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STATUTORY INSTRUMENTS

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**2007 No. 3101**

**The European Qualifications (Health and  
Social Care Professions) Regulations 2007**

**PART 17**

**CHIROPRACTORS: OTHER LEGISLATION**

**Amendment of the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002**

**229.**—(1) The General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002 <sup>M1</sup> are amended as follows.

(2) In rule 2 (interpretation, etc), after the definition of “the Council” insert—

““the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications <sup>M2</sup>, and references in these Rules to the Directive are to the Directive as amended from time to time;”.

(3) In Part II, for the heading (“cases where Community law does not apply”), substitute “ Cases where the applicant is not treated as having a recognised qualification by virtue of section 14(10) (a) of the Act ”.

(4) In rule 5 (treatment of foreign qualifications)—

- (a) in paragraph (1), after “proficiency and” insert “ , subject to paragraph (3), ”;
- (b) in paragraph (2), after “Registrar may,” insert “ subject to paragraph (3), ”; and
- (c) after paragraph (2) add—

“(3) A requirement to satisfy the Registrar as to satisfactory command of the English language under paragraph (1) or (2) shall not apply in the case of an applicant who is an exempt person <sup>M3</sup>.”.

(5) In rule 6 (required standard of proficiency)—

- (a) in paragraph (1), for “In determining” substitute “ Subject to paragraph (1A), in determining ”; and
- (b) after paragraph (1) insert—

“(1A) In considering whether an applicant who is an exempt person has reached the required standard of proficiency for the purposes of rule 5(1), the Registrar—

- (a) shall take into account all his relevant qualifications, knowledge and experience, wherever acquired; and
- (b) if the applicant holds a qualification which—
  - (i) was granted otherwise than in a relevant European State, but
  - (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a chiropractor in that State,

shall take that acceptance into account.”.

(6) In Part III, for the heading (“cases where Community law applies”), substitute “ Cases where the applicant is treated as having a recognised qualification by virtue of section 14(10)(a) of the Act ”.

(7) In rule 9<sup>M4</sup> (application and interpretation of Part III), omit the definitions of “the Directive”, “EEA State” and “relevant EEA State”.

(8) In rule 10<sup>M5</sup> (applications)—

- (a) in paragraph (1), for “rule 11(2) or 12(2) or (3)” substitute “ rule 12 ”; and
- (b) omit paragraph (4).

(9) For rules 11 and 12<sup>M6</sup> substitute—

**“Evidence of good character and health: Directive cases**

**11.**—(1) Paragraphs (2) to (5) apply in relation to an applicant—

- (a) who is an exempt person (“A”); and
- (b) in a case to which the Directive applies.

(2) For the purposes of section 3(2)(b) of the Act, the document required as evidence of A's good character is a certificate which—

- (a) attests to A's good character or good repute; and
- (b) is issued by a competent authority in A's attesting State.

(3) If no such certificate is issued by a competent authority in A's attesting State, for the purposes of section 3(2)(b) of the Act the document required as evidence of A's good character is a certificate—

- (a) attesting to the authenticity of a declaration on oath made by A—
  - (i) before a competent judicial or administrative authority, notary or qualified professional body of A's attesting State, and
  - (ii) attesting to A's good character; and
- (b) issued by the authority, notary or body referred to in sub-paragraph (a)(i).

In this paragraph, “declaration on oath” includes a solemn declaration.

(4) For the purposes of section 3(2)(c) of the Act, the document required as evidence of A's good health is a certificate which—

- (a) attests to A's good physical and mental health; and
- (b) is required of a person who wishes to practise chiropractic in A's attesting State.

(5) If no such certificate is required of persons who wish to practise chiropractic in A's attesting State, for the purposes of section 3(2)(c) of the Act the document required as evidence of A's good health is a certificate which—

- (a) attests to A's good physical and mental health; and
- (b) is issued by a competent authority in A's attesting State.

(6) In paragraphs (2) to (5) the “attesting State”, in relation to A, is—

- (a) the relevant European State in which A obtained his qualification in chiropractic; or
- (b) (if different) the relevant European State from which A comes to the United Kingdom.

(7) A certificate referred to in paragraph (2), (3), (4) or (5) must be issued within the period of three months preceding the date of A's application.

### **Evidence of good character and health: non-Directive cases**

**12.**—(1) In a case to which the Directive does not apply, for the purposes of section 3(2)(b) of the Act, rules 4(2)(a) and 5(1) and (3) of the 1999 Rules shall apply, in so far as relevant.

(2) In a case to which the Directive does not apply, for the purposes of section 3(2)(c) of the Act, rules 4(2)(b) and 5(2) and (3) of the 1999 Rules shall apply, in so far as relevant.”.

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#### **Marginal Citations**

- M1** Scheduled to [S.I. 2002/2704](#).
- M2** OJ No. L255, 30.09.2005, p.22, as amended by Council Directive 2006/100/EC of 20th November 2006, OJ No. L363 of 20.12.2006, p.141.
- M3** “Exempt person” is defined in section 43 of the Chiropractors Act 1994.
- M4** Rule 9 was amended by [S.I. 2004/1947](#).
- M5** Rule 10 was amended by [S.I. 2004/1947](#).
- M6** Rules 11 and 12 were amended by [S.I. 2004/1947](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) Regulations 2007, Section 229.