
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”), in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union (and in particular, the deficiencies under section 8(2)(c), (d) and (e), and section 8(3)(a) of that Act). Part 2 of the Regulations contains amendments to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593) (“the 2019 Regulations”) and Part 3 contains amendments to the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (S.I. 2019/585) (“the 2019 NI Regulations”). The amendments made under the 2018 Act fix some minor and technical drafting errors that were made in the 2019 Regulations and the 2019 NI Regulations, and change “exit day” references to “IP completion day”.

The amendments made to the 2019 Regulations and the 2019 NI Regulations using section 2(2) of the European Communities Act 1972 make provision regarding the recognition of professional qualifications for health and social care professionals for the purposes of the Swiss citizens’ rights agreement and the EEA EFTA citizens’ rights agreement (the EEA EFTA citizens’ rights agreement is 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 amendments made to the 2019 Regulations and the 2019 NI Regulations under the European Union (Withdrawal Agreement) Act 2020 (c. 1) implement the Swiss citizens’ rights agreement and the EEA EFTA citizens’ rights agreement.

Amendments have also been made to the 2019 Regulations under the Children and Social Work Act 2017 (c. 16) to remove obsolete references to social work and social workers, in relation to the Health and Care Professions Council’s previous responsibility to regulate that profession in England. This responsibility transferred to Social Work England on 1 December 2019.

The 2019 Regulations are amended to introduce saving provisions for decisions made before IP completion day (regulation 4) and for administrative cooperation in relation to the health and social care professions covered in those regulations (regulation 5). The 2019 Regulations are also modified to extend rights to provide professional services and for the recognition of professional qualifications for medical practitioners (regulations 8 and 9), pharmacists and pharmacy technicians (regulation 10), dentists and dental care professionals (regulation 11), nurses, midwives and nursing associates (regulation 12), opticians (regulation 13), osteopaths (regulation 14), chiropractors (regulation 15), health professionals (regulation 16), social workers in Scotland (regulation 17), social care workers in Northern Ireland (regulation 18) and social workers in England (regulation 19).

In Part 3, the 2019 NI Regulations are amended to make provision in relation to pharmacists in Northern Ireland (regulation 20).

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. An Explanatory Memorandum has been published alongside these Regulations on www.legislation.gov.uk.