

Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

**EXITING THE EUROPEAN UNION
PROFESSIONAL QUALIFICATIONS
EDUCATION, ENGLAND**

The Recognition of Professional Qualifications
(Amendment etc.) (EU Exit) Regulations 2018

Made - - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State is designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) (“the 1972 Act”) in relation to recognition of higher education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the 1972 Act, section 132(1) and (2) of the Education Act 2002(3) and section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(4) (“the 2018 Act”).

In accordance with paragraph 1(3) of Schedule 7 to the 2018 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

-
- (1) See [S.I. 1995/3207](#), [2002/248](#) and [2003/2901](#). Under section 57(1) of the Scotland Act 1998 ([c.46](#)), despite the transfer to Scottish Ministers of functions in relation to implementation obligations under European Union law in relation to certain matters by virtue of section 53 of that Act, the function of the Secretary of State in relation to any matter continues to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972 (“the 1972 Act”).
- (2) [1972 c.68](#). Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 ([c.51](#)) and by section 3 of, and the Schedule to, the European Union (Amendment) Act 2008 [c.7](#). By virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 ([c.51](#)), regulations may be made under section 2(2) of the 1972 Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1993 (Cm 2073) and the Protocol adjusting the Agreement signed in Brussels on 17th March 1993 (Cm 2183). The 1972 Act is repealed with effect from exit day by section 1 of the European Union (Withdrawal) Act 2018.
- (3) [2002 c.32](#). For the meaning of “regulations”, see section 212(1).
- (4) [2018 c. 16](#).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018.

(2) This regulation, regulation 2 (so far as it relates to Part 1 of Schedule 1) and Part 1 of Schedule 1 come into force on the day after the day on which these Regulations are made.

(3) The remainder of these Regulations comes into force on exit day.

(4) In these Regulations—

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007⁽⁵⁾;

“the principal Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015⁽⁶⁾.

Amendment etc. of the principal Regulations and the 2007 Regulations

2. Schedule 1 contains—

(a) amendments of the principal Regulations;

(b) saving and transitional provisions relating to the principal Regulations and the 2007 Regulations.

Amendment etc. of secondary legislation relating to school teachers

3. Schedule 2 contains amendments of, and saving and transitional provision relating to, legislation relating to school teachers.

Revocation of retained direct EU legislation

4. The following instruments are revoked—

(a) Commission Implementing Regulation (EU) 2015/983 of 24 June 2015 on the procedure for issuance of the European Professional Card and the application of the alert mechanism pursuant to [Directive 2005/36/EC](#) of the European Parliament and of the Council;

(b) Commission Delegated Decision (EU) 2016/790 of 13 January 2016 amending Annex V to [Directive 2005/36/EC](#) of the European Parliament and of the Council as regards the evidence of formal qualifications and the titles of training courses;

(c) [Commission Regulation \(EU\) No 623/2012](#) of 11 July 2012 amending Annex II to [Directive 2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications;

(d) [Commission Regulation \(EU\) No 213/2011](#) of 3 March 2011 amending Annexes II and V to [Directive 2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications;

(e) [Commission Regulation \(EC\) No 279/2009](#) of 6 April 2009 amending Annex II to [Directive 2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications;

(f) [Commission Regulation \(EC\) No 755/2008](#) of 31 July 2008 amending Annex II to [Directive 2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications;

⁽⁵⁾ [S.I. 2007/2781](#), revoked by [S.I. 2015/2059](#) subject to savings.

⁽⁶⁾ [S.I. 2015/2059](#), amended by paragraph 389 of Schedule 19 to the Data Protection Act 2018 (c. 12), [S.I. 2016/696](#), [1094](#) and [1030](#) and [2018/838](#) and [1101](#).

- (g) [Commission Regulation \(EC\) No 1430/2007](#) of 5 December 2007 amending Annexes II and III to [Directive 2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications.

Amendment to Annex 20 to EEA Agreement

5. In Annex 7 to the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, so far as it forms part of domestic law by virtue of section 3(2)(b) of the European Union (Withdrawal) Act 2018, in Part A, omit point 1b.

Signatory text

Address
Date

Name
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
Strategy

SCHEDULE 1

Regulation 2

Amendments etc. of the principal Regulations and the 2007 Regulations

PART 1

Amendments of the principal Regulations coming into force before exit day

1. The principal Regulations are amended as follows.
2. In Schedule 1 (regulated professions), in Part 1 (professions regulated by law or public authority), omit the entry “Child Psychotherapist employed in the National Health Service” in column 1 (profession) and the corresponding entry in column 2 (competent authority).
3. In Schedule 2 (regulated professions having public health and safety implications), omit the entry “Child Psychotherapist (employed in the National Health Service)”.
4. In Schedule 5 (appeal bodies), in the table—
 - (a) in the entry “Approved Driving Instructor (Great Britain)”—
 - (i) in column 1, for “Great Britain”, substitute “England and Wales”;
 - (ii) in the corresponding entry in column 2, for “First-tier Tribunal”, substitute “The Magistrates’ Court”;
 - (b) above the entry “Approved Driving Instructor (Northern Ireland)”—
 - (i) in column 1, insert “Approved Driving Instructor (Scotland)”;
 - (ii) insert “The Sheriff Court” in the corresponding entry in column 2;
 - (c) in relation to the entry “Notary Public in England and Wales” in column 1, in the corresponding entry in column 2, for “The Lord Chancellor”, substitute “Chancellor of the High Court”.

PART 2

Amendments of the principal Regulations coming into force on exit day

5. The principal Regulations are amended as follows.
6. In regulation 2 (interpretation)—
 - (a) in paragraph (1)—
 - (i) omit the following definitions—
 - “adaptation period”
 - “another relevant European State”;
 - “aptitude test”;
 - “Commission”;
 - “common training framework”;
 - “common training test”;
 - “compensation measures”;
 - “designated competent authority”;
 - “[Directive 2002/58/EC](#)”;

“Directive 2006/123/EC”;
“enactment”;
“European Professional Card”;
“the GDPR”;
“host State”;
“IMI”;
“Implementing Regulation 2015”
“lifelong learning”;
“manager of an undertaking”;
“missing document”;
“overriding reasons of general interest”;
“professional experience”;
“professional rules”;
“relevant body”;
“sectoral professions”;
“third country”;
“UK applicant”;

- (ii) in the definition of “applicant”, for “regulation 8(3) and (4)” substitute “regulation 8(4)”;
- (iii) in the definition of “assistance centre”, omit the words from “and to issue a European Professional Card” to the end;
- (iv) in the definition of “competent authority”—
 - (aa) in paragraph (a), for “(4)” substitute “(3)”;
 - (bb) in paragraph (b), for “another” substitute “a”;
- (v) in the definition of “home State”, omit “or in which they lawfully practised”;
- (vi) in the definition of “holder”, after “competent authority of” insert “the United Kingdom or”;
- (vii) in the definition of “practice”, omit “in a relevant European State”;
- (viii) for the definition of “relevant European State”, substitute—

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

7. For regulation 3 (application) substitute—

“3. These Regulations do not apply in relation to—

- (a) any profession regulated under—
 - (i) the Medical Act 1983(7);
 - (ii) the Dentists Act 1984(8);
 - (iii) the Opticians Act 1989(9);
 - (iv) the Osteopaths Act 1993(10);

(7) 1983 c. 54.

(8) 1984 c. 24.

(9) 1989 c. 44.

(10) 1993 c. 21.

- (v) the Chiropractors Act 1994⁽¹¹⁾;
 - (vi) Part 3 of the Regulation of Care (Scotland) Act 2001⁽¹²⁾;
 - (vii) Part 4 of the Regulation and Inspection of Social Care (Wales) Act 2016⁽¹³⁾;
 - (viii) Part 2 of the Children and Social Work Act 2017⁽¹⁴⁾;
 - (ix) the Nursing and Midwifery Order 2001⁽¹⁵⁾;
 - (x) the Health and Social Work Professions Order 2001⁽¹⁶⁾;
 - (xi) Health and Personal Social Services Act (Northern Ireland) 2001⁽¹⁷⁾;
 - (xii) the Pharmacy Order 2010⁽¹⁸⁾;
 - (xiii) the Health and Personal Social Services Act (Northern Ireland) 2001⁽¹⁹⁾;
 - (b) the profession of architect;
 - (c) the profession of veterinary surgeon;
 - (d) the profession of farrier in England, Wales and Scotland;
 - (e) the profession of statutory auditor as defined in section 1210 of the Companies Act 2006⁽²⁰⁾;
 - (f) the profession of notary appointed by an official act of government;
 - (g) any regulated profession in relation to which, immediately before exit day—
 - (i) specific arrangements directly related to the recognition of professional qualifications were made in any EU Regulation, EU Directive, EU decision or EU tertiary legislation; and
 - (ii) the effect of those arrangements excluded the application of the Directive.”.
- 8.** In regulation 4 (competent authorities)—
- (a) in paragraph (1)—
 - (i) for “any of Parts 1 to 3” substitute “Parts 1 and 2”;
 - (ii) for “the Directive” substitute “these Regulations”;
 - (b) in paragraph (2), for “the Directive”, substitute “these Regulations”;
 - (c) omit paragraphs (3) and (4);
 - (d) in paragraph (5)—
 - (i) for “another” substitute “a”;
 - (ii) in sub-paragraph (a), omit “attestation of competence,”;
 - (iii) omit sub-paragraph (b), but not the “or” following it;
 - (iv) omit the words from “or (as the case may be)” to the end.
- 9.** In regulation 5 (functions of competent authorities in the United Kingdom)—
- (a) omit paragraphs (2) and (3);

⁽¹¹⁾ 1994 c. 17.

⁽¹²⁾ 2001 asp 8.

⁽¹³⁾ 2016 anaw 2.

⁽¹⁴⁾ 2017 c. 16.

⁽¹⁵⁾ S.I. 2002/253.

⁽¹⁶⁾ S.I. 2002/254. The S.I. was re-named by section 213(4) of the Health and Social Care Act 2012 (c. 7).

⁽¹⁷⁾ 2001 c.3.

⁽¹⁸⁾ S.I. 2010/231.

⁽¹⁹⁾ 2001 c. 3.

⁽²⁰⁾ 2006 c.46. Section 1210 was amended by S.I. 2008/565, 1950, 2012/1809, 2013/3115, 2017/516, 1164.

- (b) for paragraph (4), substitute—
 - “(4) A competent authority must—
 - (a) act as a point of single contact for their regulated professions; and
 - (b) provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
 - (c) for paragraph (5), substitute—
 - “(5) A competent authority must fully cooperate with the assistance centre and provide all relevant information about individual cases to the assistance centre on request, and subject to data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018.”**(21)**;
 - (d) omit paragraphs (7) and (9);
 - (e) in paragraph (10), for “regulations 21 and” substitute “regulation”;
 - (f) after paragraph (11), insert—
 - “(12) If the applicant does not provide any certified copies requested under paragraph (6) before the expiry of the time limit for the competent authority to notify the applicant of its decision under regulation 42(2), the competent authority may refuse the application.”.
- 10.** In regulation 6(2), omit “or the issue of a European Professional Card”.
- 11.** In regulation 7—
- (a) in paragraph (1)—
 - (i) after “request” insert “by an applicant”;
 - (ii) in sub-paragraph (a), for “another” substitute “a”;
 - (b) after paragraph (4), insert—
 - “(5) In this regulation, “third country” means a country other than a relevant European State.”.
- 12.** In regulation 8 (regulated profession, regulated education and training and applicants)—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a)(i), for “any of Parts 1, 3 and 4” substitute “Part 1”;
 - (ii) in paragraph (b), for “another” substitute “a”;
 - (b) in paragraph (2)—
 - (i) after “of a profession in” insert “the United Kingdom or”;
 - (ii) after “provisions of” insert “the United Kingdom or, as the case may be,”;
 - (iii) after “competent authority in” insert “the United Kingdom or, as the case may be”;
 - (c) omit paragraph (3);
 - (d) in paragraph (4)—
 - (i) in the opening words, omit “, 2” and “, including Part 4,”;
 - (ii) in sub-paragraph (a)—
 - (aa) for “wishes” substitute “applies for authorisation”;
 - (bb) omit “on a permanent basis”;

(21) 2018 c.12.

- (iii) at the end of that sub-paragraph, insert “and”;
 - (iv) omit sub-paragraph (b);
 - (v) in sub-paragraph (c), omit “or a third country;”;
 - (vi) omit sub-paragraph (d), and the “and” immediately before that sub-paragraph.
- 13.** In regulation 9 (professional qualifications and evidence of formal qualifications)—
- (a) in paragraph (1), omit “, subject to paragraph 12(2)”;
 - (b) omit paragraph (1)(b) and (c);
 - (c) in paragraph (2)(a), insert “the United Kingdom or” after “authority in” and “mainly in”;
 - (d) omit paragraph (2)(b) and the “or” before that paragraph.
- 14.** Omit regulations 10 (partial access) and 11 (procedure applicable to partial access applications).
- 15.** Omit Part 2: (regulations 12 to 26: freedom to provide services on a temporary and occasional basis).
- 16.** For the heading to Part 3 (freedom of establishment), substitute “Applications for Authorisation”.
- 17.** In regulation 27 (levels of qualification), omit paragraph (a).
- 18.** Omit regulation 28 (equal treatment of qualifications).
- 19.** In regulation 29 (conditions for recognition)—
- (a) for paragraph (1) substitute—

“(1) If access to, or pursuit of, a regulated profession in the United Kingdom is contingent on possession of specific qualifications, a competent authority must permit access to, and pursuit of, that profession to an applicant, where that applicant possesses evidence of formal qualifications required by a relevant European State, where the profession is regulated, in order to gain access to and pursue the same profession in that relevant European State.”;
 - (b) after paragraph (1), insert—

“(1A) The requirement on the competent authority in paragraph (1) does not apply where—

 - (a) the training the applicant has received covers substantially different matters than those covered by the evidence of formal qualifications required for the regulated profession in the United Kingdom; or
 - (b) the regulated profession in the United Kingdom—
 - (i) comprises one or more regulated professional activities which do not exist in the profession in the applicant’s home State; and
 - (ii) the specific training which is required by the regulated profession covers substantially different matters from those covered by the applicant’s attestation of competence or evidence of formal qualifications; or
 - (c) the level of the professional qualifications of the applicant is lower than the level of the specific professional qualifications required to access and pursue the regulated profession in the United Kingdom;

(1B) In paragraph (1A), “substantially different matters” means matters of which knowledge, skills and competences acquired are essential for pursuing the profession and

with regard to which the training received by the applicant shows significant differences in terms of duration or content from the training required in the United Kingdom.”;

- (c) in paragraph (2)—
 - (i) omit “Attestations of competence or”;
 - (ii) in sub-paragraph (a), for “another” substitute “a”;
 - (iii) omit sub-paragraph (b);
- (d) for paragraph (3), substitute—

“(3) Nothing in paragraphs (1) or (1A) prevents a competent authority from exercising any other powers it may have to permit an applicant to access and pursue a regulated profession.”;
- (e) omit paragraphs (4) and (5).

20. Omit regulations 30 (compensation measures – adaptation periods and aptitude tests) to 37.

21. For the heading to Chapter 4 (common provisions on establishment), substitute “General Provisions”.

22. In regulation 38 (documentation and formalities)—

- (a) for paragraph (1), substitute—

“(1) When considering an application for authorisation to pursue a regulated profession, the competent authority may require any information or documentation necessary to enable the competent authority to assess the application, including—

 - (a) evidence of formal qualifications, and any information necessary to determine the level and content of those qualifications;
 - (b) information concerning the applicant’s training to the extent necessary to determine the existence of potential substantial differences to the training requirements in the United Kingdom;
 - (c) the applicant’s fitness to practice and professional or financial standing; and
 - (d) the applicant’s insurance cover.”;
- (b) omit paragraph (2).

23. In regulation 39—

- (a) in paragraph (1)—
 - (i) for “require”, substitute “request”;
 - (ii) omit “attestations and” and “other”;
- (b) in paragraph (3), for “require”, substitute “request”;
- (c) after paragraph (3) insert—

“(4) Where a competent authority of another relevant European State does not provide the confirmation required or the verification sought by a competent authority under this regulation before the expiry of the time limit for notifying the applicant of its decision under regulation 42(2), the competent authority may refuse the application.”.

24. Omit regulations 40 and 41.

25. In regulation 42 (decisions of competent authorities)—

- (a) in paragraph (1), for “to establish himself” substitute “for authorisation to practise”
- (b) in paragraph (2), for sub-paragraphs (a) and (b), substitute “within four months”;
- (c) omit paragraph (5).

- 26.** In regulation 43 (use of professional titles), omit paragraph (4).
- 27.** Omit Part 4: (regulations 44 to 63: European Professional Card).
- 28.** Omit Part 5: (regulations 64 and 65: automatic recognition on the basis of common training principles).
- 29.** In regulation 66 (exchange of information)—
- (a) in paragraph (1), for the words from “must exchange” to “other”, substitute “may exchange information with competent authorities of”;
 - (b) in paragraph (2)—
 - (i) for “home State” substitute “United Kingdom”;
 - (ii) for “another” substitute “a”;
 - (c) in paragraph (3), for the words from “rules” to the end, substitute “legislation within the meaning of section 3(9) of the Data Protection Act 2018”.
- 30.** Omit regulation 67 (alert mechanism).
- 31.** In regulation 68 (appeals)—
- (a) in paragraph (1), for the words “any one of regulations 6(1), 10, 13(2), 42(2) or under Part 4” substitute “either regulation 6(1) or 42(2)”;
 - (b) omit paragraph (2);
 - (c) in paragraph (3), omit “or (2)”;
 - (d) in paragraph (4), for “regulation 6(1), 10, 13(2), 42(2), 62 or 63” substitute “regulation 6(1) or 42(2);
 - (e) for paragraph (5), substitute—
 - “(5) In paragraph (3), “enactment” includes—
 - (a) an enactment contained in subordinate legislation within the meaning given by subsection (1) of section 21 of the Interpretation Act 1978, except that the definition of that term in that subsection shall have effect as if “Act” included Northern Ireland legislation, and
 - (b) an enactment contained in an Act of the Scottish Parliament or in an instrument made under such an Act.”;
- 32.** In regulation 69 (use of academic titles), in paragraph (1), for “regulations 18 and” substitute “regulation”.
- 33.** In regulation 70 (assistance centre)—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), omit—
 - (aa) “and the assistance centres of other relevant European States”; and
 - (bb) “where appropriate the availability and functioning of the European Professional Card”;
 - (ii) for sub-paragraph (b), substitute—
 - “(b) on receipt of an enquiry, assist applicants in exercising the rights conferred on them by these Regulations, in co-operation where appropriate, with points of single contact and competent authorities in the United Kingdom.”;
 - (b) in paragraph (2), for “Commission”, in both places it appears, substitute “Secretary of State”.

- 34.** In regulation 71 (information from competent authorities)—
- (a) in paragraph (1), for “the Directive”, substitute “these Regulations”;
 - (b) in paragraph (2), omit the words from “, including the types of decisions” to the end.
- 35.** In regulation 72 (review), omit paragraph (2).
- 36.** In regulation 78 (transitional and saving provision), omit paragraphs (1) and (3).
- 37.** In Schedule 1 (regulated professions) —
- (a) in Part 1, omit the following entries in column 1 (profession) and their corresponding entries (if applicable) in column 2 (competent authority)—
 - (i) Chiropractor;
 - (ii) Dental Hygienist;
 - (iii) Dental Therapist
 - (iv) Clinical Dental Technician;
 - (v) Dental Nurse;
 - (vi) Dental Technician;
 - (vii) Orthodontic Therapist;
 - (viii) Arts Therapist;
 - (ix) Biomedical Scientist;
 - (x) Chiropodist and Podiatrist;
 - (xi) Clinical Scientist;
 - (xii) Dietitian;
 - (xiii) Hearing Aid Dispenser;
 - (xiv) Occupational Therapist;
 - (xv) Operating Department Practitioner;
 - (xvi) Orthoptist;
 - (xvii) Paramedic;
 - (xviii) Physiotherapist;
 - (xix) Prosthetist and Orthotist;
 - (xx) Radiographer;
 - (xxi) Practitioner psychologist (a registered psychologist, clinical psychologist, counselling psychologist, educational psychologist, forensic psychologist, health psychologist, occupational psychologist or sport and exercise psychologist);
 - (xxii) Social Worker in England;
 - (xxiii) Social Worker in Northern Ireland;
 - (xxiv) Social Worker in Scotland;
 - (xxv) Social Worker in Wales;
 - (xxvi) Social Care Manager in Wales;
 - (xxvii) Speech and Language Therapist;
 - (xxviii) Nurse (other than a nurse admitted to Sub-Part 1 of the nurses’ part of the register maintained by the Nursing and Midwifery Council whose field of practice is adult nursing);
 - (xxix) Nursing Associate in England;

- (xxx) Optometrist (Ophthalmic Optician);
- (xxxi) Dispensing Optician;
- (xxxii) Osteopath;
- (xxxiii) Pharmacy Technician in Great Britain;
- (b) omit Parts 3 and 4.

38. Omit Schedules 2, 3, and 4.

39. In Schedule 5 (appeal bodies), in the first column, omit the following entries in column 1 (profession) and their corresponding entries in column 2 (body, court or person)—

- (a) Social Worker in Northern Ireland;
- (b) Social Worker in Wales.

PART 3

Transitional and saving provision

Saving of decisions etc. taken before exit day

40. The amendments and revocations made by these Regulations do not affect the validity of any action or decision taken or right accrued under the principal Regulations or the 2007 Regulations before exit day, except as provided in this Part.

Language testing – transitional and saving provision

41.—(1) Where a competent authority has recognised a professional qualification—

- (a) before exit day, under the principal Regulations; or
- (b) pursuant to paragraph 44,

the provisions of the principal Regulations specified in sub-paragraph (2) continue to apply on and after exit day as if not amended by Part 2, but subject to the modification specified in sub-paragraph (3).

(2) The specified provisions are—

- (a) regulation 6;
- (b) regulation 68, so far as it relates to appeals against a decision of a competent authority under regulation 6(1); and
- (c) any other provision of the principal Regulations so far as they relate to those provisions,

(3) Regulation 6(2) is to be read as if the words “or the issue of a European Professional card” were omitted.

Temporary and occasional provision of services – Part 2 of the principal Regulations - transitional and saving provision

42.—(1) This paragraph applies where, before exit day, an applicant has submitted or renewed a declaration in accordance with regulation 15 of the principal Regulations to the appropriate competent authority.

(2) The provisions of the principal Regulations continue to apply on and after exit day in relation to the applicant concerned, as if not amended by Part 2 but subject to the modifications specified in sub-paragraph (3), until the earlier of the following—

- (a) the day before that on which renewal of the declaration in accordance with regulation 15(2) (c) would have been required but for the modification specified in paragraph (3);
 - (b) the loss of entitlement to provide services in accordance with regulation 24(1) or 25 (as those regulations are modified in accordance with sub-paragraph (3)), or pursuant to any other provision of the principal Regulations;
 - (c) where applicable—
 - (i) the expiry of the period for appeal against a decision under regulation 13(2) without an appeal being made; or
 - (ii) the determination of any appeal made under regulation 68(1) against the applicant, in relation to a decision under regulation 13(2);
 - (d) the day before the first anniversary of the day on which exit day falls.
- (3) The modifications to the principal Regulations are as follows—
- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State”;
 - (b) regulation 5 is to be read as if—
 - (i) paragraphs (2) and (3) were omitted;
 - (ii) for paragraph (4), there were substituted—
 - “(4) A competent authority must—
 - (a) act as a point of single contact for their regulated professions; and
 - (b) provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
 - (iii) for paragraph (5), there were substituted—
 - “(5) A competent authority must fully cooperate with the assistance centre and provide all relevant information about individual cases to the assistance centre on request, and subject to data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018.”;
 - (iv) paragraphs (7) and (9) were omitted;
 - (v) in paragraph (10), for “regulations 21 and” there were substituted “regulation”;
 - (vi) after paragraph (11), there were inserted—
 - “(12) If the applicant does not provide any certified copies requested under paragraph (6) before the expiry of the time limit for the competent authority to notify the applicant of its decision under regulation 42(2), the competent authority may refuse the application.”.
 - (c) regulation 15 is to be read as if—
 - (i) in paragraph (2), sub-paragraph (c) and the “and” immediately before it were omitted;
 - (ii) in paragraph (b) “or renewal” were omitted;
 - (d) regulation 23 is to be read as if in paragraph (2) after “the applicant may” there were inserted “not”;
 - (e) regulation 24 is to be read as if paragraphs (2), (3) and (4) were omitted;
 - (f) regulation 25 is to be read as if—
 - (i) after paragraph (1), there were inserted—

“(1A) If the competent authorities of the home State fail to provide the information requested under paragraph (1) within one month, the applicant will no longer be entitled to provide services in the profession that the applicant is pursuing in the United Kingdom in accordance with this Part nor retain any temporary registration.”;

- (ii) paragraph (3) were omitted;
- (g) Parts 4 and 5 are to be ignored;
- (h) in regulation 66—
 - (i) paragraph (1) is to be read as if for “must” there were substituted “may”;
 - (ii) paragraph (3) is to be read as if for the words from “rules” to the end, there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018”;
- (i) regulation 67 is to be ignored, save to the extent that paragraph 46 of this Schedule applies;
- (j) regulation 68, so far as it relates to an appeal under regulation 67, is to be ignored, save to the extent that paragraph 46 of this Schedule applies.
- (4) In this paragraph, “applicant” has the meaning in regulation 8(3) of the principal Regulations—
 - (a) before amendment made by Part 2; and
 - (b) with the omission of the words “including Part 4”.

Temporary and occasional provision – transitional and saving provision relating to certain sectoral professions

43.—(1) In connection with the provisions referred to in sub-paragraph (2), so far as they continue to have effect after exit day, regulations 13 and 19 to 23 of the principal Regulations continue to apply without the amendments made by Part 2, but with the modifications specified in paragraph 42(3).

- (2) The provisions are—
 - (a) Schedule 1B to the Veterinary Surgeons Act 1966**(22)**;
 - (b) Schedule 2A to the Medical Act 1983**(23)**;
 - (c) Schedule 4 to the Dentists Act 1984**(24)**;
 - (d) Schedule 2A to the Nursing and Midwifery Order 2001**(25)**;
 - (e) Schedule 2 to the Pharmacy Order 2010**(26)**.

Applications begun before exit day – Chapters 1 and 2 of Part 3 of the principal Regulations - transitional and saving provision

- 44.**—(1) This paragraph applies where—
 - (a) before exit day, an applicant has made an application to a competent authority or to a point of single contact under, or relying on an entitlement under, Chapters 1 and 2 of Part 3 of the principal Regulations; and
 - (b) the application has not been finally determined before exit day.

(22) 1966 c. 36. Schedule 1B was inserted by S.I. 2008/1284 and amended by S.I. 2011/1043, 2015/2073.

(23) 1983 c. 54. Schedule 2A was inserted by S.I. 2007/3101 and amended by S.I. 2016/1030.

(24) 1984 c. 24. Schedule 4 was substituted by S.I. 2007/3101 and amended by S.I. 2016/1030.

(25) S.I. 2002/253. Schedule 2A was inserted by S.I. 2007/3101 and amended by S.I. 2011/1043, 2016/1030.

(26) S.I. 2010/231, amended by S.I. 2016/1030.

- (2) For the purposes of sub-paragraph (1), an application is finally determined when—
- (a) the competent authority has notified or is deemed to have notified the applicant of its decision; and
 - (b) either—
 - (i) the period for appeal against that decision under the principal Regulations has expired without an appeal being made; or
 - (ii) an appeal made under regulation 68(1) of the principal Regulations against a decision taken or deemed to be taken under regulations 10 or 42(2) has been determined.
- (3) The provisions of the principal Regulations continue to apply on and after exit day as if not amended by Part 2 of this Schedule, but subject to the modifications specified in sub-paragraph (4), in relation to—
- (a) the application concerned; and
 - (b) any appeal under regulation 68(1) of the principal Regulations against a decision made under regulations 10 or 42(2) in relation to that application.
- (4) The modifications to the principal Regulations are as follows—
- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State”;
 - (b) regulation 5 is to be read as if—
 - (i) paragraphs (2) and (3) were omitted;
 - (ii) for paragraph (4), there were substituted—
 - “(4) A competent authority must—
 - (i) act as a point of single contact for their regulated professions; and
 - (ii) provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
 - (iii) for paragraph (5), there were substituted—
 - “(5) A competent authority must fully cooperate with the assistance centre and provide all relevant information about individual cases to the assistance centre on request, and subject to data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018.”;
 - (iv) paragraphs (7) and (9) were omitted;
 - (v) in paragraph (10), for “regulations 21 and” there were substituted “regulation”;
 - (vi) after paragraph (11), there were inserted—
 - “(12) If the applicant does not provide any certified copies requested under paragraph (6) before the expiry of the time limit for the competent authority to notify the applicant of its decision under regulation 42(2), the competent authority may refuse the application.”.
 - (c) regulation 39 is to be read as if for “require” in paragraphs (1) and (3), there were substituted “request”;
 - (d) regulation 41 is to be ignored;
 - (e) regulation 42(5) is to be ignored;
 - (f) Parts 4 and 5 are to be ignored;
 - (g) in regulation 66—
 - (i) paragraph (1) is to be read as if for “must” there were substituted “may”;

- (ii) paragraph (3) is to be read as if for the words from “rules” to the end, there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018”;
 - (h) regulation 67 is to be ignored, save to the extent that paragraph 46 of this Schedule applies;
 - (i) regulation 68, so far as it relates to an appeal under regulation 67, is to be ignored, save to the extent that paragraph 46 of this Schedule applies.
- (5) In this paragraph, “applicant” has the same meaning as in regulation 8(4) of the principal Regulations—
- (a) before amendment made by Part 2; and
 - (b) with the omission of the words “including Part 4”.

Certificates of Experience – Chapter 3 of Part 3 of the principal Regulations - transitional and saving provision

45.—(1) Where, before exit day, a person has applied to ECCTIS Limited for a Certificate of Experience under regulation 36 of the principal Regulations—

- (a) that regulation; and
 - (b) any other provision of the principal Regulations so far as it relates to regulation 36,
- continue to apply on and after exit day as if not amended by Part 2 in relation to that application.

(2) Regulation 37 continues to apply on and after exit day as if not amended by Part 2 in relation to any Certificate of Experience issued by ECCTIS under the principal Regulations.

Alert mechanism – saving provision

46.—(1) This regulation applies where a designated competent authority has, before exit day, sent an alert under regulation 67 of the principal Regulations.

(2) Regulations 67 and 68 of the principal Regulations continue to apply on and after exit day as if not amended by Part 2, but subject to the modifications specified in sub-paragraph (3), in relation to—

- (a) the decision to send the alert; and
 - (b) any appeal made in relation to that decision.
- (3) The modifications to the principal Regulations are as follows—
- (a) regulations 67(1) to (6) are to be ignored;
 - (b) regulation 67(8) is to be read as if for “qualify the alert to show that it” there were substituted “notify the Commission that the alert”;
 - (c) regulation 67(9) is to be read as if for the words from “delete” to “it”, there were substituted “notify the Commission within three days of a decision revoking the alert”;
 - (d) regulation 68(5) is to be read as if for sub-paragraph (b) there were substituted—
 - “(b) allow the appeal and direct the designated competent authority to take such steps as the appeal body thinks fit to draw the findings of the appeal body to the attention of the European Commission.”.

2007 Regulations – Temporary and occasional provision of services - transitional and saving provision

47.—(1) This paragraph applies where, before exit day, an applicant has submitted or renewed a declaration in accordance with regulation 11 of the 2007 Regulations to the appropriate competent authority.

(2) The provisions of the 2007 Regulations continue to apply on and after exit day in relation to the applicant concerned, as they had effect immediately before exit day, but subject to the modifications specified in paragraph (3), until the earlier of the following—

- (a) the day before that on which renewal of the declaration in accordance with regulation 11(2)(c) would have been required but for the modification specified in paragraph (3);
- (b) the loss of entitlement to provide services in accordance with regulation 17(1) or 18 (as those regulations are modified in accordance with sub-paragraph (3)) or pursuant to any other provision of the 2007 Regulations;
- (c) where applicable—
 - (i) the expiry of the period for appeal against a decision under regulation 9(2) without an appeal being made; or
 - (ii) the determination of any appeal made under regulation 36(1) against the applicant, in relation to a decision under regulation 9(2); or
- (d) the day before the first anniversary of the day on which exit day falls.

(3) The modifications to the 2007 Regulations are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State”;
- (b) regulation 5 is to be read as if—
 - (i) paragraph (2) were omitted;
 - (ii) in paragraph (3) for “shall” there were substituted “may”;
 - (iii) paragraph (5) were omitted;
 - (iv) for paragraph (7), there were substituted—

“(7) A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”.
- (c) regulation 11 is to be read—
 - (i) as if paragraph (2)(c) and the “and” immediately before it were omitted;
 - (ii) in paragraph (3) “or renewal” were omitted;
- (d) regulation 16(5) is to be read as if after “the applicant may” there were inserted “not”;
- (e) regulation 17 is to be read as if paragraphs (2), (3) and (4) were omitted;
- (f) regulation 18 is to be read as if after paragraph (2), there were inserted—

“(3) If the competent authorities of the home State fail to provide the information requested under paragraph (1)(a) within one month, the applicant will no longer be entitled to provide services in the profession that the applicant is pursuing in the United Kingdom in accordance with this Part nor retain any temporary registration.”.

(4) In this paragraph, “applicant” has the meaning in regulation 6(3) of the 2007 Regulations, as those Regulations had effect immediately before exit day.

Applications begun before exit day – Chapters 1 and 2 of Part 3 of the 2007 Regulations - transitional and saving provision

48.—(1) This paragraph applies where—

- (a) before exit day, an applicant has made an application to a competent authority under, or relying on an entitlement under, Chapters 1 and 2 of Part 3 of the 2007 Regulations; and
- (b) the application has not been finally determined before exit day.

(2) For the purposes of sub-paragraph (1), an application is finally determined when—

- (a) the competent authority has notified or is deemed to have notified the applicant of its decision; and
- (b) either—
 - (i) the period for appeal against that decision under the 2007 Regulations has expired without an appeal being made; or
 - (ii) an appeal made under regulation 36(1) of the 2007 Regulations against a decision taken or deemed to be taken under regulation 34 has been determined.

(3) The provisions of the 2007 Regulations continue to apply on and after exit day as they had effect immediately before exit day, but subject to the modifications specified in sub-paragraph (4), in relation to—

- (a) the application concerned; and
- (b) any appeal under regulation 36 of the 2007 Regulations against a decision made under regulation 34 in relation to that application.

(4) The modifications to the 2007 Regulations are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State”;
- (b) regulation 5 is to be read as if—
 - (i) paragraph (2) were omitted;
 - (ii) in paragraph (3), for “shall” there were substituted “may”;
 - (iii) paragraph (5) were omitted;
 - (iv) for paragraph (7), there were substituted—

“(7) A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”.

(c) in regulation 32(1) is to be read as if for “require” there were substituted “request”.

(5) In this paragraph, “applicant” has the meaning in regulation 6(3) of the 2007 Regulations, as they had effect immediately before exit day.

Certificates of Experience – Chapter 3 of Part 3 of the 2007 Regulations - transitional and saving provision

49.—(1) Where, before exit day, a person has applied to ECCTIS Limited for a Certificate of Experience under regulation 29 of the 2007 Regulations—

- (a) that regulation; and
- (b) any other provision of the 2007 Regulations so far as it relates to regulation 29,

continue to apply on and after exit day as they had effect immediately before exit day in relation to that application.

(2) Regulation 30 of the 2007 Regulations continues to apply on and after exit day as it had effect immediately before exit day in relation to any Certificate of Experience issued by ECCTIS under the 2007 Regulations.

SCHEDULE 2

Regulation 3

Amendments etc. of secondary legislation relating to school teachers

Amendment of the Education (School Teachers' Qualifications) (England) Regulations 2003

1.—(1) Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003⁽²⁷⁾ is amended as follows.

(2) In paragraph 1, omit the definitions of “EEA Agreement” and “Switzerland Agreement”.

(3) For paragraph 8, substitute—

“8.—(1) The person is a person who is, as respects the profession of school teacher, entitled to practice pursuant to the 2007 Regulations or the 2015 European Union Regulations, including pursuant to—

(a) a decision taken or right accrued under the 2007 Regulations or the 2015 European Union Regulations before exit day in accordance with paragraph 40 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018;

(b) a decision taken or determination made under the 2015 European Union Regulations in accordance with paragraph 44 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018;

(a) a decision taken or determination made under the 2007 Regulations in accordance with paragraph 48 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018.

(2) In this paragraph, the 2007 Regulations means the European Communities (Recognition of Professional Qualifications) Regulations 2007.”.

(4) In paragraph 8A, for sub-paragraph (1)(a) substitute—

“(a) entitled to partial access to the profession of school teacher pursuant to—

(i) a decision taken or right accrued under the 2015 European Union Regulations before exit day in accordance with paragraph 40 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018; or

(ii) a decision taken or determination made under the 2015 European Union Regulations in accordance with paragraph 44 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2018;”.

Amendment of the Education (Induction Arrangements for School Teachers) (England) Regulations 2012

2.—(1) The Education (Induction Arrangements for School Teachers) (England) (Regulations 2012⁽²⁸⁾) are amended as follows.

(2) For paragraph 10 of Schedule 1, substitute—

⁽²⁷⁾ S.I. 2003/1662; relevant amending instruments are S.I. 2007/2782, 2012/431 and 2016/1123.

⁽²⁸⁾ S.I. 2012/1115. Paragraph 10 was amended by S.I. 2015/2059 and 2016/1123.

“10. A person who is a qualified teacher who became so qualified by virtue of regulation 5 of, and paragraph 8 or paragraph 8A of Schedule 2 to, the 2003 Qualifications Regulations.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (except Part 1 of Schedule 1 and paragraph 1(2) of Schedule 2) 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 UK from the European Union (and in particular, the deficiencies under paragraphs (c), (d), and (e) of section 8(2), and paragraph (a) of section 8(3) of that Act).

Regulation 4 revokes retained direct EU legislation. Regulation 5 amends Annex 7 to the EEA agreement so far as that Annex forms part of domestic law.

Part 1 of Schedule 1 amends the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) in exercise of powers conferred by the European Communities Act 1972 (c. 68). Part 2 of that Schedule amends those Regulations with effect from exit day and Part 3 of that Schedule provides for saving and transitional provisions in relation to those Regulations and the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781).

Schedule 2 both amends legislation concerning school teachers, in reliance on powers in the 2018 Act and section 132 of the Education Act 2002 and makes saving and transitional provision in relation to that legislation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.