
STATUTORY INSTRUMENTS

2020 No. 1394

The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020

PART 2

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

Amendments to Part 2 of Schedule 9 (social workers in Scotland)

17.—(1) Part 2 of Schedule 9 is amended as follows.

(2) In paragraph 12—

- (a) in sub-paragraphs (1) and (2), in each place it occurs, for “exit day” substitute “IP completion day”;
- (b) in sub-paragraph (2), for “paragraph 13” substitute “paragraph 14 or, in the case of a relevant applicant, the modifications specified in paragraph 14A”;
- (c) after sub-paragraph (2), insert—

“(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) In paragraph 13—

- (a) in the heading, for “one year” substitute “five years”;
- (b) in sub-paragraphs (1)(a) and (b), and (2), in each place it occurs, for “exit day” substitute “IP completion day”;
- (c) in sub-paragraph (2), for “paragraph 13” substitute “paragraph 14”;
- (d) after sub-paragraph (2), insert—

“(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.”.

(4) In paragraph 14—

- (a) for “paragraphs 11(2) and 12(2)” substitute “paragraphs 12(2) and 13(2)”;
- (b) in sub-paragraph (b)(i), (ii) and (iii), in each place it occurs, for “exit day” substitute “IP completion day”.

(5) After paragraph 14, insert—

“Interpretation of saved provisions: Swiss visiting social workers

14A. The modifications of the 2001 Act(1) in the case of a relevant applicant mentioned in paragraph 12(2) are as follows—

- (a) section 46A(1)(2) 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(3) 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;”.
- (6) In paragraph 15(1)(a), (b)(i) and (ii), (2) and (3), in each place it occurs, for “exit day” substitute “IP completion day”.
- (7) After paragraph 15, insert—

“Applications from Swiss social workers: saving of old law

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.

Interpretation of provisions saved by paragraph 16

17. The modifications of the 2001 Act mentioned in paragraph 16 are as follows—

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- (1) “The 2001 Act” is defined in paragraph 1 of Schedule 9 to [S.I. 2019/593](#).
 - (2) Section 46A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).
 - (3) Section 77 was substituted by [S.S.I 2011/211](#). Relevant amending instruments are [S.I. 2011/1043](#), [S.S.I 2013/177](#) and [S.I. 2016/1030](#).

- (a) section 46B(a)(4) 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)”.