
STATUTORY INSTRUMENTS

2020 No. 1394

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 7 (chiropractors)

- 15.**—(1) Part 2 of Schedule 7 is amended as follows.
- (2) In paragraph 14(1), for “exit day” substitute “IP completion day”.
- (3) After paragraph 14, insert—

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

14A.—(1) Where a registration application is received from a Swiss chiropractor before the end of the Swiss recognition period, any provision made by or under the 1994 Act⁽¹⁾ continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to that Act and the 2002 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 1994 Act (other than sections 5A, 6(1), (2), (4A), (5) and (6), 8(8), 17(2A) to (2D), 29(1)(ba), 29A (other than subsection (2)(c)) and 37(2));
- (b) the 2002 Rules (other than rules 2(2A), 3(4)(a) and 6(2)).

(3) The modifications to the 1994 Act are—

- (a) in section 14(10), in both places where it occurs, “EU law” is to be read as a reference to Part 3 of the General Systems Regulations (and the section is accordingly to be read with the omission of subsection (11));
- (b) section 43 is to be read as if, 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)”.

(4) The modifications to the 2002 Rules mentioned in sub-paragraph (1) are—

⁽¹⁾ “The 1994 Act” is defined in paragraph 1 of Schedule 7 to [S.I. 2019/593](#).

- (a) rules 5(3), 6(1A) and 11(1) are to be read as if for each reference to “an exempt person” there were substituted “a Swiss chiropractor”;
- (b) rule 6(1A)(b)(ii) is to be read as if for “a relevant European State” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”;
- (c) rule 11 is to be read as if for paragraph (6) there were substituted—
 - “(6) In paragraphs (2) to (5), the “attesting State” in relation to A, is Switzerland.”.
- (5) In this paragraph—
 - “the 2002 Rules” means the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002(2);
 - “registration application” means an application for entry in the register maintained under the 1994 Act;
 - “Swiss chiropractor” means a qualifying applicant who had not, before IP completion day, made a registration application.”.
- (4) In paragraph 15—
 - (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 1994 Act specified in sub-paragraph (4))”;
 - (c) after sub-paragraph (1), insert—
 - “(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a chiropractor for a period not exceeding 90 days in total in any calendar year.”;
 - (d) after sub-paragraph (2), insert—
 - “(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting chiropractor.
 - (2B) But a Swiss visiting chiropractor’s entitlement does not continue (or further continue) under section 5A of the 1994 Act on or after the end of the visiting practitioner transitional period.
 - (2C) In this paragraph, “Swiss visiting chiropractor” means a visiting chiropractor 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 chiropractor profession, no less favourably than a national of the United Kingdom or Switzerland.”;
 - (e) after sub-paragraph (3), insert—
 - “(4) The modifications to the 1994 Act mentioned in sub-paragraph (1) are—
 - (a) section 5A(1)(3) is to be read as if for the words from “an exempt” to the end there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care

(2) As set out in the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules Order of Council 2002 (S.I. 2002/2704). Relevant amending instruments are S.I. 2007/3101 and 2011/1043.

(3) Section 5A was inserted by S.I. 2007/3101. Relevant amending instrument is S.I. 2016/1030.

Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“V”) who is lawfully established as a chiropractor in Switzerland (“State A”);

(b) section 17(2D)(4) is to be read as if for the words from “the relevant” to “chiropractor” there were substituted “Switzerland”;

(f) in the table following sub-paragraph (3), for “section 31” substitute “section 43”.

(5) In paragraph 16(1), for “exit day” substitute “IP completion day”.

(6) In paragraph 17—

(a) in sub-paragraph (a)(i), (ii) and (iii), and (b), in each place it occurs, for “exit day” substitute “IP completion day”;

(b) in sub-paragraph (a)(iii), after ““General Systems Regulations”” insert “(other than in that definition as it is saved by paragraph 14A)”.