
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 8 (health professionals)

- 16.**—(1) Schedule 8 is amended as follows.
- (2) In the Schedule title, omit “and social work”.
 - (3) In paragraph 1, omit “and Social Work”.
 - (4) In the heading before paragraph 2, omit “and Social Work”.
 - (5) In paragraph 15, omit “or social work”.
 - (6) In paragraph 19(1), for “exit day” substitute “IP completion day”.
 - (7) After paragraph 19, insert—

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

19A.—(1) Where a registration application is received from a Swiss health professional before the end of the Swiss recognition period, any provision made by or under the 2001 Order⁽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 2001 Order and the Registration Rules 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 (other than the articles and rule listed in the table following paragraph 20(3))—

- (a) the 2001 Order;
- (b) the Registration Rules;
- (c) the Health Professions Council (Registration Appeals) Rules 2003⁽²⁾.

(3) The modifications to the 2001 Order mentioned in sub-paragraph (1) are that the Order is to be read as if—

⁽¹⁾ “The 2001 Order” is defined in paragraph 1 of Schedule 8 to [S.I. 2019/593](#).

⁽²⁾ As set out in the Schedule to the Health Professions Council (Registration Appeals) Rules Order of Council 2003 ([S.I. 2003/1579](#)). Relevant amending instruments are [S.I. 2009/1355](#), [2012/1479](#) and [2019/1094](#).

- (a) in article 8(5)(3)—
 - (i) for “another relevant European State” there were substituted “Switzerland”;
 - (ii) for “are amended from time to time” there were substituted “had effect immediately before IP completion day”;
 - (b) in article 12(4)—
 - (i) in paragraph (1)—
 - (aa) in sub-paragraphs (b) and (c)(iii) for “an exempt person” there were substituted “a Swiss health professional”;
 - (bb) sub-paragraph (ba) were omitted;
 - (ii) in paragraph (1A)—
 - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss health professional”;
 - (bb) in sub-paragraph (a)(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 [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as it had effect immediately before IP completion day”;
 - (c) in article 38(5)—
 - (i) in paragraph (1A), sub-paragraphs (c) to (e) were omitted;
 - (ii) in paragraph (3)—
 - (aa) in sub-paragraph (b), the words from “or, in the case” to the end were omitted;
 - (bb) in sub-paragraph (c), the words from “, or the failure” to “(1A)(e),” were omitted;
 - (d) article 49 were omitted;
 - (e) in Schedule 3(6)—
 - (i) 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)”;
 - (ii) there were inserted, at the appropriate place—
 - ““Swiss health professional” has the meaning given in paragraph 19A(5) of Schedule 8 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”.
- (4) The modifications to the Registration Rules mentioned in sub-paragraph (1) are—
- (a) rule 2 is to be read as if—
 - (i) for the definition of “attesting State”, there were substituted—

(3) Relevant amending instrument is [S.I. 2007/3101](#).

(4) Article 12 was amended by the Health and Social Care Act 2012 (c. 7), section 215, [S.I. 2007/3101](#) and [S.I. 2016/1030](#).

(5) Paragraph (1A) was inserted by [S.I. 2007/3101](#). Relevant amendments were made to paragraphs (1A) and (3) by [S.I. 2016/1030](#).

(6) The definition of “General Systems Regulations” was substituted by [S.I. 2016/1030](#).

- ““attesting State”, in relation to an application, is Switzerland;”;
- (ii) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
- (b) rule 7 is to be read as if for “an exempt person” there were substituted “a Swiss health professional (within the meaning given in paragraph 19A(5) of Schedule 8 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (c) Schedule 1 to the Registration Rules is to be read as if after paragraph (d), there were inserted—
- “(dza) where that person is not a national of the United Kingdom or of Switzerland, proof of the enforceable EU right by virtue of which the person is a Swiss health professional.”.
- (5) In this paragraph—
- “registration application” means an application for admission to the register maintained under the 2001 Order;
- “the Registration Rules” means the Health and Care Professions Council (Registration and Fees) Rules 2003(7);
- “relevant professions” has the meaning given in Schedule 3 to the 2001 Order;
- “Swiss health professional” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under article 13A of the 2001 Order)(8).”.
- (8) In paragraph 20—
- (a) in the heading—
- (i) omit “and social work”;
- (ii) for “one year” substitute “five years”;
- (b) in sub-paragraph (1)—
- (i) in paragraphs (a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;
- (ii) in the words following paragraph (b)—
- (aa) omit “and social work”;
- (bb) after “states” insert “(but subject, in the case of a relevant applicant, to the modifications to the 2001 Order specified in sub-paragraph (4))”;
- (c) after sub-paragraph (1), insert—
- “(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a member of one of the relevant professions for a period not exceeding 90 days in total in any calendar year.”;
- (d) in sub-paragraph (2), omit “or social work”;
- (e) after sub-paragraph (2), insert—
- “(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting health professional.

(7) As set out in the Schedule to the Health Professions Council (Registration and Fees) Rules Order of Council 2003 (S.I. 2003/1572). Relevant amending instruments are S.I. 2007/1280, 2007/3101, 2012/1479, 2015/1337, 2016/693 and 2016/1030.

(8) Article 13A was inserted by S.I. 2007/3101. It was amended by the Health and Social Care Act 2012, section 215, and S.I. 2016/1030.

(2B) But a Swiss visiting health professional’s entitlement does not continue (or further continue) under article 13A of the 2001 Order on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting health professional” means a visiting health 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 relevant profession, no less favourably than a national of the United Kingdom or Switzerland.”;

(f) in sub-paragraph (3)—

- (i) in paragraph (b), omit “and social work”;
- (ii) in the table after paragraph (b), in the second column, in the entry for Schedule 3 to the 2001 Order, omit “or social work”;

(g) after sub-paragraph (3), insert—

“(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—

(a) article 13A is to be read as if for paragraph (1) there were substituted—

“(1) This article applies 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) (“V”) who is lawfully established, in Switzerland (“State A”), as a member of one of the relevant professions (“the established profession”).”;

(b) article 19(2D)(9) is to be read as if for the words from “the relevant” to the end there were substituted “Switzerland”.”.

(9) In paragraph 21—

- (a) in sub-paragraphs (1)(a) and (3), omit “for establishment”;
- (b) in sub-paragraphs (1), (3), (4)(a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”.

(10) In paragraph 22—

- (a) in sub-paragraphs (1) and (3), in each place it occurs, omit “or social work”;
- (b) in sub-paragraphs (1) and (4), in each place it occurs, for “exit day” substitute “IP completion day”.

(11) In paragraph 23—

- (a) in sub-paragraph (2)(b)(ii), omit “for establishment”;
- (b) in sub-paragraph (1) and (2)(b)(ii), in each place it occurs, for “exit day” substitute “IP completion day”.

(12) In paragraph 24(1), for “exit day” substitute “IP completion day”.

(13) In paragraph 25—

- (a) in sub-paragraphs (a)(i) to (iv) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;
- (b) in sub-paragraph (a)(iii), after ““General Systems Regulations”” insert “(other than in that definition as it is saved by paragraph 19A)”.

(9) Paragraph (2D) was inserted by [S.I. 2007/3101](#).

