Swiss health professional.”.
- (5) In this paragraph—
- “registration application” means an application for admission to the register maintained under the 2001 Order;
  - “the Registration Rules” means the Health and Care Professions Council (Registration and Fees) Rules 2003;
  - “relevant professions” has the meaning given in Schedule 3 to the 2001 Order;
  - “Swiss health professional” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under article 13A of the 2001 Order).]

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

### Textual Amendments

**F175** Sch. 8 para. 19A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(7)**

### Commencement Information

**I302** Sch. 8 para. 19A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## Visiting health <sup>F176</sup>... professionals: saving of old law for up to [<sup>F177</sup>five years] **U.K.**

**20.**—(1) Where—

- (a) a person had, immediately before [<sup>F178</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as a member of one of the relevant professions (and article 13A(3) of the 2001 Order accordingly applied to the person), and
- (b) the person continues to have that benefit on or after [<sup>F179</sup>IP completion day],

any provision made by or under the 2001 Order continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting health <sup>F180</sup>... professionals from relevant European states [<sup>F181</sup>(but subject, in the case of a relevant applicant, to the modifications to the 2001 Order specified in sub-paragraph (4))].

[<sup>F182</sup>(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a member of one of the relevant professions for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting health <sup>F183</sup>... professional—

- (a) if the professional is registered as required by article 13A(3) of the 2001 Order, when his or her name is removed under article 13A(6) of the Order;
- (b) otherwise, when the professional's entitlement ceases by reason of the operation of article 13A(5) of the Order.

[<sup>F184</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting health professional.

(2B) But a Swiss visiting health professional's entitlement does not continue (or further continue) under article 13A of the 2001 Order on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting health professional” means a visiting health professional who—

- (a) is a national of the United Kingdom or is a Swiss national, or
- (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a relevant profession, no less favourably than a national of the United Kingdom or Switzerland.]

(3) In sub-paragraph (1)—

- (a) “relevant professions” has the meaning given by Schedule 3 to the 2001 Order;
- (b) the reference to “the provisions relating to visiting health <sup>F185</sup>... professionals from relevant European states” is to the provisions listed in the following table.



<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
The 2001 Order	article 6(3)(aa) article 7(4) article 9(1) and (8) article 10(1) and (6) article 11A(12) article 13A (except paragraph (2)(b)) article 19(2A) to (2D) article 37(1)(aa) article 38 (so far as relating to article 37(1)(aa)) in Schedule 3, the definitions of “exempt person”, “the General Systems Regulations”, “national”, “relevant European State” and “visiting health <small>F186</small> ... professional from a relevant European State”
Health Professions (Parts of and Entries in the Register) Order of Council 2003	article 7
Health and Care Professions (Registration and Fees) Rules 2003	Council rule 2A

[<sup>F187</sup>(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—

(a) article 13A is to be read as if for paragraph (1) there were substituted—

“(1) This article applies to a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“V”) who is lawfully established, in Switzerland (“State A”), as a member of one of the relevant professions (“the established profession”).”;

(b) article 19(2D) is to be read as if for the words from “the relevant” to the end there were substituted “Switzerland”.]

### Textual Amendments

**F176** Words in Sch. 8 para. 20 heading omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(a)(i)**

**F177** Words in Sch. 8 para. 20 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(a)(ii)**

**F178** Words in Sch. 8 para. 20(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(b)(i)**

**F179** Words in Sch. 8 para. 20(1)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(b)(i)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- F180** Words in Sch. 8 para. 20(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(b)(ii)(aa)**
- F181** Words in Sch. 8 para. 20(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(b)(ii)(bb)**
- F182** Sch. 8 para. 20(1A) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(c)**
- F183** Words in Sch. 8 para. 20(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(d)**
- F184** Sch. 8 para. 20(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(e)**
- F185** Words in Sch. 8 para. 20(3)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(f)(i)**
- F186** Words in Sch. 8 para. 20(3) table omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(f)(ii)**
- F187** Sch. 8 para. 20(4) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(g)**

#### Commencement Information

- I303** Sch. 8 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

#### European Professional Card **U.K.**

- 21.—(1) Sub-paragraph (2) applies where, immediately before [<sup>F188</sup>IP completion day]—
- (a) a person held a valid European professional card <sup>F189</sup>... as a physiotherapist in the United Kingdom, or
  - (b) the Health and Care Professions Council was in receipt of a person's application for such a card, the application having been transmitted to it under Article 4d(1) of the Directive.
- (2) For the purposes of registration as a physiotherapist, the person is not required to resubmit any document or evidence held by the Council which is derived from the person's IMI file and which does not appear to the Council to have become invalid.
- (3) Where, immediately before [<sup>F190</sup>IP completion day], a person fell within article 12(1)(ba) of the 2001 Order by virtue of holding a European professional card <sup>F191</sup>... as a physiotherapist in the United Kingdom, the person is to continue to be regarded as having an approved qualification for the purposes of registration as a physiotherapist despite the revocation of article 12(1)(ba).
- (4) In this paragraph—
- (a) “the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), as it had effect immediately before [<sup>F192</sup>IP completion day];
  - (b) “IMI file” has the meaning given by Schedule 4 to the 2001 Order as it had effect immediately before [<sup>F193</sup>IP completion day];

- (c) “registration as a physiotherapist” means registration as such in the register maintained under article 5 of the 2001 Order.

#### Textual Amendments

- F188** Words in Sch. 8 para. 21(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(9)(b)**
- F189** Words in Sch. 8 para. 21(1)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(9)(a)**
- F190** Words in Sch. 8 para. 21(3) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(9)(b)**
- F191** Words in Sch. 8 para. 21(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(9)(a)**
- F192** Words in Sch. 8 para. 21(4)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(9)(b)**
- F193** Words in Sch. 8 para. 21(4)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(9)(b)**

#### Commencement Information

- I304** Sch. 8 para. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

22.—(1) Where, immediately before [<sup>F194</sup>IP completion day], a person was entitled as mentioned in article 13A(2)(b) of the 2001 Order, any provision made by or under that Order continues to apply in relation to the person without the amendments made by Part 1 of this Schedule to the provisions relating to the provision of occasional health <sup>F195</sup>... services by holders of a European professional card.

(2) But the person's entitlement ceases on the expiry of the period of 18 months beginning with the day on which the person's European professional card was issued, and the person may accordingly be removed from the register maintained under article 5 of the 2001 Order.

(3) The reference in sub-paragraph (1) to “the provisions relating to the provision of occasional health <sup>F196</sup>... services by holders of a European professional card” is to the provisions listed in the table in paragraph 20(3), but as if—

- (a) in the entry for article 13A of the 2001 Order, for “(except paragraph (2)(b))” there were substituted “(except paragraphs (2)(a), (5) and (6))”;
- (b) in the entry for Schedule 3 to the 2001 Order, there were added the definition of “European professional card”.

(4) The definition of “European professional card” in Schedule 3 to the 2001 Order, as it continues to have effect by virtue of sub-paragraph (3)(b), is to be read as if for “as amended from time to time” there were substituted “as it had effect immediately before [<sup>F197</sup>IP completion day]”.

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

### Textual Amendments

- F194** Words in Sch. 8 para. 22(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(10)(b)**
- F195** Words in Sch. 8 para. 22(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(10)(a)**
- F196** Words in Sch. 8 para. 22(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(10)(a)**
- F197** Words in Sch. 8 para. 22(4) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(10)(b)**

### Commencement Information

- I305** Sch. 8 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**23.—(1)** A decision within article 38(1A)(d) of the 2001 Order taken before [<sup>F198</sup>IP completion day], or a failure within article 38(1A)(e) of that Order arising before [<sup>F198</sup>IP completion day], continues to be appealable for the purposes of article 38(1)(b) of that Order (subject to the provisions of that Order) despite the revocation of article 38(1A).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in article 38(3) of the 2001 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and—
  - (i) direct the Council to take such steps as the court or sheriff thinks fit to draw the findings of the court or sheriff to the attention of the European Commission;
  - (ii) direct that the person in respect of whom the decision was taken (or the failure arose) is to be treated, for the purposes of paragraph 21(1) or (3), as a person who held a valid European professional card <sup>F199</sup>... as a physiotherapist in the United Kingdom immediately before [<sup>F200</sup>IP completion day],

and to make such order as to costs (or, in Scotland, expenses) as the court or sheriff thinks fit.

### Textual Amendments

- F198** Words in Sch. 8 para. 23(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(11)(b)**
- F199** Words in Sch. 8 para. 23(2)(b)(ii) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(11)(a)**
- F200** Words in Sch. 8 para. 23(2)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(11)(b)**

#### Commencement Information

**I306** Sch. 8 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### IMI alerts **U.K.**

**24.**—(1) Where an alert has been sent by the Health and Care Professions Council before [<sup>F201</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of article 38(1)(b) of the 2001 Order (subject to the provisions of that Order) despite the revocation of article 38(1A)(c).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in article 38(3) of the 2001 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F202</sup> ...,

and to make such order as to costs (or, in Scotland, expenses) as the court or sheriff thinks fit.

#### Textual Amendments

**F201** Words in Sch. 8 para. 24(1) substituted (31.12.2020 immediately before IP completion day) by *The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1394), **regs. 1(2), 16(12)**

**F202** Words in Sch. 8 para. 24(2)(b) omitted (24.2.2022) by virtue of *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022* (S.I. 2022/82), **regs. 1(2), 3(9)**

#### Commencement Information

**I307** Sch. 8 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Interpretation of saved provisions **U.K.**

**25.** Where a provision continues to apply by virtue of this Part, it is to be read as if—

- (a) in Schedule 3 to the 2001 Order, in paragraph (1)—
  - (i) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F203</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

- (ii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—

“(a) a person who, immediately before [<sup>F203</sup>IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [<sup>F203</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, a relevant profession by virtue of an enforceable EU right, or

(c) a person who, immediately before [<sup>F203</sup>IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

to and pursuit of a relevant profession, no less favourably than a national of a relevant European State;”;

(iii) in the definition of “General Systems Regulations” <sup>[F204]</sup>(other than in that definition as it is saved by paragraph 19A)], at the end there were inserted—

“(a) in relation to anything done before <sup>[F203]</sup>IP completion day], as they had effect at that time;

(b) otherwise, as (and only to the extent that) they have effect, on or after <sup>[F203]</sup>IP completion day], in relation to an entitlement which arose before <sup>[F203]</sup>IP completion day] or arises as a result of something done before <sup>[F203]</sup>IP completion day];”;

(iv) in the definition of “national”, for “is not” there were substituted “was not, immediately before <sup>[F203]</sup>IP completion day];”;

(b) in rule 2 of the Health and Care Professions Council (Registration and Fees) Rules 2003, in the definition of “competent authority”, after “professional qualifications” there were inserted “ (as it had effect immediately before <sup>[F205]</sup>IP completion day]) ”;

(c) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

#### Textual Amendments

**F203** Words in Sch. 8 para. 25(a)(i)-(iv) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(13)(a)**

**F204** Words in Sch. 8 para. 25(a)(iii) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(13)(b)**

**F205** Words in Sch. 8 para. 25(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(13)(a)**

#### Commencement Information

**I308** Sch. 8 para. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

SCHEDULE 9 **U.K.**

Regulation 10

Social workers in Scotland

**PART 1** **U.K.**

Amendments to legislation

#### Interpretation **U.K.**

1. In this Schedule, “the 2001 Act” means the Regulation of Care (Scotland) Act 2001 <sup>M226</sup>.

**Commencement Information**

**I309** Sch. 9 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M226** [2001 asp 8](#).

**Regulation of Care (Scotland) Act 2001** **U.K.**

2. The 2001 Act is amended as follows.

**Commencement Information**

**I310** Sch. 9 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. In section 44 (register of social workers and of other social service workers) <sup>M227</sup>—
- (a) in subsection (1), omit paragraph (aa);
  - (b) in subsection (2), omit paragraph (b);
  - (c) omit subsection (2A).

**Commencement Information**

**I311** Sch. 9 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M227** Subsection (1)(aa) was inserted, and subsections (2) and (2A) were substituted, by [S.I. 2007/3101](#).

4. In section 45 (applications for registration under Part 3) <sup>M228</sup>—
- (a) in subsection (1), omit “, other than for registration in the visiting European part of the register,”;
  - (b) omit subsection (1A).

**Commencement Information**

**I312** Sch. 9 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M228** Subsection (1) was amended, and subsection (1A) was inserted, by [S.I. 2007/3101](#).

5. Omit section 46A (visiting social workers from relevant European States) <sup>M229</sup>.



**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

**I313** Sch. 9 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M229** Section 46A was inserted by **S.I. 2007/3101** and amended by **S.I. 2016/1030**.

6. In section 46B (qualifications gained outside Scotland)<sup>M230</sup>, omit paragraph (a).

#### Commencement Information

**I314** Sch. 9 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M230** Section 46B was inserted by **S.I. 2007/3101**.

7. In section 47(1) (variation etc. of conditions in relation to registration under Part 3)<sup>M231</sup>, omit “, other than in the visiting European part of the register.”

#### Commencement Information

**I315** Sch. 9 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M231** Subsection (1) was amended by **S.I. 2007/3101** and paragraph 3 of Schedule 15 to the **Public Services Reform (Scotland) Act 2010** (asp 8).

8. In section 51 (appeal against decision of Council)<sup>M232</sup>—

(a) in subsection (1), omit paragraphs (b) and (c);

(b) in subsection (2)(b), omit “or, in the case of an appeal under subsection (1)(c), direct that the alert be withdrawn or amended”.

#### Commencement Information

**I316** Sch. 9 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

#### Marginal Citations

**M232** Subsection (1) was substituted by **S.I. 2007/3101**. Subsections (1) and (2) were amended by paragraph 9 of Schedule 15 to the **Public Services Reform (Scotland) Act 2010**, **S.I. 2016/1030**.

9. In section 57 (power of Council to make rules)<sup>M233</sup>, omit subsection (2A).



**Commencement Information**

**I317** Sch. 9 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M233** Subsection (2A) was inserted by [S.I. 2007/3101](#).

**10.** In section 77 (interpretation) <sup>M234</sup>—

- (a) omit the definitions of “EEA State”, “exempt person”, “the General Systems Regulations”, “relevant European State” and “visiting social worker from a relevant European state”;
- (b) in the definition of “social service worker”, omit paragraph (b).

**Commencement Information**

**I318** Sch. 9 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M234** Section 77 was substituted by S.S.I 2011/211 and amended by [S.I. 2011/1043](#), 2016/1030 and [S.S.I. 2013/177](#).

**National Health Service (Primary Medical Services Performers List) (Scotland) Regulations 2004** **U.K.**

**11.** The National Health Service (Primary Medical Services Performers List) (Scotland) Regulations 2004 <sup>M235</sup>, in paragraph 4 of Schedule 1—

- (a) in sub-paragraph (a), for “34J” substitute “ 34H ”;
- (b) in sub-paragraph (b), for “within the meaning of” substitute “ established under ”.

**Commencement Information**

**I319** Sch. 9 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M235** [S.S.I. 2004/114](#). Paragraph 4 was substituted by [S.I. 2010/234](#).

**PART 2** **U.K.**

Savings and transitional provision

**Pending applications** **U.K.**

**12.—(1)** This paragraph applies where a relevant application is made, but not finally determined, before [<sup>F206</sup>IP completion day].

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

(2) Despite their repeal by Part 1 of this Schedule, the following provisions of the 2001 Act continue to apply in relation to the application (including any appeal arising from it), on and after [<sup>F207</sup>IP completion day], subject to the modifications specified in [<sup>F208</sup>paragraph 14 or, in the case of a relevant applicant, the modifications specified in paragraph 14A]—

- (a) section 46B(a);
- (b) section 51(1)(b); and
- (c) in section 77, the definitions of “EEA State”, “exempt person”, “the General Systems Regulations” and “relevant European State”.

[<sup>F209</sup>(2A) In this Part, “relevant applicant” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.)]

- (3) For the purposes of sub-paragraph (1), “relevant application” means an application for—
  - (a) registration in a part of the register maintained under Part 3 of the 2001 Act; or
  - (b) renewal of registration in that register.
- (4) For the purposes of sub-paragraph (1), an application is finally determined when—
  - (a) it is withdrawn;
  - (b) notice is given that it has been granted; or
  - (c) notice is given that it has been granted subject to conditions, or refused, and either—
    - (i) the time limit for appeal against the decision has expired without an appeal being made; or
    - (ii) an appeal made against the decision under section 51 of the 2001 Act has been finally determined or abandoned.

#### Textual Amendments

- F206** Words in Sch. 9 para. 12(1) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(2)(a)**
- F207** Words in Sch. 9 para. 12(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(2)(a)**
- F208** Words in Sch. 9 para. 12(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(2)(b)**
- F209** Sch. 9 para. 12(2A) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(2)(c)**

#### Commencement Information

- I320** Sch. 9 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Visiting social workers: saving of old law for up to [<sup>F210</sup>five years]** **U.K.**

- 13.—(1) This paragraph applies where—
  - (a) a person had, immediately before [<sup>F211</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in

respect of the provision by that person of services as a social worker (and section 46A(3) of the 2001 Act accordingly applied to the person), and

(b) the person continues to have that benefit on or after [<sup>F212</sup>IP completion day].

(2) Despite their repeal or amendment by Part 1 of this Schedule, the following provisions of the 2001 Act continue to apply in relation to the provision of those services by that person on and after [<sup>F213</sup>IP completion day], as they applied before that day, subject to the modifications specified in [<sup>F214</sup>paragraph 14]—

- (a) section 44(1)(aa), (2)(b) and (2A);
- (b) section 45(1) and (1A);
- (c) section 46A;
- (d) section 47(1);
- (e) section 57(2A); and
- (f) in section 77, the definitions of “EEA State”, “exempt person”, “the General Systems Regulations”, “relevant European State”, “social service worker” and “visiting social worker from a relevant European state”.

[<sup>F215</sup>(2A) Where a person to whom this paragraph applies is a relevant applicant, that person may only provide services as a social worker for a period not exceeding 90 days in total in any calendar year.]

(3) Sub-paragraph (2) has effect until—

- (a) in the case of a person who is registered in accordance with section 46A(3) of the 2001 Act, the day on which the person's name is removed from the register under section 46A(6) of that Act;
- (b) in any other case, the day on which the person's entitlement under section 46A(3) of the 2001 Act to be registered ceases by virtue of section 46A(5) of that Act.

### Textual Amendments

- F210** Words in Sch. 9 para. 13 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(3)(a)**
- F211** Words in Sch. 9 para. 13(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(3)(b)**
- F212** Words in Sch. 9 para. 13(1)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(3)(b)**
- F213** Words in Sch. 9 para. 13(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(3)(b)**
- F214** Words in Sch. 9 para. 13(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(3)(c)**
- F215** Sch. 9 para. 13(2A) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(3)(d)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

### Commencement Information

**I321** Sch. 9 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Interpretation of saved provisions **U.K.**

**14.** The modifications of the 2001 Act mentioned in [F216 paragraphs 12(2) and 13(2)] are as follows—

- (a) section 46A(1) is to have effect as if, in the reference to a relevant European State other than the United Kingdom, “other than the United Kingdom” were omitted;
- (b) section 77 is to have effect as if—
  - (i) at the appropriate place, there were inserted—
    - ““enforceable EU right” means a right recognised and available in domestic law, immediately before [F217 IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;
  - (ii) in the definition of “exempt person”—
    - (aa) for paragraphs (a) to (c), there were substituted—
      - “(a) a person who, immediately before [F218 IP completion day], was a national of a relevant European State,
      - (b) a person who, immediately before [F218 IP completion day], was a national of the United Kingdom and, at that time, was seeking to engage in relevant social work by virtue of an enforceable EU right, or
      - (c) a person who, immediately before [F218 IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, as regards the right to engage in relevant social work, no less favourably than a national of a relevant European State;”;
    - (bb) in the words after paragraph (c), for “is not” there were substituted “ was not, immediately before [F218 IP completion day]”;
  - (iii) at the end of the definition of “the General Systems Regulations”, there were inserted—
    - “(a) in relation to anything done before [F219 IP completion day], as they had effect at that time;
    - (b) otherwise, as (and only to the extent that) they have effect, on or after [F219 IP completion day], in relation to an entitlement which arose before [F219 IP completion day] or arises as a result of anything done before [F219 IP completion day];”.

### Textual Amendments

**F216** Words in Sch. 9 para. 14 substituted (31.12.2020 immediately before IP completion day) by *The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1394), **regs. 1(2), 17(4)(a)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

**F217** Words in Sch. 9 para. 14(b)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(4)(b)**

**F218** Words in Sch. 9 para. 14(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(4)(b)**

**F219** Words in Sch. 9 para. 14(b)(iii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(4)(b)**

#### Commencement Information

**I322** Sch. 9 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

#### [<sup>F220</sup> Interpretation of saved provisions: Swiss visiting social workers **U.K.**

**14A.** The modifications of the 2001 Act in the case of a relevant applicant mentioned in paragraph 12(2) are as follows—

- (a) section 46A(1) is to have effect as if—
  - (i) the reference to “an exempt person” were a reference to “a relevant applicant (within the meaning given in regulation 1A of the [European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#))”, and
  - (ii) the reference to “a relevant European State other than the United Kingdom” were a reference to “Switzerland”;
- (b) section 77 is to have effect as if—
  - (i) the definition of “exempt person” were omitted,
  - (ii) at the end of the definition of “the General Systems Regulations” there were inserted—
    - “—
    - (a) in relation to anything done before IP completion day, as they had effect at that time,
    - (b) otherwise, as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arose before IP completion day, or arises as a result of anything done before IP completion day;”.]

#### Textual Amendments

**F220** Sch. 9 para. 14A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(5)**

#### Commencement Information

**I323** Sch. 9 para. 14A in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

## IMI alerts **U.K.**

15.—(1) This paragraph applies where—

- (a) before [<sup>F221</sup>IP completion day], a person is given notice of a decision made under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015 to send an alert about the person; and
- (b) either—
  - (i) the time limit for appeal against the decision under section 51(1)(c) of the 2001 Act expires on or after [<sup>F222</sup>IP completion day]; or
  - (ii) an appeal against the decision under that section is made, but not finally determined, before [<sup>F223</sup>IP completion day].

(2) Despite their repeal by Part 1 of this Schedule, the following provisions of the 2001 Act continue to apply in relation to the decision on and after [<sup>F224</sup>IP completion day]—

- (a) section 51(1)(c); and
- (b) in section 77, the definition of “the General Systems Regulations”.

(3) In disposing of an appeal against the decision on or after [<sup>F225</sup>IP completion day], the sheriff has (instead of the powers specified in section 51(2) of the 2001 Act) the power—

- (a) to confirm the decision; or
- [<sup>F226</sup>(b) if the sheriff considers that the alert should not have been sent, to allow the appeal.]

### Textual Amendments

- F221** Words in Sch. 9 para. 15(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(6)**
- F222** Words in Sch. 9 para. 15(1)(b)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(6)**
- F223** Words in Sch. 9 para. 15(1)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(6)**
- F224** Words in Sch. 9 para. 15(2) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(6)**
- F225** Words in Sch. 9 para. 15(3) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(6)**
- F226** Sch. 9 para. 15(3)(b) substituted (24.2.2022) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2022 \(S.I. 2022/82\)](#), regs. 1(2), **3(10)**

### Commencement Information

- I324** Sch. 9 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## [<sup>F227</sup>Applications from Swiss social workers: saving of old law **U.K.**

16.—(1) This paragraph applies where a registration application is received from a Swiss social worker before the end of the Swiss recognition period.

(2) Despite their repeal by Part 1 of this Schedule, the following provisions of the 2001 Act continue to apply in relation to the application (including any appeal arising from it), after IP completion day, subject to the modifications specified in paragraph 17—

- (a) section 46B(a),
- (b) section 51(1)(b), and
- (c) in section 77, the definition of “the General Systems Regulations”.

(3) For the purposes of this paragraph, a “Swiss social worker” is a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under section 46A of the 2001 Act).

(4) In this paragraph “registration application” means an application for registration in a part of the register maintained under Part 3 of the 2001 Act.]

#### Textual Amendments

**F227** Sch. 9 paras. 16, 17 inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(7)**

#### Commencement Information

**I325** Sch. 9 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

### [<sup>F227</sup> Interpretation of provisions saved by paragraph 16 **U.K.**

17. The modifications of the 2001 Act mentioned in paragraph 16 are as follows—

- (a) section 46B(a) is to have effect as if the reference to “an exempt person” were a reference to “a Swiss social worker within the meaning given in paragraph 16 of this Part of this Schedule”;
- (b) section 77 has effect as if, at the end of the definition of “the General Systems Regulations”, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”.]

#### Textual Amendments

**F227** Sch. 9 paras. 16, 17 inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **17(7)**

#### Commencement Information

**I326** Sch. 9 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)



**Status:** Point in time view as at 24/02/2022.**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)SCHEDULE 10 **U.K.**

Regulation 11

## Social care workers in Northern Ireland

**PART 1** **U.K.**

## Amendments to legislation

**Interpretation** **U.K.**

1. In this Schedule, “the 2001 Act” means the Health and Personal Social Services Act (Northern Ireland) 2001.

**Commencement Information**

**I327** Sch. 10 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Health and Personal Social Services Act (Northern Ireland) 2001** **U.K.**

2. The 2001 Act is amended as follows.

**Commencement Information**

**I328** Sch. 10 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. In section 2 (“social care worker” etc.)<sup>M236</sup>, omit subsections (5) to (7).

**Commencement Information**

**I329** Sch. 10 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Marginal Citations**

**M236** Subsections (5) to (7) were inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

4. In section 3 (the register)<sup>M237</sup>—

- (a) in subsections (1) and (2)—
  - (i) at the end of paragraph (a), insert “ and ”;
  - (ii) omit paragraph (c) (and the “and” before it);
- (b) omit subsection (2A)(c).

**Commencement Information**

**I330** Sch. 10 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)



#### Marginal Citations

**M237** Subsection (1)(c) was inserted by, and subsections (2)(c) and (2A)(c) were substituted by [S.I. 2007/3101](#).

5. Omit section 5A (visiting social workers from relevant European States) <sup>M238</sup>.

#### Commencement Information

**I331** Sch. 10 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M238** section 5A was inserted by [S.I. 2007/3101](#). Relevant amendments made by the [Health and Personal Social Services Act \(Northern Ireland\) 2001 \(c. 3\)](#) (N.I.).

6. In section 7 (rules about registration) <sup>M239</sup>, in paragraph (c), omit “under section 5A(6) or”.

#### Commencement Information

**I332** Sch. 10 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M239** Relevant amending instrument is [S.I. 2007/3101](#).

7. In section 7A (power to obtain information etc.) <sup>M240</sup>, in subsection (1), omit “, 5A”.

#### Commencement Information

**I333** Sch. 10 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M240** Section 7A was inserted by the [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 23\)](#) (N.I.).

8. In section 8 (registration – enforcement) <sup>M241</sup>, in subsection (1)—  
(a) omit “or a visiting social worker from a relevant European State”;  
(b) in paragraph (b) for the words “registered in either of those ways” substitute “so registered”.

#### Commencement Information

**I334** Sch. 10 para. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M241** Relevant amendments made by the [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016](#). Relevant amending instrument is [S.I. 2007/3101](#).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

9. In section 11 (qualifications gained outside Northern Ireland)<sup>M242</sup>, omit subsection (A1).

**Commencement Information**

**I335** Sch. 10 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M242** Subsection A1 was inserted by **S.I. 2007/3101**. Relevant amendments made by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016.

10. In section 12 (post registration training)<sup>M243</sup>, omit subsections (2A) to (2D).

**Commencement Information**

**I336** Sch. 10 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M243** Subsections (2A) to (2D) were substituted by **S.I. 2007/3101**.

11. In section 15 (appeals to the Care Tribunal)<sup>M244</sup>—

- (a) in subsection (2)(b), omit the words from “or, in” to “amended”;
- (b) omit subsection (3)(b) and (c).

**Commencement Information**

**I337** Sch. 10 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M244** Section 15 was substituted by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016. Relevant amending instrument is **S.I. 2016/1030**.

12. In section 18 (rules)<sup>M245</sup>—

- (a) in subsection (1), omit “, but subject to subsection (2A)”;
- (b) in subsection (2)(a), omit “, but subject to subsection (2A)”;
- (c) omit subsection (2A).

**Commencement Information**

**I338** Sch. 10 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

**Marginal Citations**

**M245** Relevant amending instrument is **S.I. 2007/3101**.

## PART 2 U.K.

### Savings and transitional provision

#### Pending applications U.K.

13. Where an application for registration, or renewal or restoration of registration, in the register kept under the 2001 Act is received before [<sup>F228</sup>IP completion day], any provision made by the 2001 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

#### Textual Amendments

**F228** Words in Sch. 10 para. 13 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(2)**

#### Commencement Information

**I339** Sch. 10 para. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Visiting social work professionals: saving of old law for up to [<sup>F229</sup>five years] U.K.

14.—(1) Where—

- (a) a person had, immediately before [<sup>F230</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as a social worker (and section 5A(3) of the 2001 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after [<sup>F231</sup>IP completion day],

any provision made by or under the 2001 Act continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting social workers from relevant European states [<sup>F232</sup>(but subject, in the case of a relevant applicant, to the modifications to the 2001 Act specified in sub-paragraph (4))].

[<sup>F233</sup>(1A) Where sub-paragraph (1) applies in relation to a visiting social worker who is a relevant applicant, that visiting social worker may only provide services as a social worker for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting social worker—

- (a) if the worker is registered as required by section 5A(3) of the 2001 Act, when his or her name is removed under section 5A(6) of that Act;
- (b) otherwise, when the worker's entitlement ceases by reason of the operation of section 5A(5) of that Act.

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting social work professionals from relevant European states” is to the following provisions of the 2001 Act—

- (a) section 2(5) to (7);
- (b) section 3(1), (2) and (2A);
- (c) section 5A;
- (d) section 7(c);

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

- (e) section 7A(1);
  - (f) section 8(1);
  - (g) section 12(2A) to (2D);
  - (h) section 18(1), (2) and (2A).
- [<sup>F234</sup>(4) The modifications to the 2001 Act mentioned in sub-paragraph (1) are—
- (a) section 5A is to be read as if, in subsection (1), for the words from “an exempt person” to the end there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (“V”) who is lawfully established as a social worker in Switzerland”;
  - (b) section 12 is to be read as if, in subsection (2D), for the words from “the relevant” to the end there were substituted “Switzerland”.
- (5) Sub-paragraph (3) does not apply in the case of a Swiss visiting social care worker.
- (6) But a Swiss visiting social care worker’s entitlement does not continue (or further continue) under section 5A of the 2001 Act on or after the end of the visiting practitioner transitional period.
- (7) In this paragraph, “Swiss visiting social care worker” means a visiting social care worker who—
- (a) is a national of the United Kingdom or is a Swiss national, or
  - (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of social care work, no less favourably than a national of the United Kingdom or Switzerland.]

### Textual Amendments

- F229** Words in Sch. 10 para. 14 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(3)(a)**
- F230** Words in Sch. 10 para. 14(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(3)(b)(i)**
- F231** Words in Sch. 10 para. 14(1)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(3)(b)(i)**
- F232** Words in Sch. 10 para. 14(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(3)(b)(ii)**
- F233** Sch. 10 para. 14(1A) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(3)(c)**
- F234** Sch. 10 para. 14(4)-(7) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(3)(d)**

### Commencement Information

- I340** Sch. 10 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**IMI alerts** **U.K.**

15.—(1) Where an alert has been sent by the Northern Ireland Social Care Council before [<sup>F235</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be a relevant decision for the purposes of section 15 of the 2001 Act despite the repeal of section 15(3)(c).

(2) In disposing of an appeal against such a decision, the powers of the Care Tribunal are, instead of those set out in section 15(2) of the 2001 Act, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F236</sup>....

**Textual Amendments**

**F235** Words in Sch. 10 para. 15(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **18(4)**

**F236** Words in Sch. 10 para. 15(2)(b) omitted (24.2.2022) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022 (S.I. 2022/82), regs. 1(2), **3(11)**

**Commencement Information**

**I341** Sch. 10 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

**Interpretation of saved provisions** **U.K.**

16. Where a provision continues to apply by virtue of [<sup>F237</sup>paragraph 13, 14 or 15], it is to be read as if—

- (a) in section 2 of the 2001 Act—
  - (i) in subsection (5), at the end there were inserted—
    - “(a) in relation to anything done before [<sup>F238</sup>IP completion day], as they had effect at that time;
    - (b) otherwise, as (and only to the extent that) they have effect, on or after [<sup>F238</sup>IP completion day], in relation to an entitlement which arose before [<sup>F238</sup>IP completion day] or arises as a result of anything done before [<sup>F238</sup>IP completion day];”;
  - (ii) in subsection (7)—
    - (aa) for paragraphs (a) to (c) there were substituted—
      - “(a) a person who, immediately before [<sup>F239</sup>IP completion day], was a national of a relevant European State,
      - (b) a person who, immediately before [<sup>F239</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of [<sup>F240</sup>social work] by virtue of an enforceable EU right, or
      - (c) a person who, immediately before [<sup>F239</sup>IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the

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**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

purposes of access to and pursuit of the social work profession, no less favourably than a national of a relevant European State;”

(bb) in the words after paragraph (c), for “is not” there were substituted “was not, immediately before [<sup>F239</sup>IP completion day]”;

(iii) after subsection (8) there were inserted—

“(8) “Enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F241</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

(b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

### Textual Amendments

**F237** Words in Sch. 10 para. 16 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(5)(a)**

**F238** Words in Sch. 10 para. 16(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(5)(b)**

**F239** Words in Sch. 10 para. 16(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(5)(b)**

**F240** Words in Sch. 10 para. 16(a)(ii)(aa) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(5)(e)**

**F241** Words in Sch. 10 para. 16(a)(iii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(5)(b)**

### Commencement Information

**I342** Sch. 10 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### <sup>F242</sup>Swiss social care workers: saving of old law **U.K.**

17.—(1) Where a registration application is received from a Swiss social care worker before the end of the Swiss recognition period, any provision made by or under the 2001 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the provisions mentioned in sub-paragraph (3) (but subject to the modifications specified in sub-paragraph (4)).

(2) For the purposes of this paragraph, a “Swiss social care worker” is a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration in the visiting European part of the register).

(3) The provisions of the 2001 Act mentioned in sub-paragraph (1) are—

- (a) section 2(5);
- (b) section 3 other than subsections (1)(c) and (2A)(c);
- (c) section 11.

(4) The modifications to the 2001 Act mentioned in sub-paragraph (1) are—

- (a) section 2(5) is to be read as if at the end there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning of regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (b) section 11(A1) is to be read as if for the reference to an exempt person there were substituted a reference to a Swiss social care worker within the meaning given in paragraph 17 of this Part of this Schedule.]

#### Textual Amendments

**F242** Sch. 10 para. 17 inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **18(6)**

#### Commencement Information

**I343** Sch. 10 para. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## SCHEDULE 11 **U.K.**

Regulation 12

Social workers in England

## PART 1 **U.K.**

Amendments to legislation

### Interpretation **U.K.**

1. In this Schedule, “the 2018 Regulations” means the Social Workers Regulations 2018 <sup>M246</sup>.

#### Commencement Information

**I344** Sch. 11 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M246** [S.I. 2018/893](#).

### Social Workers Regulations 2018 **U.K.**

2. The 2018 Regulations are amended as follows.

#### Commencement Information

**I345** Sch. 11 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

3. In regulation 2 (interpretation)—
- (a) in paragraph (1), omit the definition of “relevant European State”;
  - (b) omit paragraphs (2) and (3).

**Commencement Information**

**I346** Sch. 11 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

[<sup>F243</sup>4. In paragraph (8) of regulation 8 (the registrar and the register), for “a relevant European State other than the United Kingdom” substitute “Iceland, Lichtenstein, Norway or Switzerland”.]

**Textual Amendments**

**F243** Sch. 11 para. 4 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), [regs. 1\(2\)](#), **19(a)**

**Commencement Information**

**I347** Sch. 11 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

5. In regulation 9 (content of the register), omit paragraph (1)(c).

**Commencement Information**

**I348** Sch. 11 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

6. In regulation 10 (procedure for registration), omit paragraph (5).

**Commencement Information**

**I349** Sch. 11 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

7. In regulation 11 (eligibility for registration)—
- (a) in paragraph (4), omit “, subject to paragraph (5)”;
  - (b) omit paragraphs (5) and (8).

**Commencement Information**

**I350** Sch. 11 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

8. Omit regulation 18 (visiting professionals from relevant European States).



**Commencement Information**

**I351** Sch. 11 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

9. In regulation 19 (registration appeals)—
- (a) in paragraph (1), omit sub-paragraphs (e) and (i);
  - (b) omit paragraphs (9) and (10).

**Commencement Information**

**I352** Sch. 11 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

10. In Schedule 1 (recognised qualifications)—
- (a) in paragraph 1, omit sub-paragraph (b);
  - (b) omit paragraph 2.

**Commencement Information**

**I353** Sch. 11 para. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

## PART 2 **U.K.**

### Savings and transitional provision

#### Pending applications **U.K.**

[<sup>F244</sup>**11.** The 2018 Regulations and any rules made under the 2018 Regulations continue to apply without the amendments made by Part 1 of this Schedule in relation to the following applications made before IP completion day (including any appeal arising from them)—

- (a) an application made under regulations 10(1), 13(1) or 15(1) of the 2018 Regulations (applications for registration, renewal or restoration);
- (b) an application made under regulations 9(1), 10(4) or 33(1) of the Health Professions Order 2001 (applications for registration, renewal, readmission or restoration) and treated as an application under the 2018 Regulations by virtue of Part 2 of the Children and Social Work Act 2017 (Transitional and Savings Provisions) (Social Workers) Regulations 2019.]

**Textual Amendments**

**F244** Sch. 11 para. 11 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1394), **regs. 1(2), 19(b)**

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

### Commencement Information

**I354** Sch. 11 para. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

### Visiting social work professionals: saving of old law for up to [<sup>F245</sup>five years] **U.K.**

**12.—(1)** Where—

- (a) a person had, immediately before [<sup>F246</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as a social worker (and regulation 18(2) of the 2018 Regulations accordingly applied to the person), and
- (b) the person continues to have that benefit on or after [<sup>F247</sup>IP completion day],

any provision made by or under the 2018 Regulations continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting social work professionals from relevant European states [<sup>F248</sup>(but subject, in the case of a relevant applicant, to the modification to the 2018 Regulations specified in sub-paragraph (1A))].

[<sup>F249</sup>(1A) The modification to the 2018 Regulations mentioned in sub-paragraph (1) is that regulation 18 is to be read as if for paragraph (1) there were substituted—

“(1) This regulation applies to a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“EP”) who is lawfully established, in Switzerland (“State A”), as a social worker.”.

(1B) A relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a social worker in England for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting social work professional—

- (a) if the professional is registered as required by regulation 18(2) of the 2018 Regulations, when his or her name is removed under regulation 18(5) of those Regulations;
- (b) otherwise, when the professional's entitlement ceases by reason of the operation of regulation 18(5) of those Regulations.

[<sup>F250</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting social worker.

(2B) But a Swiss visiting social worker's entitlement does not continue (or further continue) under regulation 18 of the 2018 Regulations on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting social worker” means a visiting social worker who—

- (a) is a national of the United Kingdom or is a Swiss national, or
- (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of social work, no less favourably than a national of the United Kingdom or Switzerland.]

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting social work professionals from relevant European states” is to the following provisions of the 2018 Regulations—

- (a) regulation 2(1), (2) and (3);

- (b) regulation 9(1)(c);
- (c) regulation 10(5);
- (d) regulation 18;
- (e) regulation 19(1)(i).

#### Textual Amendments

- F245** Words in Sch. 11 para. 12 heading substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(c)(i)**
- F246** Words in Sch. 11 para. 12(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(c)(ii)(aa)**
- F247** Words in Sch. 11 para. 12(1)(b) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(c)(ii)(aa)**
- F248** Words in Sch. 11 para. 12(1) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(c)(ii)(bb)**
- F249** Sch. 11 para. 12(1A)(1B) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(c)(iii)**
- F250** Sch. 11 para. 12(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(c)(iv)**

#### Commencement Information

- I355** Sch. 11 para. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### [<sup>F251</sup> **Recognition of professional social work qualifications** **U.K.**

**12A.—(1)** Where a qualifying application is received before the end of the Swiss recognition period, the provisions of the 2018 Regulations continue to apply in relation to that application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the provisions of those Regulations mentioned in sub-paragraph (3).

(2) In this paragraph “qualifying application” means an application from a qualifying applicant to be registered as a social worker in accordance with the 2018 Regulations.

(3) The provisions of the 2018 Regulations are—

- (a) regulation 2;
- (b) regulation 8(8);
- (c) regulation 11(4), (5) and (8);
- (d) regulation 19(1)(e) and (i);
- (e) paragraphs 1(b) and 2 of Schedule 1.]

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

### Textual Amendments

**F251** Sch. 11 para. 12A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(d)**

### Commencement Information

**I356** Sch. 11 para. 12A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## Interpretation of saved provisions **U.K.**

**13.** Where a provision continues to apply by virtue of this Part, it is to be read as if—

- (a) in regulation 2 of the 2018 Regulations—
  - (i) in paragraph (1), there were inserted at the appropriate place—
 

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F252</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;
  - (ii) in paragraph (2), for sub-paragraphs (a) to (c) there were substituted—
    - “(a) a person who, immediately before [<sup>F253</sup>IP completion day], was a national of a relevant European State,
    - (b) a person who, immediately before [<sup>F253</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the social work profession by virtue of an enforceable EU right, or
    - (c) a person who, immediately before [<sup>F253</sup>IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the social work profession, no less favourably than a national of a relevant European State.”;
  - (iii) in paragraph (3), for “is not” there were substituted “was not, immediately before [<sup>F254</sup>IP completion day]”;
- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted;
- (c) any reference to the European [<sup>F255</sup>Communities] (Recognition of Professional Qualifications) Regulations 2007 or the European Union (Recognition of Professional Qualifications) Regulations 2015 were—
  - (i) in relation to anything done before [<sup>F256</sup>IP completion day], to those Regulations as they had effect at that time;
  - (ii) otherwise, to those Regulations as (and only to the extent that) they have effect, on or after [<sup>F257</sup>IP completion day], in relation to an entitlement which arose before [<sup>F257</sup>IP completion day] or arises as a result of something done before [<sup>F257</sup>IP completion day].

### Textual Amendments

- F252** Words in Sch. 11 para. 13(a)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(e)(i)**
- F253** Words in Sch. 11 para. 13(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(e)(i)**
- F254** Words in Sch. 11 para. 13(a)(iii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(e)(i)**
- F255** Word in Sch. 11 para. 13(c) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(e)(ii)**
- F256** Words in Sch. 11 para. 13(c)(i) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(e)(i)**
- F257** Words in Sch. 11 para. 13(c)(ii) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **19(e)(i)**

### Commencement Information

- I357** Sch. 11 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16), in order to address failures of domestic legislation to operate effectively and other deficiencies (as specified in section 8(2) (a) to (e) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union and to make consequential, saving and transitional provision in that regard. These Regulations amend legislation concerned with the regulation of health and care professionals.

Schedule 1 amends legislation concerning medical practitioners.

Schedule 2 amends legislation concerning pharmacists and pharmacy technicians.

Schedule 3 amends legislation concerning dental and dental care professionals.

Schedule 4 amends legislation concerning nurses, midwives and nursing associates.

Schedule 5 amends legislation concerning opticians.

Schedule 6 amends legislation concerning osteopaths.

Schedule 7 amends legislation concerning chiropractors.

Schedule 8 amends legislation concerning health and social work professionals.

Schedule 9 amends legislation concerning social workers registered or registering under the Regulation of Care (Scotland) Act 2001 (asp 8).

Schedule 10 amends legislation concerning social workers registered or registering under the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3) (N.I.).

**Status:** Point in time view as at 24/02/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

Schedule 11 amends legislation concerning social workers who will be registered under the Social Workers Regulations 2018.

Part 1 of each Schedule collectively removes provision in the Medical Act 1983 (c. 54) Pharmacy Order 2010, Dentists Act 1984 (c. 24), Nursing and Midwifery Order 2001, Opticians Act 1989, Osteopaths Act 1993, Chiropractors Act 1994, Health and Social Work Professions Order 2001, Regulation of Care (Scotland) Act 2001, Health and Personal Social Services Act (Northern Ireland) 2001 and Social Workers Regulations 2018 (“the regulators' governing legislation”) relating to rights and obligations under Directive 2005/36 of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p22) (“the Directive”). Part 1 of each Schedule also makes consequential amendment to legislation made under the regulators' governing legislation and to other secondary legislation. Part 1 of Schedules 2 (pharmacists and pharmacy technicians) and 5 (opticians) makes consequential amendments to certain primary legislation.

Part 1 of Schedules 1, 2 (in relation pharmacists), 3 and 4 makes provision for recognition of European qualifications and diplomas that fall under the “automatic regime” in the Directive (doctors, dental practitioners, pharmacists, general care nurses and midwives) issued by relevant European States (defined in the Regulations as an EEA State or Switzerland), as qualifications that are acceptable for the purposes of registration as a health care professional, unless a particular qualification or diploma has been designated not so. Provisions have also been made in respect of other European qualifications that fall under the “general systems” process (which also falls under the Directive), taking them out of that process, and providing them to be qualifications enabling registration as a health care professional where they are assessed to be comparable to the equivalent UK qualification. Part 1 of Schedule 2 also provides for registration rights for individuals with a European Union qualification who are registered with the Pharmaceutical Society of Northern Ireland as at exit day and who remain registered continuously after exit day. Regulation 14 requires the Secretary of State to perform a review of the provisions for the former “automatic regime” professions two years after these Regulations come into force and to produce and publish the conclusions of the review.

Part 2 of each Schedule makes certain transitional and saving provision in relation to applications (e.g. for registration or appeals) made before exit day and in relation to certain rights attached to registrations made before exit day (except for Schedule 1 that makes such provision in Parts 1 and 2). Part 2 of each Schedule makes saving and transitional provision in relation to the entitlements of visiting health and care professionals to provide services. Part 2 of Schedules 1 to 10 make saving and transitional provision in relation to appeal rights concerning IMI alerts. Part 2 of Schedules 2, 4 and 8 makes transitional and saving provision in relation to persons who have applied for or hold a European Professional Card.

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

**Status:**

Point in time view as at 24/02/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.