

## SCHEDULES

### SCHEDULE 6

#### Osteopaths

### PART 2

#### Savings and transitional provision

##### **Pending applications**

**15.**—(1) Where an application for entry in, or restoration to, the register kept under the 1993 Act is received before exit 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)).

##### **Visiting osteopaths: saving of old law for up to one year**

**16.**—(1) Where—

(a) a person had, immediately before exit 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 exit 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.

(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.

(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)

*Status: This is the original version (as it was originally made).*

<i>Act or instrument</i>	<i>Provision relating to visiting osteopaths</i>
	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)

### **IMI alerts**

**17.**—(1) Where an alert has been sent by the General Osteopathic Council before exit 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 and direct the General Osteopathic 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,

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

### **Interpretation of saved provisions**

**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 exit 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 exit day, was a national of a relevant European State,
      - (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of osteopathy by virtue of an enforceable EU right, or
      - (c) a person who, immediately before exit 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 exit day”;
- (iii) in the definition of “General Systems Regulations”, at the end there were inserted—
  - “—
  - (a) in relation to anything done before exit day, as they had effect at that time;
  - (b) otherwise, as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day;”;
- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.