
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 Part 2 of Schedule 10 (social care workers in Northern Ireland)

18.—(1) Part 2 of Schedule 10 is amended as follows.

(2) In paragraph 13, for “exit day” substitute “IP completion day”.

(3) In paragraph 14—

(a) in the heading, 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), after “states”, insert “(but subject, in the case of a relevant applicant, to the modifications to the 2001 Act⁽¹⁾ specified in sub-paragraph (4))”;

(c) after sub-paragraph (1), insert—

“(1A) Where sub-paragraph (1) applies in relation to a visiting social worker who is a relevant applicant, that visiting social worker may only provide services as a social worker for a period not exceeding 90 days in total in any calendar year.”;

(d) after sub-paragraph (3), insert—

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

(a) section 5A⁽²⁾ is to be read as if, in subsection (1), for the words from “an exempt person” to the end there were substituted “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 as a social worker in Switzerland”;

(b) section 12⁽³⁾ is to be read as if, in subsection (2D), for the words from “the relevant” to the end there were substituted “Switzerland”.

(5) Sub-paragraph (3) does not apply in the case of a Swiss visiting social care worker.

(1) “The 2001 Act” is defined in paragraph 1 of Schedule 10 to [S.I.2019/593](#).

(2) Section 5A was inserted by [S.I. 2007/3101](#). Relevant amendments are made by the Health and Personal Social Services Act (Northern Ireland) 2001 c. 3 (N.I.).

(3) Subsection (2D) was substituted by [S.I. 2007/3101](#).

(6) But a Swiss visiting social care worker’s entitlement does not continue (or further continue) under section 5A of the 2001 Act on or after the end of the visiting practitioner transitional period.

(7) In this paragraph, “Swiss visiting social care worker” means a visiting social care worker 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 the profession of social care work, no less favourably than a national of the United Kingdom or Switzerland.”.

(4) In paragraph 15(1), for “exit day” substitute “IP completion day”.

(5) In paragraph 16—

- (a) in the words before sub-paragraph (a), for “this Part” substitute “paragraph 13, 14 or 15”;
- (b) in sub-paragraph (a)(i), (ii) and (iii), in each place it occurs, for “exit day” substitute “IP completion day”;
- (c) in sub-paragraph (a)(ii)(aa), for “chiropractic” substitute “social work”.

(6) After paragraph 16, insert—

“Swiss social care workers: saving of old law

17.—(1) Where a registration application is received from a Swiss social care worker before the end of the Swiss recognition period, any provision made by or under the 2001 Act 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 provisions mentioned in sub-paragraph (3) (but subject to the modifications specified in sub-paragraph (4)).

(2) For the purposes of this paragraph, a “Swiss social care worker” is a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration in the visiting European part of the register).

(3) The provisions of the 2001 Act(4) mentioned in sub-paragraph (1) are—

- (a) section 2(5);
- (b) section 3 other than subsections (1)(c) and (2A)(c);
- (c) section 11.

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

- (a) section 2(5) is to be read as if 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 of regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (b) section 11(A1) is to be read as if for the reference to an exempt person there were substituted a reference to a Swiss social care worker within the meaning given in paragraph 17 of this Part of this Schedule.”.

(4) Section 2(5) was substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#). In section 3, subsection (1) (c) was inserted, and subsection (2A)(c) was substituted, by [S.I. 2007/3101](#). In section 11, subsection (A1) was inserted by [S.I. 2007/3101](#) and relevant amendments were made by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016.

