

SCHEDULES

SCHEDULE 3

Dentists and dental care professionals

PART 2

Savings and transitional provision

Pending applications

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 [^{F1}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

- F1** 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

- II** 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\(2\)](#)

[^{F2}Swiss dentists qualifying outside the United Kingdom: saving of old law

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);

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- (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,
- shall take that acceptance into account; and”;
- (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)—
- (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”;

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(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

F2 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

I2 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\(2\)](#)

[^{F2}Swiss dental care professionals: saving of old law

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”;

(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

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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

F2 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

I3 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\(2\)](#)

Assessments in relation to specialties

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 [^{F3}IP completion day].

Textual Amendments

F3 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)**

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Commencement Information

- I4** 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 [^{F4}five years]

37.—(1) Where, immediately before [^{F5}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 [^{F6}(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 [^{F7}IP completion day] (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

[^{F8}(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)

[^{F9}(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—
 - “—
 - (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”;

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(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 [^{F10}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

- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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

- I5** 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 [^{F11}five years]

38.—(1) Where—

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(a) a person had, immediately before [F12IP 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 [F13IP 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 [F14(but subject, in the case of a Swiss visiting dental care professional, to the modifications to the 1984 Act specified in sub-paragraph (4))].

[F15(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.

[F16(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 [F17IP 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.

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
The 1984 Act	section 36B(1A)
	section 36CA(14)
	section 36E
	[F18section 36F(1) and (1A)]
	section 36L(11)
	section 36Z3

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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 rule 1(2) Arrangements) (Dentists and Dental Care Professionals) Rules 2015

General Dental Council (Continuing rule 1(3) Professional Development) (Dentists and Dental Care Professionals) Rules 2017

[^{F19}(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

- F11** 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)**
- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**

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, PART 2.* (See end of Document for details)

- F17** 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)**
- F18** 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)**
- F19** 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

- I6** 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

39.—(1) Where an alert has been sent by the General Dental Council before [^{F20}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 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 ^{F21}...,

and to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

Textual Amendments

- F20** 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)**
- F21** 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)**

Commencement Information

- I7** 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

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

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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 [F²²IP 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 [F²²IP completion day];”;

(ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [F²²IP 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 [F²²IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [F²²IP 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 [F²²IP 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 [F²²IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [F²²IP 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 [F²²IP 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”) [F²³(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 [F²²IP completion day], as they had effect at that time;

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- (b) otherwise, as (and only to the extent that) they have effect, on or after [F22IP completion day], in relation to an entitlement which arose before [F22IP completion day] or arises as a result of something done before [F22IP completion day];”;
- (v) in the definition of “national”, for “is not” there were substituted “ was not, immediately before [F22IP 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

- F22** 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)**
- F23** 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

- I8** 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\(2\)](#)

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, PART 2.