

STATUTORY INSTRUMENTS

2019 No. 593

The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) Any amendment, repeal or revocation made by these Regulations has the same extent as the provision amended, repealed or revoked.

Commencement Information

II Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

[^{F1} Interpretation

1A.—(1) In these Regulations—

“the 2017 Act” means the Children and Social Work Act 2017;

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007;

“the Directive” means [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;

“enforceable EU right” means a right recognised and available in domestic law, immediately before IP completion day, by virtue of section 2(1) of the European Communities Act 1972;

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

“qualifying applicant” means an individual—

- (a) who is a national of the United Kingdom or Switzerland, or a third country national who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and pursuit of a regulated profession,
- (b) who wishes to access and pursue a regulated profession in the United Kingdom on a permanent basis, whether in an employed or self-employed capacity,
- (c) who has obtained a relevant qualification,
- (d) who, if that relevant qualification was obtained in a third country, has three years’ professional experience in the profession concerned in the territory of Switzerland and certified by a Swiss competent authority, and

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- (e) who, if that relevant qualification is a professional qualification obtained in an EEA State, is legally established in Switzerland, unless the individual is a Swiss national;

“relevant applicant” means an individual—

- (a) who provides services in a regulated profession in the United Kingdom on a temporary and occasional basis on the basis of an existing contract,
- (b) who began providing, or begins to provide, the services mentioned in paragraph (a), either—
 - (i) before IP completion day, in an employed or self-employed capacity, or
 - (ii) on or after IP completion day, as an employee posted for the purpose of carrying on professional activities in the United Kingdom by their employer who is established in the United Kingdom or Switzerland,
- (c) who is a national of the United Kingdom or Switzerland, or a third country national, who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and pursuit of a regulated profession,
- (d) who is legally established in Switzerland for the purpose of pursuing the same profession there, and
- (e) who, if neither the regulated profession the individual wishes to access and pursue in the United Kingdom nor the education and training leading to it is regulated in Switzerland, has pursued that profession in Switzerland for at least two years during the ten years preceding the provision of services;

“relevant European State” means an EEA State or Switzerland;

“relevant qualification” means—

- (a) a professional qualification obtained in an EEA State or Switzerland before IP completion day;
- (b) a professional qualification started in an EEA State or Switzerland but not completed before IP completion day;
- (c) a third country professional qualification recognised by a competent authority in Switzerland pursuant to Article 2(2) of [Directive 2005/36/EC](#) before IP completion day;
- (d) a third country professional qualification for which an application for recognition pursuant to Article 2(2) of [Directive 2005/36/EC](#) has been submitted to a competent authority in Switzerland before IP completion day, where that application is successful;

“same profession” means the profession for which the applicant is qualified in the applicant’s home State if the activities covered are comparable;

“Swiss applicant” means a person who is—

- (a) a national of the United Kingdom,
- (b) a national of Switzerland, or
- (c) 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 particular profession, no less favourably than a national of either of those states;

“Swiss recognition period” means the period of four years beginning with the day immediately after IP completion day;

“third country” has the same meaning as in regulation 2(1) of the 2007 Regulations;

“visiting practitioner transitional period” means—

- (a) the period of five years beginning with IP completion day, or

- (b) if the period in sub-paragraph (a) is extended in accordance with Article 23(2) of the Swiss citizens' rights agreement, that period as extended.]

Textual Amendments

- F1** Reg. 1A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 3

Commencement Information

- I2** Reg. 1A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Medical practitioners

2. In Schedule 1—
- (a) Part 1 contains amendments about medical practitioners;
 - (b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I3** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Pharmacists and pharmacy technicians

3. In Schedule 2—
- (a) Part 1 contains amendments about pharmacists and pharmacy technicians;
 - (b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I4** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Dentists and dental care professionals

4. In Schedule 3—
- (a) Part 1 contains amendments about dentists and dental care professionals;
 - (b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I5** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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Nurses, midwives and nursing associates

5. In Schedule 4—

- (a) Part 1 contains amendments about nurses, midwives and nursing associates;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I6** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Opticians

6. In Schedule 5—

- (a) Part 1 contains amendments about opticians;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I7** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Osteopaths

7. In Schedule 6—

- (a) Part 1 contains amendments about osteopaths;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I8** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Chiropractors

8. In Schedule 7—

- (a) Part 1 contains amendments about chiropractors;
- (b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I9** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Health and social work professionals

9. In Schedule 8—

- (a) Part 1 contains amendments about health and social work professionals;

- (b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I10** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Social workers in Scotland

10. In Schedule 9—

- (a) Part 1 contains amendments about social workers in Scotland;
(b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I11** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Social care workers in Northern Ireland

11. In Schedule 10—

- (a) Part 1 contains amendments about social care workers in Northern Ireland;
(b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I12** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Social workers in England

12. In Schedule 11—

- (a) Part 1 contains amendments about social workers in England;
(b) Part 2 contains savings and transitional provision relating to those amendments.

Commencement Information

- I13** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

[^{F2}Actions taken, decisions made etc. before IP completion day: general saving

12A. The amendments, repeals and revocations made by these Regulations to an enactment do not affect the validity of any action or decision taken, or right accrued, before IP completion day under that enactment, except as provided by any applicable saving or transitional provision made by Part 2 of any of the Schedules to these Regulations.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the *The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019*. (See end of Document for details)

Textual Amendments

- F2** Reg. 12A inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 4

Commencement Information

- I14** Reg. 12A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

[^{F3}Equal treatment and administrative co-operation under the Swiss citizens' rights agreement

12B.—(1) In dealing with a relevant applicant who provides services in the United Kingdom pursuant to a relevant savings provision in relation to any matter, the competent authority must treat that person no less favourably than it would treat a native applicant (within the meaning given in regulation 2 of the 2007 Regulations) providing those services in the United Kingdom in relation to that matter.

(2) Where an individual is providing services on a temporary and occasional basis in Switzerland pursuant to Article 23 of the Swiss citizens' rights agreement, the appropriate competent authority in the United Kingdom must co-operate with and provide the appropriate competent authority in Switzerland with any information relevant to the legality of the individual's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature, in accordance with the practice information provision.

(3) Where an individual has made or makes an application falling within Articles 31(1) or 32(1) or (5) of the Swiss citizens' rights agreement to a competent authority in Switzerland for recognition of a professional qualification awarded or recognised by a competent authority in the United Kingdom, the appropriate competent authority in the United Kingdom must—

- (a) co-operate with the competent authority or contact point in Switzerland or the individual (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Switzerland regarding disciplinary action or criminal sanctions taken, or any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(4) A competent authority in the United Kingdom must process information for the purposes of paragraphs (2) and (3) in accordance with data protection legislation within the meaning given in section 3(9) (terms relating to the processing of personal data) of the Data Protection Act 2018.

(5) In this regulation—

“the general cooperation provision”, in relation to a competent authority in the United Kingdom, means—

- (a) to the extent it applies to the competent authority, regulation 5(2) to (7) (functions of competent authorities in the United Kingdom) of the 2007 Regulations, and
- (b) where any of the following Schedules applied to the competent authority immediately before IP completion day, that Schedule as it had effect in relation to the competent authority immediately before IP completion day—
 - (i) Schedule 4A (Directive 2005/36: functions of the General Medical Council) to the Medical Act 1983;
 - (ii) Schedule 4ZA (Directive 2005/36: functions of the General Dental Council) to the Dentists Act 1984;

- (iii) Schedule 3 (Directive 2005/36: functions of the Nursing and Midwifery Council) to the Nursing and Midwifery Order 2001;
- (iv) Schedule 3 (the Directive: designation of competent authority etc) to the Pharmacy Order 2010;

“the practice information provision”, in relation to a competent authority, means any of the following provisions which apply to the competent authority—

- (a) section 35B(2) of the Medical Act 1983;
- (b) section 33C(3) of the Dentists Act 1984;
- (c) section 13C(3) of the Opticians Act 1989;
- (d) article 22(10) of the Nursing and Midwifery Order 2001;
- (e) article 22(10) of the Health Professions Order 2001;
- (f) regulation 5(2), (3) and (4) of the 2007 Regulations;
- (g) article 50 of the Pharmacy Order 2010;
- (h) regulations 25(1)(c) and 26(5)(b)(v) of the Social Workers Regulations 2018;

“relevant savings provision” means any of the following provisions of these Regulations—

- (a) paragraph 68 (visiting medical practitioners: saving of old law for up to five years) of Schedule 1;
- (b) paragraph 45 (visiting pharmacists and pharmacy technicians: saving of old law for up to five years) of Schedule 2;
- (c) paragraph 37 or 38 (visiting dentists or dental care professionals: saving of old law for up to five years) of Schedule 3;
- (d) paragraph 28 or 29 (visiting nurses, midwives and nursing associates: saving of old law for up to one year) of Schedule 4;
- (e) paragraph 26 (visiting opticians: saving of old law for up to five years) of Schedule 5;
- (f) paragraph 16 (visiting osteopaths: saving of old law for up to five years) of Schedule 6;
- (g) paragraph 15 (visiting chiropractors: saving of old law for up to five years) of Schedule 7;
- (h) paragraph 20 (visiting health professionals: saving of old law for up to five years) of Schedule 8;
- (i) paragraph 13 (visiting social workers in Scotland: saving of old law for up to five years) of Schedule 9;
- (j) paragraph 14 (visiting social work professionals in Northern Ireland: saving of old law for up to five years) of Schedule 10;
- (k) paragraph 12 (visiting social work professionals in England: saving of old law for up to five years) of Schedule 11.]

Textual Amendments

- F3** Regs. 12B, 12C inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 5

Commencement Information

- I15** Reg. 12B in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

[^{F3}Administrative cooperation under the EEA EFTA citizens' rights agreement

12C.—(1) Where an individual has, before IP completion day, made an application falling under Article 26 of the EEA EFTA citizens' rights agreement to a competent authority in Iceland, Norway or Liechtenstein for recognition of a professional qualification obtained in the United Kingdom, the appropriate competent authority in the United Kingdom must—

- (a) co-operate with the competent authority or assistance centre in Iceland, Norway or Liechtenstein, or with the individual (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Iceland, Liechtenstein or Norway regarding disciplinary action or criminal sanctions taken, or any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(2) Competent authorities must process information for the purposes of paragraph (1) in accordance with data protection legislation within the meaning given in section 3(9) of the Data Protection Act 2018.

(3) In this regulation—

“the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015, as it had effect immediately before IP completion day;

“EEA EFTA citizens' rights agreement” means the Agreement signed at London on 2 April 2019 between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland on arrangements regarding citizens' rights following the withdrawal of the United Kingdom from the European Union and the EEA Agreement;

“the general cooperation provision”, in relation to a competent authority, means—

- (a) where any of the following Schedules applied to the competent authority immediately before IP completion day, that Schedule as it had effect in relation to the authority immediately before IP completion day—
 - (i) Schedule 4A to the Medical Act 1983;
 - (ii) Schedule 4ZA to the Dentists Act 1984;
 - (iii) Schedule 3 to the Nursing and Midwifery Order 2001;
 - (iv) Schedule 3 to the Pharmacy Order 2010;
- (b) to the extent that they apply to the authority—
 - (i) regulation 5(2), (4) and (5) of the 2015 Regulations, but as modified by paragraph 44(4)(b) of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019;
 - (ii) regulation 5(3) of the 2015 Regulations.]

Textual Amendments

- F3** Regs. 12B, 12C inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 5

Commencement Information

- I16** Reg. 12C in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

References to the General Systems Regulations

[^{F4}13.—(1) In this regulation “the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015.

(2) In these Regulations (other than in regulation 12C), any reference to the 2015 Regulations (or any provision of those Regulations) includes a reference to the 2007 Regulations (or any provision of those Regulations), so far as the 2007 Regulations—

- (a) continue (or before IP completion day, continued) to apply by virtue of—
 - (i) regulation 78 of the 2015 Regulations;
 - (ii) regulation 155 of the European Qualifications (Health and Social Care Professions) Regulations 2016, and
- (b) after IP completion day, continue to apply under Part 3 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.]

Textual Amendments

- F4** Reg. 13 substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 6

Commencement Information

- I17** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Review of continued recognition of certain European qualifications

14.—(1) The Secretary of State must, after the end of the period of two years beginning with the day on which these Regulations come into force—

- (a) carry out a review of the operation of the provisions in paragraph (2) (which concern the recognition to be given to certain European qualifications after [^{F5}IP completion day]), as inserted or amended by these Regulations,
 - (b) set out the conclusions of the review in the report, and
 - (c) publish the report.
- (2) The provisions are—
- (a) sections 21B(1A), (2)(a), (3), (4) (full registration of persons with an overseas qualification) and 21C(2A) (provisional registration of persons with an overseas qualification) of the Medical Act 1983 ^{M1},
 - (b) articles 4(1), (1A) (general practitioners eligible for entry in the general practitioner register), 8(1) (specialists eligible for entry in the specialist register) and 10 (recognised specialist qualifications granted outside the United Kingdom) of the Postgraduate Medical Education and Training Order of Council 2010 ^{M2},
 - (c) article 21(1A) to (1C) (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists) of the Pharmacy Order 2010 ^{M3},
 - (d) section 15(2)(a), (2ZA), (2ZB) and (4ZA) (qualification for registration in the dentists register) of the Dentists Act 1984 ^{M4},
 - (e) regulations 9(1) (eligible specialists) and 10 (recognised specialist dental qualifications) of the European Primary and Specialist Dental Qualifications Regulations 1998 ^{M5}, and

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- (f) article 13(3) to (5) (approved qualifications) of the Nursing and Midwifery Order 2001 ^{M6}.
- (3) The report must be published within the period of six months beginning with the day after the end of the period referred to in sub-paragraph (1).

Textual Amendments

- F5** Words in reg. 14(1)(a) substituted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), 7

Commencement Information

- I18** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

- M1** [1983 c. 54](#). Section 21B was inserted by [S.I. 2006/1914](#).
- M2** [S.I. 2010/473](#). Relevant amending instruments are [S.I. 2013/3036](#), 2016/1030.
- M3** [S.I. 2010/231](#).
- M4** [1984 c. 24](#).
- M5** [S.I. 1998/811](#). Relevant amending instruments are [S.I. 2004/1947](#), 2007/3101, 2013/3036.
- M6** [S.I. 2002/253](#).

Signed by authority of the Secretary of State for Health and Social Care.

Department of Health and Social Care

Stephen Hammond
Minister of State for Health,

Status:

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Changes to legislation:

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