
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16), in order to address failures of domestic legislation to operate effectively and other deficiencies (as specified in section 8(2)(a) to (e) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union and to make consequential, saving and transitional provision in that regard. These Regulations amend legislation concerned with the regulation of health and care professionals.

Schedule 1 amends legislation concerning medical practitioners.

Schedule 2 amends legislation concerning pharmacists and pharmacy technicians.

Schedule 3 amends legislation concerning dental and dental care professionals.

Schedule 4 amends legislation concerning nurses, midwives and nursing associates.

Schedule 5 amends legislation concerning opticians.

Schedule 6 amends legislation concerning osteopaths.

Schedule 7 amends legislation concerning chiropractors.

Schedule 8 amends legislation concerning health and social work professionals.

Schedule 9 amends legislation concerning social workers registered or registering under the Regulation of Care (Scotland) Act 2001 (asp 8).

Schedule 10 amends legislation concerning social workers registered or registering under the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3) (N.I.).

Schedule 11 amends legislation concerning social workers who will be registered under the Social Workers Regulations 2018.

Part 1 of each Schedule collectively removes provision in the Medical Act 1983 (c. 54) Pharmacy Order 2010, Dentists Act 1984 (c. 24), Nursing and Midwifery Order 2001, Opticians Act 1989, Osteopaths Act 1993, Chiropractors Act 1994, Health and Social Work Professions Order 2001, Regulation of Care (Scotland) Act 2001, Health and Personal Social Services Act (Northern Ireland) 2001 and Social Workers Regulations 2018 (“the regulators’ governing legislation”) relating to rights and obligations under Directive 2005/36 of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p22) (“the Directive”). Part 1 of each Schedule also makes consequential amendment to legislation made under the regulators’ governing legislation and to other secondary legislation. Part 1 of Schedules 2 (pharmacists and pharmacy technicians) and 5 (opticians) makes consequential amendments to certain primary legislation.

Part 1 of Schedules 1, 2 (in relation pharmacists), 3 and 4 makes provision for recognition of European qualifications and diplomas that fall under the “automatic regime” in the Directive (doctors, dental practitioners, pharmacists, general care nurses and midwives) issued by relevant European States (defined in the Regulations as an EEA State or Switzerland), as qualifications that are acceptable for the purposes of registration as a health care professional, unless a particular qualification or diploma has been designated not so. Provisions have also been made in respect of other European qualifications that fall under the “general systems” process (which also falls under the Directive), taking them out of that process, and providing them to be qualifications enabling registration as a health care professional where they are assessed to be comparable to the equivalent

UK qualification. Part 1 of Schedule 2 also provides for registration rights for individuals with a European Union qualification who are registered with the Pharmaceutical Society of Northern Ireland as at exit day and who remain registered continuously after exit day. Regulation 14 requires the Secretary of State to perform a review of the provisions for the former “automatic regime” professions two years after these Regulations come into force and to produce and publish the conclusions of the review.

Part 2 of each Schedule makes certain transitional and saving provision in relation to applications (e.g. for registration or appeals) made before exit day and in relation to certain rights attached to registrations made before exit day (except for Schedule 1 that makes such provision in Parts 1 and 2). Part 2 of each Schedule makes saving and transitional provision in relation to the entitlements of visiting health and care professionals to provide services. Part 2 of Schedules 1 to 10 make saving and transitional provision in relation to appeal rights concerning IMI alerts. Part 2 of Schedules 2, 4 and 8 makes transitional and saving provision in relation to persons who have applied for or hold a European Professional Card.

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.