

# SCHEDULES

## SCHEDULE 4

Regulation 5

Nurses, midwives and nursing associates

### PART 1

Amendments to legislation

#### Interpretation

1. In this Schedule, “the 2001 Order” means the Nursing and Midwifery Order 2001 <sup>M1</sup>.

#### Commencement Information

- I1** Sch. 4 para. 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)**

#### Marginal Citations

- M1** S.I. 2002/253.

#### Nursing and Midwifery Order 2001

2. The 2001 Order is amended as follows.

#### Commencement Information

- I2** Sch. 4 para. 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)**

3. In article 5A (knowledge of English) <sup>M2</sup>, omit paragraphs (5) and (7).

#### Commencement Information

- I3** Sch. 4 para. 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)**

#### Marginal Citations

- M2** Article 5A was inserted by S.I. 2015/806.

4. In article 6 (register of nurses, midwives and nursing associates) <sup>M3</sup>, omit paragraph (3)(aa).

**Status:** Point in time view as at 31/12/2020.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, SCHEDULE 4. (See end of Document for details)

**Commencement Information**

**I4** Sch. 4 para. 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\(2\)](#)

**Marginal Citations**

**M3** Paragraph (3)(aa) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

5. In article 7 (register: supplemental provision)<sup>M4</sup>, omit paragraph (4).

**Commencement Information**

**I5** Sch. 4 para. 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\(2\)](#)

**Marginal Citations**

**M4** Paragraph (4) was inserted by [S.I. 2007/3101](#) and substituted by [S.I. 2018/838](#).

6. In article 8 (access to register)<sup>M5</sup>, omit paragraph (5).

**Commencement Information**

**I6** Sch. 4 para. 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\(2\)](#)

**Marginal Citations**

**M5** Relevant amending instrument is [S.I. 2007/3101](#).

7. In article 9 (registration)<sup>M6</sup>—

- (a) in paragraph (1), for “Subject to paragraph (7), a” substitute “ A ”;
- (b) omit paragraphs (3A) to (3C);
- (c) in paragraph (5), for the words from “ “the specified period”” to the end substitute “ “the specified period” means the period of three months beginning with the relevant date. ”;
- (d) in paragraph (6), omit the words from “, including” to “13(1A),”;
- (e) omit paragraph (7).

**Commencement Information**

**I7** Sch. 4 para. 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\(2\)](#)

**Marginal Citations**

**M6** Paragraphs (3A) and (7) were inserted by [S.I. 2007/3101](#), paragraphs (3B) and (3C) were inserted by [S.I. 2015/806](#). Paragraph (5) was substituted by [S.I. 2007/3101](#) and paragraph (7) was substituted by [S.I. 2018/838](#). Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#), [2018/838](#).

8. In article 10 (renewal and readmission)<sup>M7</sup>—

- (a) in paragraph (1), for “Subject to paragraph (6), where” substitute “ Where ”;

- (b) omit paragraph (6).

**Commencement Information**

**I8** Sch. 4 para. 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\(2\)](#)

**Marginal Citations**

**M7** Paragraph (1) was amended by and paragraph (6) was inserted by [S.I. 2007/3101](#).

- 9.** In article 12A (indemnity arrangements) <sup>M8</sup>, omit paragraph (11).

**Commencement Information**

**I9** Sch. 4 para. 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\(2\)](#)

**Marginal Citations**

**M8** Article 12A was inserted by [S.I. 2014/1887](#) and paragraph (11) was substituted by [S.I. 2018/838](#).

- 10.** In article 13 (approved qualifications) <sup>M9</sup>—

- (a) in paragraph (1)—

(i) at the end of sub-paragraph (a), insert “ or ”;

(ii) omit sub-paragraphs (b) and (c);

(iii) in sub-paragraph (d)—

(aa) omit “he is not an exempt person and”;

(bb) at the end insert “ or ”;

(iv) omit sub-paragraphs (e) and (f);

- (b) omit paragraphs (1A) and (1B);

- (c) after paragraph (2) insert—

“(3) A relevant European qualification is to be treated as a qualification as to which the Council is satisfied as mentioned in paragraph (1)(d)(i) (and accordingly included in any list kept under paragraph (2)(a)).

(4) In this article “relevant European qualification” means a qualification that falls within article 13AA and has not been designated by the Council for the purposes of this paragraph.

(5) The Council—

(a) may designate a qualification for the purposes of paragraph (4) only with the approval of the Privy Council;

(b) must maintain and publish a list of the qualifications that are so designated.

[<sup>F1</sup>(6) A person who applies, on or after IP completion day, for admission to the register is to be deemed to satisfy the requirements of Article 9(2)(a).”].

**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, SCHEDULE 4.* (See end of Document for details)

#### Textual Amendments

- F1** Words in Sch. 4 para. 10(c) 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), **12(2)**

#### Commencement Information

- I10** Sch. 4 para. 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\(2\)](#)

#### Marginal Citations

- M9** Paragraphs (1)(b)-(f) were substituted, by and paragraphs (1A) and (1B) were inserted by, [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2015/806](#), 2016/1030, 2018/838.

### 11. After article 13 insert—

#### “European qualifications

**13AA.**—(1) Subject to the following provisions of this article, a qualification falls within this article if it was awarded in a relevant European State and—

- (a) in relation to registration as a nurse in sub-Part 1 of the Nurses' Part of the register, it is listed in Annex V, point 5.2.2 of the Directive;
- (b) in relation to registration in the Midwives' Part of the register, it is listed in Annex V, point 5.5.2 of the Directive.

(2) A qualification within paragraph (1)(b) falls within this article only if—

- (a) it attests to training that satisfies the conditions in paragraph (1)(a), (b) or (c) of article 41 of the Directive, and
- (b) in the case mentioned in paragraph (1)(c) of that article, it is accompanied by a certificate of the sort described in paragraph (2) of that article.

(3) A qualification does not fall within this article if it was awarded before the reference date, or on or after that date in respect of a course of training begun before that date.

(4) In paragraph (3), “reference date” means—

- (a) in the case of a qualification within paragraph (1)(a), the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.2.2 of the Directive;
- (b) in the case of a qualification within paragraph (1)(b), the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.5.2 of the Directive.”

#### Commencement Information

- I11** Sch. 4 para. 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\(2\)](#)

### 12. Omit article 14 (EEA qualifications) <sup>M10</sup>.

**Commencement Information**

**I12** Sch. 4 para. 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)**

**Marginal Citations**

**M10** Relevant amending instrument is **S.I. 2007/3101**.

**13.** In article 15 (education and training) <sup>M11</sup>, omit paragraph (2).

**Commencement Information**

**I13** Sch. 4 para. 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)**

**Marginal Citations**

**M11** Relevant amending instrument is **S.I. 2007/3101**.

**14.** In article 19 (post-registration training) <sup>M12</sup>, omit paragraphs (2A) to (2D).

**Commencement Information**

**I14** Sch. 4 para. 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**

**M12** Paragraphs (2A) to (2D) were inserted by **S.I. 2007/3101**. Relevant amending instrument is **S.I. 2018/838**.

**15.** In article 37 (appeals against decisions of the Registrar) <sup>M13</sup>—

(a) in paragraph (1), omit sub-paragraphs (zb), (aa), and (e) to (h);

(b) in paragraph (9)—

(i) in sub-paragraph (b), omit the words from “or, in” to the end;

(ii) at the end of paragraph (c), insert “ or ”;

(iii) omit sub-paragraph (ca) (including the final “or”).

**Commencement Information**

**I15** Sch. 4 para. 15 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**

**M13** Paragraph (1)(zb) was inserted by **S.I. 2015/806**. Paragraph (1)(aa) was inserted by **S.I. 2007/3101**. Paragraphs (1)(e)-(h) and (9)(ca) were inserted by, and paragraph (9)(b) was amended by, **S.I. 2016/1030**. Relevant amending instruments are **S.I. 2016/1030**, 2018/838.

**16.** In article 38 (other appeals) <sup>M14</sup>, in paragraph (3)—

(a) in sub-paragraph (b), omit the words from “or, in” to the end;

(b) at the end of paragraph (c), insert “ or ”;

**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, SCHEDULE 4.* (See end of Document for details)

(c) omit sub-paragraph (ca) (including the final “or”).

#### Commencement Information

**I16** Sch. 4 para. 16 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

**M14** Paragraph (3)(ca) was inserted by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2016/1030](#), [2017/231](#).

17. Omit articles 39 to 40 (EEA provisions) <sup>M15</sup>.

#### Commencement Information

**I17** Sch. 4 para. 17 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

**M15** Articles 39 and 40 were substituted by, and article 39A was inserted by, [S.I. 2007/3101](#). Article 39B was inserted by [S.I. 2016/1030](#). Article 39C was inserted by [S.I. 2018/838](#). Relevant amendments made by Schedule 19 to the Data Protection Act 2018. Relevant amending instruments are [S.I. 2016/1030](#), [2018/838](#).

18. Omit article 55 (review) <sup>M16</sup>.

#### Commencement Information

**I18** Sch. 4 para. 18 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

**M16** Article 55 was inserted by [S.I. 2016/1030](#).

19. Omit Schedule 2A (visiting European practitioners) <sup>M17</sup>.

#### Commencement Information

**I19** Sch. 4 para. 19 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

**M17** Schedule 2A was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2011/1043](#), [2016/1030](#).

20. Omit Schedule 2B (European Professional Card) <sup>M18</sup>.

**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, SCHEDULE 4.* (See end of Document for details)

#### Commencement Information

**I20** Sch. 4 para. 20 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

**M18** Schedule 2B was inserted by 2016/1030, and amended by Schedule 19(2) Data Protection Act 2018.

**21.** Omit Schedule 3 (competent authority functions) <sup>M19</sup>.

#### Commencement Information

**I21** Sch. 4 para. 21 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

**M19** Schedule 3 was substituted by 2007/3101, and amended by Schedule 19(2) Data Protection Act 2018. Relevant amending instruments are **S.I. 2015/806**, 2016/1030.

**22.** In Schedule 4 (interpretation) <sup>M20</sup>—

(a) for the definition of “the Directive” substitute—

““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 (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [<sup>F2</sup>IP completion day];”;

(b) omit the definitions of “competent authority”, “Directive **2002/58/EC**”, “European professional card”, “exempt person”, “General Systems Regulations”, “IMI”, “IMI file”, “national”, and “visiting nurse, midwife or nursing associate from a relevant European State”.

#### Textual Amendments

**F2** Words in Sch. 4 para. 22(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), 12(3)**

#### Commencement Information

**I22** Sch. 4 para. 22 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

**M20** Relevant amending instruments are Data Protection Act 2018, **S.I. 2003/3148**, 2007/3101, 2011/1043, 2016/1030, 2018/838.

### Nursing and Midwifery Council (Fees) Rules 2004

**23.** In the Nursing and Midwifery Council (Fees) Rules 2004 <sup>M21</sup>, in rule 3 (prescribed fees), in the table—

**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, SCHEDULE 4.* (See end of Document for details)

- (a) omit entry (d);
- (b) in Column (2)—
  - (i) in entry (a), for “, (b), (c), (dd), (e) or (f)” substitute “ or (dd) ”;
  - (ii) in entry (c), omit “(c),”.

#### Commencement Information

**I23** Sch. 4 para. 23 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

**M21** As set out in the Schedule to the [Nursing and Midwifery Council \(Fees\) Rules Order of Council 2004 \(S.I. 2004/1654\)](#).

### Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004

**24.** In the Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004 <sup>M22</sup>, omit article 8.

#### Commencement Information

**I24** Sch. 4 para. 24 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

**M22** [S.I. 2004/1765](#). Relevant amending instruments are [S.I. 2007/3101](#), 2018/838.

### European Nursing and Midwifery Qualifications Designation Order of Council 2004

**25.** The European Nursing and Midwifery Qualifications Designation Order of Council 2004 <sup>M23</sup> is revoked.

#### Commencement Information

**I25** Sch. 4 para. 25 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

**M23** [S.I. 2004/1766](#).

### Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004

**26.** The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 <sup>M24</sup> are amended as follows.

- (1) In rule 2 (interpretation) <sup>M25</sup>, omit paragraph (2).
- (2) Omit rule 2A (visiting European practitioners) <sup>M26</sup>.
- (3) In rule 3 (education) <sup>M27</sup>, omit paragraphs (1) to (2).



- (4) In rule 5 (applications for registration) <sup>M28</sup>—
- (a) in paragraph (2)(a)—
    - (i) at the end of paragraph (i), insert “ or ”;
    - (ii) omit paragraph (ii);
    - (iii) in paragraph (iii), omit “(c),”;
    - (iv) omit paragraph (iv) (and the “or” before it);
  - (b) omit paragraphs (3) to (4A).
- (5) In rule 6 (declarations of good health and character) <sup>M29</sup>—
- (a) in paragraph (1)(e), omit “(c) or”;
  - (b) omit paragraphs (1A) to (1F);
  - (c) in paragraph (5)(b), omit “or paragraph (1D), (1E),”;
  - (d) in paragraph (6)(b), omit “or paragraph (1B), (1C),”.
- (6) In rule 8 (unsuccessful applications) <sup>M30</sup>—
- (a) for “13(1)(b), (c), (d), (dd), (e) or (f)” substitute “ 13(1)(d) or (dd) ”;
  - (b) in paragraphs (b) and (c), omit “or (d)”.
- (7) In rule 15 (readmission) <sup>M31</sup>, in paragraph (2), omit “to (1E)”.
- (8) In rule 20 (periods for appeals) <sup>M32</sup>—
- (a) in paragraph (a)—
    - (i) for “(za), (zb), (a), (aa), (b), (c) or (e) to (h)” substitute “ (za), (a), (b) or (c) ”;
    - (ii) at the end insert “ or ”;
  - (b) omit paragraph (c) (and the “or” before it).
- (9) In rule 21 (notice of appeal) <sup>M33</sup>, in paragraph (2)—
- (a) in sub-paragraph (iii), for “(za), (zb), (a), (aa), (b), (c) or (e) to (g)” substitute “ (za), (a), (b) or (c) ”;
  - (b) in sub-paragraph (iv), omit “or (h)”.
- (10) In Schedule 3 (applications for registration) <sup>M34</sup>, omit paragraphs (ba) and (bb).

#### Commencement Information

**I26** Sch. 4 para. 26 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

**M24** As set out in the Schedule to the [Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) Rules Order of Council 2004 \(S.I. 2004/1767\)](#).

**M25** Paragraph (2) was inserted by [S.I. 2007/3101](#).

**M26** Rule 2A was inserted by [S.I. 2007/3101](#) and substituted by pending amending instrument [S.I. 2018/838](#).

**M27** Paragraphs (1) and (2) were substituted by [S.I. 2007/3101](#).

**M28** Paragraphs (3) and (4) were inserted by [S.I. 2007/3101](#). Paragraph (4A) was inserted by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2007/3101](#), 2016/1030, 2018/838.

**M29** Paragraphs (1A) to (1F) were inserted by [S.I. 2007/3101](#), except paragraph (1ZA) which was inserted by [S.I. 2018/838](#). Relevant amending instruments are [S.I. 2007/3101](#), 2018/838.

**M30** Rule 8 was substituted by 2011/2297. Relevant amending instrument is [S.I. 2018/838](#).

**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, SCHEDULE 4.* (See end of Document for details)

- M31** Relevant amending instruments are [S.I. 2007/3101](#), 2014/1887, 2015/1923. There are other amending instruments but none is relevant.
- M32** Relevant amending instruments are [S.I. 2015/1923](#), 2016/1030.
- M33** Relevant amending instruments are [S.I. 2015/1923](#), 2016/1030.
- M34** Relevant amending instrument is [S.I. 2007/3101](#).

## PART 2

### Savings and transitional provision

#### Pending applications

**27.**—(1) Where a relevant application is received before [<sup>F3</sup>IP completion day], any provision made by or under the 2001 Order (except for provision contained in Schedule 2B to the Order) continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

(2) In sub-paragraph (1) “relevant application” means an application for—

- (a) admission to a part of the register of qualified nurses, midwives and nursing associates,
- (b) renewal of registration in that register,
- (c) readmission to that register following lapse of registration, or
- (d) restoration to that register following striking-off.

#### Textual Amendments

- F3** Words in Sch. 4 para. 27(1) 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), **12(3)**

#### Commencement Information

- I27** Sch. 4 para. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### [<sup>F4</sup>Swiss nurses and midwives qualifying outside the United Kingdom: saving of old law

**27A.**—(1) Where a registration application is received from a qualifying Swiss applicant before the end of the Swiss recognition period, any provision made by or under the 2001 Order 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 2004 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—

- (a) the 2001 Order (other than articles 6(3)(aa), 7(4), 9(1) and (7), 10(1) and (6), 12A(11), 19(2A) to (2D), 37(1)(aa), 39, 39A and 39C and Schedule 2A);
- (b) the Nursing and Midwifery Council (Fees) Rules 2004;
- (c) the European Nursing and Midwifery Qualifications Designation Order of Council 2004;

- (d) the 2004 Registration Rules (other than rules 2A, 20(a) (so far as it relates to article 37(1)(aa) of the 2001 Order) and 21(2)(a)(iii) (so far as it relates to article 37(1)(aa) of the 2001 Order)).
- (3) The modifications to the 2001 Order mentioned in sub-paragraph (1) are that the Order is to be read as if—
- (a) in article 5A(7) for “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (b) in article 9(3A) for “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (c) in article 13—
    - (i) for each reference to “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (ii) in paragraph (1)—
      - (aa) in sub-paragraph (c), in the words before paragraph (i), “subject to paragraph (1A)” were omitted;
      - (bb) sub-paragraphs (d) and (dd) were omitted;
    - (iii) paragraph (1A) were omitted;
    - (iv) in paragraph (1B), for sub-paragraph (a), there were substituted—
      - “(a) if the person holds a nursing or midwifery qualification which—
        - (i) was granted otherwise than in a relevant European State or the United Kingdom; but
        - (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 nurse or midwife in Switzerland,the acceptance of that qualification; and”;
  - (d) in article 37—
    - (i) in paragraph (1), sub-paragraphs (f) to (h) were omitted;
    - (ii) in paragraph (9)—
      - (aa) in sub-paragraph (b), the words from “or, in” to the end were omitted;
      - (bb) sub-paragraph (ca) (including the final “or”) were omitted;
  - (e) article 39B were omitted;
  - (f) Schedule 2B were omitted;
  - (g) in Schedule 4—
    - (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—
      - ““qualifying Swiss applicant” has the meaning given in paragraph 27A(5) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”.
- (4) The modifications to the 2004 Registration Rules mentioned in sub-paragraph (1) are that those Rules are to be read as if—

**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, SCHEDULE 4.* (See end of Document for details)

- (a) rule 3 were omitted;
- (b) in rule 5(2)(a)(ii), “a valid European professional card as a nurse or” were omitted;
- (c) in rule 6, for paragraph (1F) there were substituted—
  - “(1F) In paragraphs (1B) to (1E) the “attesting State”, in relation to A, is Switzerland.”;
- (d) in Schedule 3 to the Rules—
  - (i) in paragraph (ba), for “a relevant European State”, there were substituted “the United Kingdom or Switzerland”;
  - (ii) in paragraph (bb), 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 applicant is a qualifying Swiss applicant”.
- (5) In this paragraph—
  - “the 2004 Registration Rules” means the Nursing and Midwifery (Education, Registration and Registration Appeals) Rules 2004;
  - “qualifying Swiss applicant” means—
    - (a) a Swiss applicant (“A”)—
      - (i) who holds a relevant qualification in nursing or midwifery,
      - (ii) who had not, before IP completion day, applied to be registered in the Midwives’ Part, or Sub-Part 1 of the Nurses’ Part of the register (as the case may be), and
      - (iii) if A falls within paragraph (a) of the definition of “Swiss applicant” and only holds relevant qualifications obtained in EEA States, is established in Switzerland; or
    - (b) a qualifying applicant who—
      - (i) holds a relevant qualification as a nursing associate, and
      - (ii) had not, before IP completion day, applied to be registered in the Nursing Associates’ Part of the register;
  - “the register” has the meaning given in Schedule 4 to the 2001 Order;
  - “registration application” means an application for registration—
    - (a) in Sub-Part 1 of the Nurses’ Part of the register,
    - (b) in the Midwives’ Part of the register, or
    - (c) in the Nursing Associates’ Part of the register;
  - “relevant qualification” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.]

#### Textual Amendments

- F4** Sch. 4 para. 27A 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), **12(4)**

#### Commencement Information

- I28** Sch. 4 para. 27A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### Visiting nurses, midwives and nursing associates: saving of old law for up to <sup>F5</sup>five years]

28.—(1) Where, immediately before <sup>F6</sup>IP completion day]—

- (a) a visiting nurse or midwife was entitled under paragraph 4 or 7 of Schedule 2A to the 2001 Order to provide occasional services, or
- (b) the Registrar was in receipt of the required documents (within the meaning of paragraph 5 of that Schedule) from a nurse or midwife seeking to acquire that entitlement,

any provision made by or under the Order continues to apply in relation to the nurse or midwife without the amendments that the Part 1 of this Schedule makes to the provisions relating to visiting midwives and certain visiting nurses from relevant European states <sup>F7</sup>(but subject, in the case of a Swiss visiting nurse or Swiss visiting midwife, to the modifications to the 2001 Order specified in sub-paragraph (4)).

(2) But a visiting nurse or midwife's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the 2001 Order on or after <sup>F8</sup>IP completion day] (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule. <sup>F9</sup>This sub-paragraph is subject to sub-paragraphs (2A) to (2C).]

<sup>F10</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting nurse or a Swiss visiting midwife.

(2B) But a Swiss visiting nurse or Swiss visiting midwife's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the 2001 Order 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 midwife” means a visiting midwife who is—

- (a) 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 medical profession, no less favourably than a United Kingdom national or Swiss national;

“Swiss visiting nurse” means a visiting nurse who is—

- (a) 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 medical profession, no less favourably than a United Kingdom national or Swiss national.]

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting midwives and certain visiting nurses from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting practitioners</i>
The 2001 Order	article 6(3)(aa)
	article 7(4)
	article 9(1) and (7)
	article 10(1) and (6)
	article 12A(11)
	article 19(2A) to (2D)

**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, SCHEDULE 4.* (See end of Document for details)

	article 37(1)(aa)
	article 39
	Schedule 2A
	in Schedule 4, the definitions of “competent authority”, “the Directive”, “exempt person”, “General Systems Regulations”, “national”, “relevant European State” and “visiting nurse or midwife from a relevant European State”
Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004	article 8
Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004	rule 2A rule 20(a) (so far as it relates to article 37(1)(aa) of the 2001 Order) rule 21(2)(a)(iii) (so far as it relates to article 37(1)(aa) of the 2001 Order)

- 
- [<sup>FH</sup>(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—
- (a) article 10(6) is to be read as if for the words from “visiting nurse” to the end there were substituted “Swiss visiting nurse or Swiss visiting midwife”;
  - (b) article 19(2D) is to be read as if, for the words from “the relevant” to the end there were substituted “Switzerland”;
  - (c) Schedule 2A is to be read as if—
    - (i) for paragraph 1, there were substituted—
      - “1. This Schedule applies to—
        - (a) a Swiss visiting nurse who is lawfully established as a nurse in Switzerland; or
        - (b) a Swiss visiting midwife who is lawfully established as a midwife in Switzerland.”;
    - (ii) in paragraph 2—
      - (aa) before sub-paragraph (a), there were inserted—
        - “(za) an “existing contract” means a written contract which was concluded, and the performance of which started, before IP completion day.”;
      - (bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting nurse or Swiss visiting midwife”;
      - (cc) in sub-paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland”;
      - (dd) in sub-paragraph (d), at the end, 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)—

**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, SCHEDULE 4.* (See end of Document for details)

- (aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
- (bb) for paragraph (c), there were substituted—
  - “(c) if the practitioner is not a national of the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting nurse or Swiss visiting midwife.”;
- (iv) in paragraph 7, for sub-paragraph (6), there were substituted—
  - “(6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—
    - (a) states the practitioner’s wish to provide occasional nursing services or occasional midwifery services in a further year;
    - (b) contains details of the existing contract or contracts on the basis of which those services will continue to be provided;
    - (c) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
    - (d) 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 nurse or Swiss visiting midwife.”;
- (v) in paragraph 8(5), after paragraph (a), there were inserted—
  - “(aa) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional nursing or midwifery services, is terminated or otherwise expires; or”;
- (d) Schedule 4 is to be read as if—
  - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (ii) there were inserted, at the appropriate places—
    - ““Swiss visiting midwife” has the meaning given in paragraph 28(2C) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;
    - “Swiss visiting nurse” has the meaning given in paragraph 28(2C) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”.]

#### Textual Amendments

- F5** Words in Sch. 4 para. 28 heading 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), **12(5)(a)**
- F6** Words in Sch. 4 para. 28(1) 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), **12(5)(b)(i)**
- F7** Words in Sch. 4 para. 28(1) 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), **12(5)(b)(ii)**

**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, SCHEDULE 4.* (See end of Document for details)

- F8** Words in Sch. 4 para. 28(2) 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\(2\), 12\(5\)\(c\)\(i\)](#)
- F9** Words in Sch. 4 para. 28(2) 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\(2\), 12\(5\)\(c\)\(ii\)](#)
- F10** Sch. 4 para. 28(2A)-(2C) 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\(2\), 12\(5\)\(d\)](#)
- F11** Sch. 4 para. 28(4) 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\(2\), 12\(5\)\(e\)](#)

#### Commencement Information

- I29** Sch. 4 para. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

29.—(1) Where—

- (a) a person had, immediately before [<sup>F12</sup>IP completion day], the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as a nurse or nursing associate (and article 39A(3) or 39C(3) of the 2001 Order accordingly applied to the person), and
- (b) the person continues to have that benefit on or after [<sup>F13</sup>IP completion day],

any provision made by or under the 2001 Order continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting general systems nurses and nursing associates from relevant European states [<sup>F14</sup>(but subject, in the case of a relevant applicant, to the modifications to the 2001 Order specified in sub-paragraph (4))].

[<sup>F15</sup>(1A) But a relevant applicant to whom sub-paragraph (1) applies may only provide services as a nurse or midwife (as the case may be) for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting nurse or nursing associate—

- (a) in respect of a part of the register in which the person is registered as required by article 39A(3) or 39C(3) of the 2001 Order, when the person's name is removed under article 39A(6) or 39C(6) of the Order;
- (b) in respect of any other part of the register, when the person's entitlement ceases by reason of the operation of article 39A(5) or 39C(5) of the 2001 Order.

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting general systems nurses and nursing associates from relevant European states” is to the provisions listed in the table in paragraph 28(3), but as if—

- (a) the references to article 39 of, and Schedule 2A to, the 2001 Order were omitted, and
- (b) there were inserted at the appropriate place a reference to articles 39A and 39C of the 2001 Order.

[<sup>F16</sup>(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—

- (a) article 10(6) is to be read as if for the words from “visiting nurse” to the end there were substituted “relevant applicant”;
- (b) article 39A(1) is to be read as if—



- (i) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a relevant applicant”;
- (ii) in sub-paragraph (a), for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
- (c) article 39C(1) is to be read as if—
  - (i) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a relevant applicant”;
  - (ii) in sub-paragraph (a), for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
- (d) Schedule 4 is to be read as if—
  - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (ii) there were inserted, at the appropriate place—

““relevant applicant” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”.]

#### Textual Amendments

- F12** Words in Sch. 4 para. 29(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), **12(6)(a)(i)**
- F13** Words in Sch. 4 para. 29(1)(b) 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), **12(6)(a)(i)**
- F14** Words in Sch. 4 para. 29(1) 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), **12(6)(a)(ii)**
- F15** Sch. 4 para. 29(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), **12(6)(b)**
- F16** Sch. 4 para. 29(4) 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), **12(6)(c)**

#### Commencement Information

- I30** Sch. 4 para. 29 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### European Professional Card

- 30.**—(1) Sub-paragraph (2) applies where, immediately before [<sup>F17</sup>IP completion day]—
- (a) a person held a valid European professional card for establishment as a nurse in the United Kingdom, or
  - (b) the Nursing and Midwifery Council was in receipt of a person's application for such a card, the application having been transmitted to it under Article 4d(1) of the Directive.
- (2) For the purposes of registration in the register of qualified nurses, midwives and nursing associates, the person is not required to resubmit any document or evidence held by the Council

**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, SCHEDULE 4.* (See end of Document for details)

which is derived from the person's IMI file and which does not appear to the Council to have become invalid.

(3) In this paragraph—

- (a) “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 (OJ No L255, 30.09.2005, p 22), as it had effect immediately before [<sup>F18</sup>IP completion day];
- (b) “IMI file” has the meaning given by Schedule 4 to the 2001 Order as it had effect immediately before [<sup>F19</sup>IP completion day].

#### Textual Amendments

- F17** Words in Sch. 4 para. 30(1) 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), [12\(7\)](#)
- F18** Words in Sch. 4 para. 30(3)(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), [12\(7\)](#)
- F19** Words in Sch. 4 para. 30(3)(b) 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), [12\(7\)](#)

#### Commencement Information

- I31** Sch. 4 para. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**31.—(1)** Where, immediately before [<sup>F20</sup>IP completion day], a person was entitled as mentioned in paragraph 15(2) of Schedule 2B to the 2001 Order, any provision made by or under that Order continues to apply in relation to the person without the amendments made by Part 1 of this Schedule to the provisions relating to the provision of occasional nursing services by holders of a European professional card.

(2) For the purposes of paragraph 15(4)(a) of Schedule 2B to the 2001 Order as it continues to apply by virtue of sub-paragraph (1)—

- (a) a European professional card that was transmitted as mentioned in paragraph 15(1)(a) of that Schedule is to be treated as becoming invalid on the expiry of the period of 18 months beginning with the day on which it was transmitted;
- (b) a European professional card that was issued as mentioned in paragraph 15(1)(b) of that Schedule is to be treated as becoming invalid on the expiry of the period of 12 months beginning with the day on which it was issued.

(3) The reference in sub-paragraph (1) to “the provisions relating to the provision of occasional nursing services by holders of a European professional card” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting practitioners</i>
The 2001 Order	article 6(3)(aa)
	article 7(4)
	article 10(1) and (6)
	article 19(2A) to (2D)

article 39

article 39B

in Schedule 2B, paragraphs 2 (except the definitions of “automatically recognised nurse”, “EPC holder” and “missing document”), 15 and 16

in Schedule 4, the definitions of “competent authority”, “the Directive”, “European professional card”, “General Systems Regulations”, “IMI”, and “relevant European State”

Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004 article 8

#### Textual Amendments

**F20** Words in Sch. 4 para. 31(1) 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), [12\(7\)](#)

#### Commencement Information

**I32** Sch. 4 para. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**32.**—(1) A decision within article 37(1)(g) of the 2001 Order taken before [<sup>F21</sup>IP completion day], or a failure within article 37(1)(h) of that Order arising before [<sup>F21</sup>IP completion day], continues to be appealable for the purposes of article 37 of that Order (subject to the provisions of the Order) despite the revocation of article 37(1)(h) and (g).

(2) In disposing of such an appeal (or a further appeal under article 38 of the 2001 Order), the powers of the Council (or the court or sheriff) are, instead of those set out in article 37(9) (or 38(3)) of the 2001 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and—
  - (i) direct that such steps be taken as the Council (or the court or sheriff) thinks fit to draw the findings of the Council (or the court or sheriff) to the attention of the European Commission;
  - (ii) direct that the person in respect of whom the decision was taken (or the failure arose) is to be treated, for the purposes of paragraph 29(1)(a), as a person who held a valid European professional card <sup>F22</sup>... as a nurse in the United Kingdom immediately before [<sup>F23</sup>IP completion day],

and, in the case of an appeal under article 38, to make such order as to costs (or, in Scotland, expenses) as the court or sheriff thinks fit.

**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, SCHEDULE 4.* (See end of Document for details)

#### Textual Amendments

- F21** Words in Sch. 4 para. 32(1) 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), **12(8)(a)**
- F22** Words in Sch. 4 para. 32(2)(b)(ii) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(8)(b)**
- F23** Words in Sch. 4 para. 32(2)(b) 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), **12(8)(a)**

#### Commencement Information

- I33** Sch. 4 para. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### IMI alerts

**33.—**(1) Where an alert has been sent by the Nursing and Midwifery Council before [<sup>F24</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of article 37 of the 2001 Order despite the revocation of article 37(1)(f).

(2) In disposing of such an appeal (or a further appeal under article 38 of the 2001 Order), the powers of the Council (or the court or sheriff) are, instead of those set out in article 37(9) (or 38(3)) of the 2001 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and direct that such steps be taken as the Council (or the court or sheriff) thinks fit to draw the findings of the Council (or the court or sheriff) to the attention of the European Commission,

and, in the case of an appeal under article 38, to make such order as to costs (or, in Scotland, expenses) as the court or sheriff thinks fit.

#### Textual Amendments

- F24** Words in Sch. 4 para. 33(1) 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), **12(9)**

#### Commencement Information

- I34** Sch. 4 para. 33 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Interpretation of saved provisions

**34.** Where a provision continues to apply by virtue of this Part, it is to be read as if—

- (a) in Schedule 4 to the 2001 Order—
  - (i) there were substituted for the definition of “the Directive”—

““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 (OJ

**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, SCHEDULE 4.* (See end of Document for details)

No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [F25IP completion day];”;

(ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [F26IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

(iii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—

“(a) a person who, immediately before [F27IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [F27IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the medical profession by virtue of an enforceable EU right, or

(c) a person who, immediately before [F27IP completion day], was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of a relevant European State;”;

(iv) in the definition of “General Systems Regulations” [F28(other than in the definition as it continues to apply by virtue of paragraph 27A)], at the end there were inserted—

“(a) in relation to anything done before [F29IP completion day], as they had effect at that time;

(b) otherwise, as (and only to the extent that) they have effect, on or after [F29IP completion day], in relation to an entitlement which arose before [F29IP completion day] or arises as a result of something done before [F29IP completion day];”;

(v) in the definition of “national”, for “is not” there were substituted “was not, immediately before [F30IP completion day]”;

(b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

### Textual Amendments

**F25** Words in Sch. 4 para. 34(a)(i) 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), **12(10)(a)**

**F26** Words in Sch. 4 para. 34(a)(ii) 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), **12(10)(a)**

**F27** Words in Sch. 4 para. 34(a)(iii) 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), **12(10)(a)**

**F28** Words in Sch. 4 para. 34(a)(iv) 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), **12(10)(b)**

**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, SCHEDULE 4.* (See end of Document for details)

**F29** Words in Sch. 4 para. 34(a)(iv) 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\(2\), 12\(10\)\(a\)](#)

**F30** Words in Sch. 4 para. 34(a)(v) 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\(2\), 12\(10\)\(a\)](#)

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**Commencement Information**

**I35** Sch. 4 para. 34 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**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, SCHEDULE 4.