
DRAFT STATUTORY INSTRUMENTS

2020 No.

**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 Schedule 3 (dentists and dental care professionals)

11.—(1) Schedule 3 is amended as follows.

(2) In paragraph 15(b) and (c), for “exit day” substitute “IP completion day”.

(3) In paragraph 22(a), before “for” insert “in subsection (1),”.

(4) In paragraphs 26(b), 32(2)(a) and 35(1), for “exit day” substitute “IP completion day”.

(5) After paragraph 35 insert—

“Swiss dentists qualifying outside the United Kingdom: saving of old law

35A.—(1) Where an application for registration in the dentists register is received from a Swiss dentist before the end of the Swiss recognition period, any provision made by or under the 1984 Act, or by the 1998 Regulations⁽¹⁾, continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1984 Act and the 1998 Regulations specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

(a) the 1984 Act (other than sections 14(1A), 19(1) and (1A), 26A(11), 34AA and 36, paragraph 2(1)(l) of Schedule 2A, and Schedule 4);

(b) the 1998 Regulations (other than regulations 8(2)(e), (2A) and (2B) and 14(1)(bc)).

(3) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

(a) section 14(1A)⁽²⁾ is to be read as if paragraph (c) were omitted;

(b) section 15⁽³⁾ is to be read as if—

(i) in subsections (1)(b) and (ba), for “any exempt person” there were substituted “any Swiss dentist”;

⁽¹⁾ “The 1984 Act” and “the 1998 Regulations” are defined in paragraph 1 of Schedule 3 to [S.I. 2019/593](#).

⁽²⁾ Subsection (1A) was inserted by [S.I. 2007/3101](#).

⁽³⁾ Subsection (1)(b) and (ba) and subsections (4A) to (4BD) were substituted by [S.I. 2007/3101](#).

- (ii) in subsection (4A), for “an exempt person” there were substituted “a Swiss dentist”;
- (iii) for subsection (4BD), there were substituted—
 - “(4BD) In subsections (4B) to (4BC), the “attesting State”, in relation to A, is Switzerland.”;
- (c) section 15A(7)(4) is to be read as if for “an exempt person” there were substituted “a Swiss dentist”;
- (d) section 16(5) is to be read as if—
 - (i) in subsection (2A)—
 - (aa) in the words before paragraph (a), for “an exempt person” there were substituted “a Swiss dentist”;
 - (bb) for paragraph (b), there were substituted—
 - “(b) if the person holds a dental qualification—
 - (i) which was granted otherwise than in a relevant European State or the United Kingdom, and
 - (ii) has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying the person to practise as a dentist in Switzerland,
 - shall take that acceptance into account; and”;
 - (ii) subsection (2B) were omitted;
- (e) section 17(3A)(6) is to be read as if—
 - (i) for “an exempt person” there were substituted “a Swiss dentist”;
 - (ii) for the words from “a relevant” to the end there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive, of the Swiss dentist’s right to practise as a dentist in Switzerland”;
- (f) section 18(2A)(7) is to be read as if—
 - (i) in the words before paragraph (a), for “An exempt person” there were substituted “A Swiss dentist”;
 - (ii) in paragraph (a), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
 - (iii) in paragraph (b), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, the enforceable EU right by virtue of which A is a Swiss dentist”;
- (g) section 53(1)(8) is to be read as if—
 - (i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for the words “as amended from time to time”, there were substituted “as it had effect immediately before IP completion day”;

(4) Section 15A was inserted by [S.I. 2015/806](#).

(5) Subsection (2A) was inserted by [S.I. 1998/811](#). Subsection (2B) was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2003/3148](#) and [2007/3101](#).

(6) Subsection (3A) was inserted by [S.I. 1998/811](#). Relevant amending instruments are [S.I. 2003/3148](#) and [2007/3101](#).

(7) Subsection (2A) was inserted by [S.I. 2007/3101](#).

(8) The definition of “the Directive” was inserted by [S.I. 2007/3101](#).

- (ii) in the definition of “the General Systems Regulations”, at the end, 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)”;
 - (iii) there were inserted at the appropriate place—
 - ““Swiss dentist” has the meaning given in paragraph 35A(5) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
 - (h) Schedule 2A(9) is to be read as if in paragraph 2(1)(ab) for “an exempt person” there were substituted “a Swiss dentist”.
- (4) The modifications to the 1998 Regulations mentioned in sub-paragraph (1) are—
- (a) regulation 2(1)(10) is to be read as if—
 - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
 - (ii) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for the words “as amended from time to time”, there were substituted “as it had effect immediately before IP completion day”;
 - (iii) in the definition of “General Systems Regulations”, at the end, 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)”;
 - (iv) there were inserted at the appropriate place—
 - ““Swiss dentist” has the meaning given in paragraph 35A(5) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
 - (b) regulation 8(2)(c)(11) is to be read as if for “an exempt person” there were substituted “a Swiss dentist”;
 - (c) regulation 9(12) is to be read as if—
 - (i) in paragraph (1)(a) for “an exempt person” there were substituted “a Swiss dentist”;
 - (ii) in paragraph (2)—
 - (aa) “Subject to paragraph (2A),” were omitted;
 - (bb) for “a person”, there were substituted “A person”;
 - (iii) paragraph (2A) were omitted;
 - (iv) in paragraph (3)—
 - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss dentist”;

(9) Schedule 2A was inserted by [S.I. 2005/2011](#). Relevant amending instrument is [S.I. 2007/3101](#).

(10) The definition of “competent authority” was inserted by [S.I.2007/3101](#). The definition of “General Systems Regulations” was substituted by [S.I. 2016/1030](#).

(11) Paragraph (2) was substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(12) Relevant amending instruments are [S.I. 2003/3148](#) and [2007/3101](#).

- (bb) in sub-paragraph (b)(ii), for the words from “a relevant European State” to “Kingdom”, there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of the Directive.”;
- (d) regulation 9A(13) is to be read as if—
- (i) in paragraph (1), in the words before sub-paragraph (a), for “An exempt person”, there were substituted “A Swiss dentist”;
 - (ii) in paragraph (2)(a) for the words from “in the” to the end, there were substituted “in Switzerland”;
 - (iii) in paragraph (3), for “an exempt person”, there were substituted “a Swiss dentist”;
- (e) regulation 13(2)(a)(14), is to be read as if for “a relevant European State, other than the United Kingdom”, there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”.
- (5) In this paragraph—
- “registration application” means an application for registration in the dentists register(15);
- “Swiss dentist” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration under Schedule 4 to the 1984 Act).

Swiss dental care professionals: saving of old law

35B.—(1) Where a registration application is received from a Swiss dental care professional before the end of the Swiss recognition period, any provision made by or under the 1984 Act, or by the 1998 Regulations, continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1984 Act specified in sub-paragraph (3)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the 1984 Act (other than sections 36B(1A), 36CA(14), 36E, 36F(1) and (1A), 36L(11), 36Z3 and 36Z4 and paragraph 2(1)(i) of Schedule 4A).

(3) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

- (a) section 36B(16) is to be read as if for subsection (1A) there were substituted—

“(1A) The dental care professionals register shall contain particulars of persons who under section 36C are entitled to be registered in that register.”;
- (b) section 36C(17) is to be read as if—
 - (i) in subsection (3)(a) and subsection (5)(b), for “an exempt person” there were substituted “a Swiss dental care professional”;
 - (ii) in subsection (5)(b)(ii), for “a relevant European State, other than the United Kingdom,” there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of the Directive.”;
- (c) section 36CA(18) is to be read as if—

(13) Regulation 9A was inserted by [S.I. 2007/3101](#).

(14) Regulation 13 was substituted by [S.I. 2003/3148](#). Relevant amending instrument is [S.I. 2007/3101](#).

(15) See section 14 of the Dentists Act 1984.

(16) Section 36B was inserted by [S.I. 2005/2011](#). Subsection (1A) was inserted by [S.I. 2007/3101](#).

(17) Section 36C was inserted by [S.I. 2005/2011](#). Relevant amending instruments are [S.I. 2006/1718](#), [2007/3101](#) and [2015/806](#).

(18) Section 36CA was inserted by [S.I. 2015/806](#).

- (i) in subsection (7), for “an exempt person” there were substituted “a Swiss dental care professional”;
 - (ii) in subsection (8), “the principal list of” were omitted;
 - (d) section 36E(a)(19) is to be read as if “the principal list of” were omitted;
 - (e) section 53(1) is to be read as if—
 - (i) in the definition of “the General Systems Regulations”, at the end, 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)”;
 - (ii) there were inserted at the appropriate place—

““Swiss dental care professional” has the meaning given in paragraph 35B(4) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019);”;
 - (f) in Schedule 4A(20), paragraph 2(1)(aa) is to be read as if for “an exempt person” there were substituted “a Swiss dental care professional”.
- (4) In this paragraph—
- “registration application” means an application for registration in the dental care professionals register as a person entitled to be registered under section 36C of the 1984 Act under a title applying to the profession pursued by any of the following—
- (a) clinical dental technicians;
 - (b) dental hygienists;
 - (c) dental nurses;
 - (d) dental technicians;
 - (e) dental therapists;
 - (f) orthodontic therapists;
- “Swiss dental care professional” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration as a visiting dental care professional).”.
- (6) In paragraph 36, for “exit day” substitute “IP completion day”.
- (7) In paragraph 37—
- (a) in the heading, for “one year” substitute “five years”;
 - (b) in sub-paragraph (1)—
 - (i) for “exit day” substitute “IP completion day”;
 - (ii) in the words after paragraph (b), after “states”, insert “(but subject, in the case of a Swiss visiting dentist, to the modifications to the 1984 Act and the 1998 Regulations specified in sub-paragraphs (4) and (5))”;
 - (c) in sub-paragraph (2), for “exit day” substitute “IP completion day”;
 - (d) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting dentist.

(19) Section 36E was inserted by [S.I. 2005/2011](#). Relevant amending instrument is [S.I. 2007/3101](#).

(20) Schedule 4A was inserted by [S.I. 2005/2011](#). Relevant amending instruments are [S.I. 2007/3101](#) and [2015/806](#).

(2B) But a Swiss visiting dentist’s entitlement does not continue (or further continue) under paragraph 7 of Schedule 4 to the 1984 Act on or after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph, “Swiss visiting dentist” means a visiting dentist who—

- (a) is a national of the United Kingdom or a Swiss national, or
- (b) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of dentistry, no less favourably than a national of the United Kingdom or Switzerland.”;

(e) after sub-paragraph (3) insert—

“(4) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

- (a) section 34AA(4)(21) is to be read as if, for the words from “the relevant” to the end, there were substituted “Switzerland”;
- (b) section 53(1) is to be read as if—
 - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
 - (ii) the definitions of “exempt person” and “national” were omitted;
- (c) Schedule 4(22) is to be read as if—
 - (i) for paragraph 1 there were substituted—

“1.—(1) This Schedule applies to a Swiss visiting dentist who is lawfully established in dental practice in Switzerland.

(2) In this Schedule, “Swiss visiting dentist” has the meaning given in paragraph 37(2C) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;

(ii) in paragraph 2—

(aa) before sub-paragraph (a), there were inserted—

“(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;”;

(bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting dentist”;

(cc) in sub-paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland; and”;

(dd) in sub-paragraph (c), after “basis” there were inserted—

“—

(i) on the basis of one or more existing contracts, and

(ii) for a period not exceeding 90 days in total in any calendar year.”;

(iii) in paragraph 5(2)—

(21) Section 34AA was inserted by [S.I. 2007/3101](#).

(22) Schedule 4 was substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

- (aa) in paragraph (b), for “a relevant European State”, there were substituted “the United Kingdom or Switzerland”;
 - (bb) in paragraph (c), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting dentist”;
 - (iv) in paragraph 7(6), after paragraph (a), there were inserted—
 - “(aa) contains details of the existing contract or contracts on the basis of which the occasional dental services will continue to be provided;
 - (ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
 - (ac) if the practitioner is not a national of the United Kingdom or a Swiss national, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting dentist”;
 - (v) in paragraph 8(6), after paragraph (a), there were inserted—
 - “(aa) ceases to have a valid contract to provide occasional pharmacy services, because the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional dental services, is terminated or otherwise expires; or”.
- (5) The modification to the 1998 Regulations mentioned in sub-paragraph (1) is that regulation 8(2)(e) is to be read as if for “an exempt person” there were substituted “a Swiss visiting dentist (within the meaning given in paragraph 37(2C) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019).”.
- (8) In paragraph 38—
- (a) in the heading, for “one year” substitute “five years”;
 - (b) in sub-paragraph (1)—
 - (i) in paragraphs (a) and (b), for “exit day” substitute “IP completion day”;
 - (ii) in the full out words after paragraph (b), after “states” insert “(but subject, in the case of a Swiss visiting dental care professional, to the modifications to the 1984 Act specified in sub-paragraph (4))”;
 - (c) after sub-paragraph (1), insert—
 - “(1A) For the purposes of this paragraph, “Swiss visiting dental care professional” means a visiting dental care professional who is a relevant applicant.
 - (1B) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide relevant dental care services for a period not exceeding 90 days in total in any calendar year.”;
 - (d) after sub-paragraph (2), insert—
 - “(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting dental care professional.
 - (2B) But a Swiss visiting dental care professional’s entitlement does not continue (or further continue) under section 36Z3 of the 1984 Act on or after the end of the visiting practitioner transitional period.

- (2C) In this paragraph, “Swiss visiting dental care professional” means a visiting dental care professional who—
- (a) is a national of the United Kingdom or is a Swiss national, or
 - (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a dental care profession dental care, no less favourably than a national of the United Kingdom or Switzerland.”;
- (e) in sub-paragraph (3)(a), for “exit day” substitute “IP completion day”
- (f) in the table following sub-paragraph (3), for “section 36F(1) and 1(A)” substitute “section 36F(1) and (1A)”;
- (g) after sub-paragraph (3), insert—
- “(4) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—
- (a) section 36Z3(23) is to be read as if—
 - (i) in subsection (1)—
 - (aa) for “an exempt person” there were substituted “a relevant applicant”;
 - (bb) for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
 - (ii) after subsection (1) there were inserted—

“(1A) In this section, “relevant applicant” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;
 - (b) section 36Z4(24) is to be read as if, in subsection (4), for the words from “the relevant” to the end there were substituted “Switzerland”;
 - (c) section 53(1) is to be read as if, in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”.”.
- (9) In paragraph 39(1), for “exit day” substitute “IP completion day”.
- (10) In paragraph 40(a)—
- (a) in paragraphs (i) to (v), in each place it occurs, for “exit day” substitute “IP completion day”;
 - (b) in paragraph (iv), after “(or “General Systems Regulations”)” insert “(other than those definitions as they continue to apply by virtue of paragraph 35A or 35B)”.

(23) Section 36Z3 was inserted by [S.I. 2007/3101](#). A relevant amending instrument is [S.I. 2016/1030](#).

(24) Section 36Z4 was inserted by [S.I. 2007/3101](#).