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STATUTORY INSTRUMENTS

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**2019 No. 593**

**EXITING THE EUROPEAN UNION  
HEALTH CARE AND  
ASSOCIATED PROFESSIONS  
PROFESSIONAL QUALIFICATIONS**

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

*Made - - - - 14th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

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(3) Any amendment, repeal or revocation made by these Regulations has the same extent as the provision amended, repealed or revoked.

**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.

### **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.

### **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.

### **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.

### **Opticians**

6. In Schedule 5—
  - (a) Part 1 contains amendments about opticians;
  - (b) Part 2 contains savings and transitional provision relating to those amendments.

### **Osteopaths**

7. In Schedule 6—
  - (a) Part 1 contains amendments about osteopaths;
  - (b) Part 2 contains savings and transitional provision relating to those amendments.

### **Chiropractors**

8. In Schedule 7—
  - (a) Part 1 contains amendments about chiropractors;
  - (b) Part 2 contains savings and transitional provision relating to those amendments.

### **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.

### **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.

## **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.

## **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.

## **References to the General Systems Regulations**

### **13.—(1) In this regulation—**

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007(2);

“the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015(3).

(2) In these Regulations, any reference to the 2015 Regulations (or to any provision of those Regulations) includes a reference to the 2007 Regulations (or to any corresponding provision of those Regulations), so far as the 2007 Regulations continue (or, before exit day, continued) to apply by virtue of regulation 78 of the 2015 Regulations or regulation 155 of the European Qualifications (Health and Social Care Professions) Regulations 2016(4).

## **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 exit 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(5),
- (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(6),

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(2) [S.I. 2007/2781](#).

(3) [S.I. 2015/2059](#).

(4) [S.I. 2016/1030](#).

(5) 1983 c. 54. Section 21B was inserted by [S.I. 2006/1914](#).

(6) [S.I. 2010/473](#). Relevant amending instruments are [S.I. 2013/3036](#), [2016/1030](#).

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- (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(7),
  - (d) section 15(2)(a), (2ZA), (2ZB) and (4ZA) (qualification for registration in the dentists register) of the Dentists Act 1984(8),
  - (e) regulations 9(1) (eligible specialists) and 10 (recognised specialist dental qualifications) of the European Primary and Specialist Dental Qualifications Regulations 1998(9), and
  - (f) article 13(3) to (5) (approved qualifications) of the Nursing and Midwifery Order 2001(10).
- (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).

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

*Stephen Hammond*  
Minister of State for Health,  
Department of Health and Social Care

14th March 2019

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(7) S.I. 2010/231.

(8) 1984 c. 24.

(9) S.I. 1998/811. Relevant amending instruments are S.I. 2004/1947, 2007/3101, 2013/3036.

(10) S.I. 2002/253.

## SCHEDULES

### SCHEDULE 1

Regulation 2

#### Medical Practitioners

### PART 1

#### Amendments to legislation

##### **Medical Act 1983**

1. The Medical Act 1983 is amended as follows.
2. In section 2 (registration of medical practitioners)(**11**), in subsection (2)—
  - (a) at the end of paragraph (aa), insert “and”;
  - (b) omit paragraph (d) and the “and” before it.
3. In section 3 (registration by virtue of primary United Kingdom or primary European qualifications)(**12**), in subsection (1)(b), after “qualifications” insert “and has made an application, before exit day, for registration under this paragraph or is provisionally registered under section 15A”.
- 4.—(1) Section 5 (general functions of the General Medical Council in relation to medical education in the United Kingdom)(**13**) is amended as follows.
  - (2) Omit subsection (2A).
  - (3) In subsection (4), omit the definition of “the Directive”.
- 5.—(1) Section 10B (professional traineeships carried out in other relevant European States, etc)(**14**) is amended as follows.
  - (2) In the heading, omit “other”.
  - (3) Before subsection (1), insert—

“(A1) This section applies for the purposes of determining whether a person who—

    - (a) is a national of a relevant European state,
    - (b) holds a primary United Kingdom qualification, and
    - (c) has applied, before exit day, for registration under section 3(1)(a),

has satisfactorily completed an acceptable programme for doctors who are provisionally registered.”
  - (4) In subsection (1)—

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(11) Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#), [2008/1774](#).

(12) Relevant amending instruments are [S.I. 1996/1591](#), [2006/1914](#), [2007/3101](#).

(13) Subsection (2A) was inserted by [S.I. 1996/1591](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#), [2008/1774](#),

(14) Section 10B was inserted by [S.I. 20016/1030](#).

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- (a) for “an acceptable programme of provisionally registered doctors” substitute “such a programme”;
  - (b) omit the words from “other” to “qualification,”.
- (5) Omit subsection (2).
- (6) In subsection (3), for “(1)” substitute “(A1)”.
- 6.—**(1) Section 14 (alternative requirements as to experience in certain cases)(**15**) is amended as follows.
- (2) Omit subsection (3).
- (3) In subsection (4)(a), after “subsection (1)” insert “in connection with an application for registration under section 3(1)(a) made before exit day”.
- 7.** In section 14A (full registration of EEA nationals etc without certain acquired rights certificates)(**16**), in subsection (1), before paragraph (a) insert—
- “(za) who has made an application for registration under this section before exit day.”.
- 8.** In section 15A (provisional registration for EEA nationals etc)(**17**), in subsection (2), for “his fitness to practise is not impaired” substitute—
- “—
- (a) the person has made an application, before exit day, for registration under this section, and
  - (b) the person’s fitness to practise is not impaired.”.
- 9.** In section 16 (registration of qualifications), in subsection (2), omit “a primary United Kingdom qualification or”.
- 10.—**(1) Section 17 (primary qualifications obtained in other relevant European states) is amended as follows.
- (2) In the heading, omit “other”.
- (3) In subsection (1), omit “other than the United Kingdom”.
- 11.** Omit section 18 (visiting medical practitioners from relevant European states).
- 12.—**(1) Section 19 (full registration of EEA nationals etc by virtue of overseas primary qualifications etc)(**18**) is amended as follows.
- (2) Before subsection (1), insert—
- “(A1) Subsection (1) applies only in relation to an exempt person—
- (a) who has made an application, before exit day, for registration under this section, or
  - (b) who is provisionally registered under section 21.”.
- (3) For subsection (2), substitute—
- “(2) In this Act “exempt person” means—
- (a) a person who, immediately before exit day, was a national of a relevant European State,

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(15) Subsection (3) was added by [S.I. 1996/1591](#) and subsection (4) was added by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

(16) Section 14A was inserted by [S.I. 2007/3101](#).

(17) Section 15A was inserted by [S.I. 2000/3041](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

(18) Section 19 was substituted by [S.I. 2002/3135](#). Relevant amending instruments are [S.I. 2007/3101](#), [2011/1043](#).

- (b) a person who, immediately before exit 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 exit 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 medical profession, no less favourably than a national of a relevant European State.”.

(4) In subsection (3)(a), omit “, other than the United Kingdom,”.

**13.**—(1) Section 19A (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom)(**19**) is amended as follows.

(2) In the heading, omit “other than the United Kingdom”.

(3) In subsection (1), before paragraph (a), insert—

“(za) who has made an application for registration under this section before exit day,”.

**14.** In section 21 (provisional registration of EEA nationals etc with certain overseas qualifications)(**20**), for subsection (2), substitute—

“(2) Where a person—

- (a) has made an application to the General Council, before exit day, to be provisionally registered under this section, and
- (b) satisfies the Registrar of the matters specified in paragraphs (a), (aa) and (c) of section 19(1),

the person shall, if the Council think fit so to direct, be provisionally registered under this section.”.

**15.**—(1) Section 21B (full registration of persons with an overseas qualification)(**21**) is amended as follows.

(2) In subsection (1)—

- (a) at the beginning, insert “Subject to subsection (1A),”;
- (b) at the end of paragraph (c), insert “and”;
- (c) in paragraph (d), omit “unless he is an exempt person,”;
- (d) omit the “and” at the end of paragraph (d);
- (e) omit paragraph (e).

(3) After subsection (1), insert—

“(1A) Subsection (1)(b) does not apply to a person who makes an application under this section on or after exit day in reliance on the holding of a relevant European qualification within subsection (3)(a) or (b).

(1B) Subsection (1C) applies instead of subsection (1) in the case of an exempt person who—

- (a) has made an application for registration as a fully registered medical practitioner under this section before exit day, or
- (b) is provisionally registered under section 21C and made the application for that provisional registration before exit day.

(19) Section 19A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(20) Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

(21) Section 21B was inserted by [S.I. 2006/1914](#). Relevant amending instrument is [S.I. 2007/3101](#).

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(1C) Where the exempt person satisfies the Registrar that—

(a) the person holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification,

(b) where—

(i) the acceptable overseas qualification was, or would have been, granted otherwise than in a relevant European State, and

(ii) that qualification, or the person's having passed those examinations, has not previously been accepted by a relevant European State as qualifying the person to practise as a medical practitioner in that State,

that qualification is, or would have been, evidence of medical training which satisfies the requirements of article 24(1), (2) and (3)(a), (b) and (c) of the Directive (basic medical training),

(c) the person possesses the knowledge, skills and experience necessary for practising as a fully registered medical practitioner in the United Kingdom, and

(d) the person's fitness to practise is not impaired,

the person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.”

(4) For subsection (2), substitute—

“(2) In this Act, an “acceptable overseas qualification” means—

(a) in relation to a person who makes an application for registration on or after exit day, a relevant European qualification, or

(b) (whether or not in relation to such a person) any other qualification granted outside the United Kingdom, where that qualification is for the time being accepted by the General Council as qualifying a person to practise as a medical practitioner in the United Kingdom.”

(5) After subsection (2), insert—

“(3) In this section, “relevant European qualification” means—

(a) a primary European qualification under section 17(1)(a) that has not been designated by the General Council for the purposes of this paragraph,

(b) a qualification that is not a primary European qualification under section 17(1)(a) but—

(i) was granted in a relevant European State, and

(ii) demonstrates, in the opinion of the General Council, a comparable level of knowledge, skill and experience to that demonstrated by the means of qualification laid down by section 3(1)(a) (including the programme for provisionally registered doctors), or

(c) a qualification that is not a primary European qualification under section 17(1)(a) and does not fall within paragraph (b) but—

(i) was granted in a relevant European State, and

(ii) demonstrates, in the opinion of the General Council, a comparable level of knowledge and skill to that demonstrated by a primary United Kingdom qualification.

(4) The General Council—

(a) may designate a qualification for the purposes of subsection (3)(a) only with the approval of the Privy Council;



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

**16.**—(1) Section 21C (provisional registration of persons with an overseas qualification)(**22**) is amended as follows.

(2) In subsection (1), after “section 21B(1)(b)” insert “or (1C)(c)”.

(3) In subsection (2)(a), for “(d) and (e)” substitute “and (d)”.

(4) After subsection (2), insert—

“(2A) Subsection (2)(b) does not apply to a person who makes an application under this section on or after exit day and who—

(a) has passed all of the qualifying examinations necessary for obtaining (but does not hold) a relevant European qualification within section 21B(3)(a) or (b), or

(b) holds, or has passed all of the qualifying examinations necessary for obtaining, a relevant European qualification within section 21B(3)(c).

(2B) Where an exempt person has made an application to the General Council, before exit day, to be provisionally registered under this section and satisfies the Registrar—

(a) of the matters specified in paragraphs (a), (b) and (d) of section 21B(1C) above so far as they are matters of which the Registrar would in the person’s case have to be satisfied in order for the person to be eligible to benefit from a direction under that subsection, and

(b) that the person possesses the knowledge and skill requisite for embarking upon an acceptable programme for provisionally registered doctors,

the person shall, if the Council think fit so to direct, be provisionally registered under this section.”.

**17.** In section 30 (the registers)(**23**), in subsection (1)—

(a) at the end of paragraph (aa) insert “and”;

(b) omit paragraph (d) and the “and” before it.

**18.** In section 32 (registration fees)(**24**), in subsection (5), omit “or in the list of visiting medical practitioners from relevant European States”.

**19.** In section 34D (the Specialist Register)(**25**), omit subsection (5).

**20.**—(1) Section 34G (acquired rights of general practitioners)(**26**) is amended as follows.

(2) In subsection (1), for “Article 30(1) of the Directive” substitute “this section”.

(3) In subsection (2), for the words from “by virtue of” to the end, substitute “as a general practitioner in the United Kingdom, the Registrar shall issue a certificate for the purposes of enabling that certificate to be recognised in relevant European States.”.

**21.** Omit section 34J (minimum requirements for general practice training)(**27**).

**22.** Omit section 34K (minimum requirements for specialist training)(**28**).

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(22) Section 21C was inserted by [S.I. 2006/1914](#). Relevant amending instrument is [S.I. 2007/3101](#).

(23) Relevant amending instruments are [S.I. 2002/3135](#), [2006/1914](#), [2007/3101](#), [2008/1774](#).

(24) Relevant amending instruments are [S.I. 2007/3101](#), [2008/1774](#).

(25) Section 34D was inserted by [S.I. 2010/234](#).

(26) Section 34G was inserted by [S.I. 2010/234](#).

(27) Section 34J was inserted by [S.I. 2010/234](#).

(28) Section 34K was inserted by [S.I. 2010/234](#).

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**23.** In section 34L (award and withdrawal of Certificate of Completion of Training)(**29**), omit subsection (3).

**24.**—(1) Section 40 (appeals)(**30**) is amended as follows.

(2) Omit subsection (1B).

(3) In subsection (4A), omit “or (1B)”.

(4) In subsection (8)(b), omit the words from “or, in the case” to “amended”.

**25.** In section 44 (effect of disqualification in another relevant European State on registration in the United Kingdom), in the heading, omit “another”.

**26.**—(1) Section 44B (provision of information in respect of fitness to practise matters)(**31**) is amended as follows.

(2) In subsection (1), omit “, other than Schedule 2A,”.

(3) In subsection (2)—

(a) in paragraph (a), omit “, other than Schedule 2A,”;

(b) in paragraph (b), omit “otherwise than by virtue of Schedule 2A,”.

(4) Omit subsection (3).

**27.** In section 44C (indemnity arrangements)(**32**), omit subsection (11).

**28.** In section 46 (fees)(**33**), in subsection (2A), omit paragraph (b).

**29.** Omit section 49B (the Directive: designation of competent authority etc)(**34**).

**30.**—(1) Section 55 (interpretation)(**35**) is amended as follows.

(2) In subsection (1)—

(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 Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision of the Directive, as it had effect immediately before exit day (but see subsections (2) and (3) below);”;

(b) at the appropriate place insert—

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

(c) in the definition of “fully registered person”, omit “, or under Schedule 2A as a visiting medical practitioner from a relevant European State,”;

(d) in the definition of “the General Systems Regulations”, at the end insert—

(29) Section 34L was inserted by [S.I. 2010/234](#).

(30) Section 40 was substituted by [S.I. 2002/3135](#). Subsection (1B) was inserted by [S.I. 2016/1030](#) and subsection (4A) was inserted by [S.I. 2006/1914](#). Relevant amending instruments are [S.I. 2015/794](#), [2016/1030](#).

(31) Section 44B was inserted by [S.I. 2006/1914](#). Relevant amending instrument is [S.I. 2007/3101](#).

(32) Section 44C was substituted by [S.I. 2014/1887](#). Relevant amending instrument is [S.I. 2007/3101](#).

(33) Subsection (2A) was inserted by [S.I. 2006/1914](#). Relevant amending instruments are [S.I. 2010/234](#), [2011/1043](#).

(34) Section 49B was inserted by [S.I. 2007/3101](#). Relevant amendments are made by Schedule 19 to the Data Protection Act 2018 ([c.12](#)). Relevant amending instruments are [S.I. 2008/1774](#), [2010/234](#).

(35) The definition of “the Directive” was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2007/3101](#), [2008/1774](#), [2016/1030](#).

“—

- (a) in relation to anything done before exit day, as they had effect at that time;
  - (b) otherwise, as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day;”;
  - (e) omit the definition of “IMI”;
  - (f) in the definition of “national”, for “is not” substitute “was not, immediately before exit day”.
- (3) After subsection (1) insert—
- “(1ZA) For the purposes of this Act an application for registration is made when it is received by the Registrar.”.

**31.** In Schedule 1 (the General Medical Council etc)(**36**), in paragraph 10, omit “(otherwise than under Schedule 2A)”.

**32.** Omit Schedule 2A (visiting medical practitioners from relevant European States)(**37**).

**33.** In Schedule 3 (registration: supplementary provisions)(**38**), omit paragraph 7.

**34.**—(1) Schedule 3A (registration and training)(**39**) is amended as follows.

(2) In paragraph 1 (interpretation), in paragraph (b) of the definition of “person making the decision”, omit “or under Schedule 2A to this Act”.

(3) In paragraph 2 (appealable registration decisions), in sub-paragraph (1), omit paragraph (q).

**35.** Omit Schedule 4A (Directive 2005/36: Functions of the General Council under section 49B(3))(**40**).

### **National Health Service Pension Scheme Regulations 2008**

**36.**—(1) The National Health Service Pension Scheme Regulations 2008(**41**) are amended as follows.

(2) In regulation 2.A.1 (interpretation: general) in the definition of “CCT”, omit the words from “including” to the end.

(3) In regulation 3.A.1 (interpretation of Part 3: general) in the definition of “CCT”, omit the words from “including” to the end.

### **Postgraduate Medical Education and Training Order of Council 2010**

**37.** The Postgraduate Medical Education and Training Order of Council 2010(**42**) is amended as follows.

**38.**—(1) Article 3 (persons eligible to be registered in, and liable to removal from, the General Practitioner Register) is amended as follows.

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

(37) Schedule 2A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(38) Paragraph 7 was substituted by [S.I. 2007/3101](#).

(39) Schedule 3A was inserted by [S.I. 2002/3135](#). Paragraph 2(1)(q) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2007/3101](#).

(40) Schedule 4A was inserted by [S.I. 2007/3101](#). Relevant amendments are made by Schedule 19 to the Data Protection Act 2018. Relevant amending instruments are [S.I. 2010/234](#), [2016/1030](#).

(41) [S.I. 2008/653](#). Relevant amending instrument is [S.I. 2010/234](#).

(42) [S.I. 2010/473](#). Relevant amending instrument is [S.I. 2016/1030](#).

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- (2) In paragraph (1), omit paragraphs (b) and (c).
- (3) Omit paragraph (2).

**39.**—(1) Article 4 (general practitioners eligible for entry in General Practitioner Register) is amended as follows.

- (2) For paragraph (1), substitute—

“(1) A person is an eligible general practitioner for the purposes of article 3(1)(a) if the person holds a qualification in general practice listed in Annex V, point 5.1.4 of the Directive that was issued in a relevant European state, other than a qualification that has been designated by the General Council for the purposes of this paragraph.

- (1A) The General Council—

- (a) may designate a qualification for the purposes of paragraph (1) only with the approval of the Privy Council;
- (b) must maintain and publish a list of the qualifications that are so designated.”.

- (3) In paragraph (4), omit “Subject to paragraph 5,”.
- (4) Omit paragraphs (5) to (7).

**40.** Omit article 5 (general systems general practitioners eligible for entry in the General Practitioner Register).

**41.** In article 6 (persons with acquired rights), in paragraph (5), omit “other than the United Kingdom”.

**42.**—(1) Article 7 (persons eligible to be registered in, and liable to removal from, the Specialist Register) is amended as follows.

- (2) In paragraph (1), omit sub-paragraphs (b) and (c) (including the “or” before sub-paragraph (b)).
- (3) Omit paragraph (2).

**43.**—(1) Article 8 (specialists eligible for entry in the Specialist Register) is amended as follows.

- (2) For paragraph (1) substitute—

“(1) A person is an eligible specialist for the purposes of article 7(1)(a) if the person holds a relevant European specialist qualification (within the meaning of article 10).”.

- (3) In paragraphs (2) and (3), for “Subject to paragraph (4), a” substitute “A”.
- (4) Omit paragraphs (4) and (5).

**44.** Omit article 9 (general systems specialists eligible for entry in the Specialist Register).

**45.**—(1) Article 10 (recognised specialist qualifications granted outside the United Kingdom)(43) amended as follows.

- (2) For the heading, substitute “Relevant European specialist qualifications”.
- (3) For paragraph (1), substitute—

“(1) In Article 8(1) “relevant European specialist qualification” means a specialist qualification listed in Annex V, point 5.1.2 of the Directive which—

- (a) was awarded—
  - (i) in a relevant European State,

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(43) Relevant amending instruments are [S.I. 2013/3036](#), [2016/1030](#).

- (ii) on or after the reference date, not being evidence of training commenced by the holder before that date, and
  - (iii) in a recognised specialty, and
  - (b) has not been designated by the General Council for the purposes of this paragraph.
- (1A) The General Council—
- (a) may designate a qualification for the purposes of paragraph (1) only with the approval of the Privy Council;
  - (b) must maintain and publish a list of the qualifications that are so designated.”.

**46.** In article 11 (recognised specialities within the United Kingdom), omit paragraph (2).

**47.**—(1) Article 12 (partial exemption)(**44**) is amended as follows.

(2) In paragraph (1), for “The registrar may exempt a person” substitute “Where a person has made an application before exit day for inclusion in the General Practitioner Register kept under section 34C of the Act, or the Specialist Register kept under section 34D of the Act, the Registrar may exempt the person”.

(3) In paragraph (2)(a), after “has” insert “before exit day”.

**48.** For the Schedule (recognised specialities within the United Kingdom) substitute—

“SCHEDULE

Article 11

Recognised specialities within the United Kingdom

Anaesthetics  
Acute internal medicine  
Allergy  
Audio vestibular medicine (formerly known as audiological medicine)  
Aviation and space medicine  
Cardiology (formerly known as cardio-vascular disease)  
Cardio-thoracic surgery (also known as thoracic surgery)  
Chemical pathology (also known as biological chemistry and as clinical biochemistry)  
Child and adolescent psychiatry (also known as child psychiatry)  
Community sexual health and reproduction  
Clinical genetics  
Clinical neurophysiology  
Clinical oncology (also known as radiotherapy)  
Clinical pharmacology and therapeutics (also known as pharmacology)  
Clinical radiology (also known as diagnostic radiology and formerly known as radiology)  
Dermatology  
Diagnostic neuropathology  
Emergency medicine (also known as accident and emergency medicine)  
Endocrinology and diabetes mellitus (also known as endocrinology)  
Forensic histopathology

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(44) Article 12 was inserted by [S.I. 2016/1030](#).

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Forensic psychiatry  
Gastro-enterology  
General psychiatry (also known as psychiatry, as general adult psychiatry, and as mental illness)  
General (internal) medicine (formerly known as general medicine)  
General surgery  
Genito-urinary medicine (also known as venerology)  
Geriatric medicine (formerly known as geriatrics)  
Haematology (also known as general haematology)  
Histopathology  
Immunology (also known as immunopathology)  
Intensive care medicine  
Infectious diseases (also known as communicable diseases)  
Medical microbiology (also known as microbiology and bacteriology)  
Medical oncology  
Medical ophthalmology  
Medical psychotherapy (formerly known as psychotherapy)  
Medical virology  
Neurology  
Neurosurgery (also known as neurological surgery)  
Nuclear medicine  
Obstetrics and gynaecology  
Occupational medicine  
Old age psychiatry  
Ophthalmology  
Oral and maxillo-facial surgery (also known as dental, oral and maxillo-facial surgery (basic medical and dental training))  
Otolaryngology (also known as otorhinolaryngology, and as ENT surgery)  
Paediatric surgery  
Paediatric cardiology  
Paediatric and perinatal pathology  
Paediatrics  
Palliative medicine  
Pharmaceutical medicine  
Plastic surgery  
Psychiatry of learning disability  
Public health medicine (also known as community medicine)  
Rehabilitation medicine  
Renal medicine (also known as renal disease, and formerly known as nephrology)  
Respiratory medicine (also known as thoracic medicine)  
Rheumatology

Trauma and orthopaedic surgery (also known as orthopaedics, and formerly as orthopaedic surgery)  
Tropical medicine  
Sport and exercise medicine  
Urology  
Vascular surgery.”.

### **General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010**

**49.** The General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010<sup>(45)</sup> are amended as follows.

**50.** In regulation 2 (interpretation), in paragraph (2)—

- (a) in sub-paragraph (a), for “competent authority or authorities of the United Kingdom under Article 56 of the Directive” substitute “General Council”;
- (b) in sub-paragraph (b), omit “other than the United Kingdom”.

**51.** In regulation 5 (evidence), in paragraph (1), omit sub-paragraph (i).

**52.—**(1) Regulation 6 (collection of information, evidence and advice) is amended as follows.

(2) In paragraph (1), for “Subject to paragraph (3), the” substitute “The”.

(3) Omit paragraph (3).

**53.** Omit regulation 7 (statements of eligibility).

**54.—**(1) Regulation 8 (determination of applications) is amended as follows.

(2) In paragraph (1), in sub-paragraph (a), omit the words from “including” to “Act”.

(3) Omit paragraph (2).

(4) In paragraph (3), omit the words from “, unless” to the end.

### **General Medical Council (Form and Content of the Registers) Regulations No 2 2010**

**55.** The General Medical Council (Form and Content of the Registers) Regulations No 2 2010<sup>(46)</sup> are amended as follows.

**56.** In regulation 2 (interpretation), in the list of defined terms beginning “the Principal List”, for “, “the visiting doctors list” and “the list of visiting medical practitioners from relevant European States”” substitute “and “the visiting doctors list””.

**57.** In regulation 4 (form and keeping of registers), omit paragraph (d).

**58.** In regulation 5 (entries in the register), omit paragraph (f).

### **General Medical Council (Licence to Practise and Revalidation) Regulations 2012**

**59.** The General Medical Council (Licence to Practise and Revalidation) Regulations 2012<sup>(47)</sup> are amended as follows.

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<sup>(45)</sup> As set out in the Schedule to the General Medical Council (Applications for General Practice and Specialist Registration) Regulations Order of Council 2010 (S.I. 2010/475). Relevant amending instrument is S.I. 2011/1248.

<sup>(46)</sup> Made by the General Medical Council in exercise of powers conferred by section 31(1) and (2) of the Medical Act 1983.

<sup>(47)</sup> As set out in the Schedule to the General Medical Council (Licence to Practise and Revalidation) Regulations Order of Council 2012 (S.I. 2012/2685).

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60. In regulation 3 (grant or refusal of a licence)(48), in paragraph (1)(a), omit “18 (visiting medical practitioners from relevant European States),”.

61. In regulation 4 (withdrawal of a licence), in paragraph (2)—

(a) in paragraph (c), for “another”, substitute “a”;

(b) omit sub-paragraph (f).

62. In regulation 6 (revalidation), in paragraph (2)(a), omit “18 (visiting medical practitioners from relevant European States),”.

### **The National Health Service Pension Scheme Regulations 2015**

63. In the National Health Service Pension Scheme Regulations 2015(49), in Schedule 15 (definitions), in column 2 of the entry for “CCT”, omit the words from “including” to the end.

### **The National Health Service (General Medical Services Contracts) Regulations 2015**

64. In the National Health Service (General Medical Services Contracts) Regulations 2015(50), in regulation 3 (interpretation), in the definition of “CCT”, omit the words from “including” to the end.

### **The National Health Service (Personal Medical Services Agreements) Regulations 2015**

65. In the National Health Service (Personal Medical Services Agreements) Regulations 2015(51), in regulation 3 (interpretation), in the definition of “CCT”, omit the words from “including” to the end.

## **PART 2**

### **Savings and transitional provision**

#### **General Practitioner Register and Specialist Register**

66.—(1) Where an application for inclusion in the General Practitioner Register kept under section 34C of the Medical Act 1983 or the Specialist Register kept under section 34D of that Act is received before exit day, provisions of that Act, the Postgraduate Medical Education and Training Order of Council 2010 and the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 continue to apply in relation to the application (including any appeal arising from it) without the amendments made to those enactments by Part 1 of this Schedule.

(2) Where a provision continues to apply by virtue of paragraph (1), it is to be read as if, in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

#### **IMI alerts**

67.—(1) Where an alert has been sent by the General Medical Council before exit day under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015

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(48) Relevant amending instruments are [S.I. 2014/1273](#), [2015/1375](#).

(49) [S.I. 2015/94](#), to which there are amendments not relevant to this instrument.

(50) [S.I. 2015/1862](#), to which there are amendments not relevant to this instrument.

(51) [S.I. 2015/1879](#), to which there are amendments not relevant to this instrument.



as they then had effect, the decision to send the alert continues to be appealable for the purposes of section 40 of the Medical Act 1983 (subject to the provisions of that Act) despite the repeal of section 40(1B).

(2) In disposing of such an appeal, the powers of the court (or the sheriff) are, instead of those set out in section 40(8) of the Medical Act 1983—

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

### Visiting medical practitioners: saving of old law for up to one year

68.—(1) Where, immediately before exit day—

- (a) a visiting practitioner was entitled under paragraph 4 (entitlement to provide occasional medical services: first year)<sup>(52)</sup> or 7 (entitlement to provide occasional medical services after first year: renewals) of Schedule 2A to the Medical Act 1983 to provide occasional medical services, or
- (b) the Registrar was in receipt of the required documents (within the meaning of paragraph 5 (first provisions of services: required documents) of that Schedule) from a visiting practitioner seeking to acquire that entitlement,

any provision made by or under that Act continues to apply in relation to the visiting practitioner without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting medical practitioners from relevant European States.

(2) But a visiting practitioner’s entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the Medical Act 1983 on or after exit day (and, accordingly, the entitlement lapses at end of the period mentioned in paragraph 8(1) or (2) (duration of entitlement to provide occasional medical services) of that Schedule).

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting medical practitioners from relevant European States” are to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting medical practitioners</i>
Medical Act 1983	section 2(2)(d)
	section 18
	section 30(1)(d)
	section 32(5)
	section 44B(1) and (2)
	section 44C(11)
	in section 55(1), the definition of “fully registered person”
	Schedule 1, paragraph 10
	Schedule 2A
	Schedule 3A, paragraphs 1 and 2(1)(q)
Postgraduate Medical Education and Training Order of Council 2010	article 3(1)(c) and (2)

<sup>(52)</sup> Relevant amending instrument is [S.I. 2016/1030](#).

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<i>Act or instrument</i>	<i>Provision relating to visiting medical practitioners</i>
	article 7(1)(c) and (2)
General Medical Council (Form and Content of the Registers) Regulations No 2 2010	regulation 2
	regulation 4(d)
	regulation 5(f)
General Medical Council (Licence to Practise and Revalidation) Regulations 2012	regulation 3(1)
	regulation 4(2)(f)
	regulation 6(2)

## SCHEDULE 2

Regulation 3

## Pharmacists and pharmacy technicians

## PART 1

## Amendments to legislation

**Interpretation**

1. In this Schedule—
  - (a) “the 1968 Act” means the Medicines Act 1968<sup>(53)</sup>;
  - (b) “the 2010 Order” means the Pharmacy Order 2010<sup>(54)</sup>.

**Medicines Act 1968**

2. The 1968 Act is amended as follows.
3. In section 67E (interpretation of provisions about defences)<sup>(55)</sup>, in the definition of “registrant”—
  - (a) in paragraph (a), for “2, 4 or 5” substitute “or 2”;
  - (b) in paragraph (b), omit the words from “or the register” to “European State”.
4. In section 69 (general provisions about pharmacies)<sup>(56)</sup>, omit subsection (1ZA).
5. In section 71 (business carried on by body corporate)<sup>(57)</sup>, omit subsection (7).
6. In section 78 (restrictions on use of titles etc.)<sup>(58)</sup>—
  - (a) in subsection (5), omit the words from “or in the” to “European State”;
  - (b) in subsection (5A), omit “or 4”.

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<sup>(53)</sup> 1968 c. 67.

<sup>(54)</sup> S.I. 2010/231.

<sup>(55)</sup> Section 67E was inserted by S.I. 2018/181.

<sup>(56)</sup> Subsection (1ZA) was inserted by S.I. 2007/3101. Relevant amending instrument is S.I. 2010/231.

<sup>(57)</sup> Subsection (7) was substituted by S.I. 2010/231.

<sup>(58)</sup> Subsections (5) and (5A) were substituted by S.I. 2010/231.

## Pharmacy Order 2010

7. The 2010 Order is amended as follows.
8. In article 3 (interpretation)(**59**)—
- (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 exit day;”;
  - (b) omit the definitions of “competent authority”, “[Directive 2002/58/EC](#)”, “European mutual recognition area”, “European professional card”, “exempt person”, “General Systems Regulations”, “IMI”, “IMI file” and “third country”;
  - (c) in the definition of “registered pharmacist”, omit “or 4”;
  - (d) in the definition of “registered pharmacy technician”, omit “or 5”.
9. In article 19 (establishment, maintenance of, and access, to the Register), in paragraph (2)—
- (a) in the words before paragraph (a), for “five” substitute “three”;
  - (b) in paragraphs (a) and (b), omit “other than visiting practitioners”;
  - (c) at the end of paragraph (b), insert “and”;
  - (d) omit sub-paragraph (d) (including the final “and”);
  - (e) omit sub-paragraph (e).
10. In article 20 (entitlement to entry in Parts 1 or 2 of the Register), for paragraph (4), substitute —
- “(4) The Registrar must treat a person who—
- (a) applies to be entered in Part 1 of the Register as a pharmacist,
  - (b) qualified as a pharmacist in a relevant European State,
  - (c) was, on exit day, in the register of pharmaceutical chemists for Northern Ireland, or was entered in that register on or after exit day further to an application made before exit day, and
  - (d) has remained in that register since exit day or, as the case may be, since that entry (disregarding any period in which the person was not in the register as a result of a decision that was later overturned in an appeal or other legal proceeding),
- as meeting the requirements of paragraph (1)(a)(i).”.
- 11.—(1) Article 21 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists)(**60**) is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a), omit the words from “(and” to the end;
  - (b) omit sub-paragraph (b);
  - (c) omit sub-paragraph (c) (but not the final “or”);
  - (d) in sub-paragraph (d)—
    - (i) in the words before paragraph (i), omit “subject to paragraph (2),”;

(59) Relevant amending instruments are [S.I. 2011/1043](#), [2016/1030](#).

(60) Relevant amending instrument is [2016/1030](#).

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- (ii) omit paragraph (ii)(aa) (including the final “or”);
  - (iii) in paragraph (ii)(bb), omit “whether or not P is an exempt person,”.
- (3) After paragraph (1), insert—
- “(1A) A relevant European qualification is to be treated as a qualification which has been approved under paragraph (1)(d)(i).
- (1B) In this article “relevant European qualification” means—
- (a) a qualification that falls within article 21A and has not been designated by the Council for the purposes of this sub-paragraph, or
  - (b) a qualification in pharmacy that does not fall within article 21A but—
    - (i) was granted in a relevant European State, and
    - (ii) attests, in the opinion of the Council, to a comparable standard of proficiency to that attested to by a qualification approved under paragraph (1)(a).
- (1C) The Council—
- (a) may designate a qualification for the purposes of paragraph (1B)(a) only with the approval of the Privy Council;
  - (b) must maintain and publish a list of the qualifications that are so designated.”.
- (4) Omit paragraphs (2) to (5).
12. After article 21, insert—

**“European qualifications: pharmacists**

**21A.**—(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 is listed in Annex V, point 5.6.2 of the Directive.

(2) A qualification falls within this article only if it is accompanied, where applicable, by the certificate listed in relation to the qualification in the column entitled “Certificate accompanying the diploma” in Annex V, point 5.6.2 of the Directive.

(3) A qualification does not fall within this article if it was awarded before the reference date, or is evidence of training begun before that date.

(4) In paragraph (3) “reference date” means the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.6.2 of the Directive.”.

**13.**—(1) Article 22 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacy technicians) is amended as follows.

- (2) In paragraph (1)—
- (a) in sub-paragraph (a), at the end insert “or”;
  - (b) omit sub-paragraph (b) (including the final “or”);
  - (c) in sub-paragraph (c)—
    - (i) in paragraph (i), omit the final “or”;
    - (ii) after paragraph (i), insert—

“(ia) holds a qualification which was granted in a relevant European State and, despite its not having been approved under paragraph (i), attests, in the

opinion of the Council, to a comparable standard of proficiency to that attested to by a qualification approved under paragraph (1)(a), or”;

(iii) omit paragraph (ii)(aa);

(iv) in paragraph (ii)(bb) omit “whether or not T is an exempt person.”.

(3) Omit paragraphs (2) and (3).

**14.**—(1) Article 23 (form, manner and content of applications for entry or for renewal of an entry in the register: pharmacists and pharmacy technicians)(**61**) is amended as follows.

(2) In paragraph (1)(c)—

(a) in paragraph (iii)—

(i) omit “who is not an exempt person”;

(ii) at the end insert “and”;

(b) omit paragraph (iv);

(c) omit paragraph (vi) (including the final “and”).

(3) Omit paragraphs (4) to (11).

**15.** In article 23A (supplementary provisions as to necessary knowledge of English)(**62**), omit paragraphs (5) and (7).

**16.**—(1) Article 24 (notification by the Registrar: entry and renewal)(**63**) is amended as follows.

(2) Omit paragraphs (2A) and (2B).

(3) In paragraph (3), for “specified period” substitute “period of three months beginning with the relevant date”.

(4) In paragraph (4)—

(a) omit sub-paragraph (a) (including the final “or”);

(b) in the words after sub-paragraph (b)—

(i) omit the words from “a decision”, where it first occurs, to “or”;

(ii) omit “(as the case may be)”;

(iii) for “specified period” substitute “period of three months beginning with the relevant date”.

(5) Omit paragraph (5).

(6) In paragraph (5A), for “any period of time for the purposes of paragraph (5)” substitute “the period of three months for the purposes of paragraph (3) or (4)”.

**17.** In article 29 (corrections to the Register), in paragraph (3)(a), omit “or in Part 4 or 5 of the Register”.

**18.** In article 32 (indemnity arrangements)(**64**), omit paragraph (11).

**19.** Omit article 33 (visiting pharmacists and pharmacy technicians from relevant European States).

**20.** Omit article 33A (European professional card)(**65**).

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(61) Relevant amending instrument is [S.I. 2016/1030](#).

(62) Article 23A was inserted by [S.I. 2015/806](#).

(63) Paragraphs (2A), (2B) and (5A) were inserted, and paragraphs (4) and (5) were amended, by [S.I. 2015/806](#).

(64) Article 32 was substituted by [S.I. 2014/1887](#).

(65) Article 33A was inserted by [S.I. 2016/1030](#). Relevant amendments made by paragraph 354 of Schedule 19 to the Data Protection Act 2018.

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- 21.** In article 36 (fees in connection with entry)—
- (a) in paragraph (1), for “Subject to paragraph (3), the” substitute “The”;
  - (b) omit paragraph (3).
- 22.** In article 37 (restoration to the Register), in paragraph (5), for “, 2, 4 or 5” substitute “or 2”.
- 23.**—(1) Article 38 (offences relating to the Register) is amended as follows.
- (2) In paragraph (2)—
- (a) in sub-paragraph (a), omit “or 4”;
  - (b) in sub-paragraph (b), omit “or 5”.
- (3) In paragraph (4)—
- (a) in sub-paragraph (a), omit “or 4”;
  - (b) in sub-paragraph (b), omit “or 5”.
- 24.**—(1) Article 39 (appealable decisions)(**66**) is amended as follows.
- (2) In paragraph (1)—
- (a) omit sub-paragraphs (a), (c), (cb) and (e);
  - (b) in sub-paragraphs (i) and (l), for “, 2, 4 or 5” substitute “or 2”;
  - (c) omit sub-paragraphs (t) and (u).
- (3) Omit paragraph (1A).
- 25.** In article 40 (appeals to the Appeals Committee)(**67**)—
- (a) omit paragraph (1A);
  - (b) in paragraph (2), omit sub-paragraph (b) (together with the “or” before it);
  - (c) in paragraph (7)—
    - (i) in sub-paragraph (b), omit the words from “or, in” to the end;
    - (ii) omit sub-paragraph (ca) (but not the final “or”).
- 26.** In article 41 (appeals from the Appeals Committee)(**68**), in paragraph (4)—
- (a) in sub-paragraph (b), omit the words from “or, in” to the end;
  - (b) omit sub-paragraph (ca) (but not the final “or”).
- 27.** In article 42 (education, training and acquisition of experience)(**69**), in paragraph (1)(a), omit from “except” to “22(1)(b),”.
- 28.** Omit article 42A (professional traineeships carried out in other relevant European States, etc)(**70**).
- 29.** In article 43 (continuing professional development)—
- (a) omit paragraph (5)(c);
  - (b) omit paragraph (8)(b);
  - (c) omit paragraph (9).
- 30.** In article 66 (rules), omit paragraph (2).

(66) Paragraph (1)(cb) was inserted by [S.I. 2015/806](#). Paragraph (1)(t) and (u) and (1A) were inserted by [S.I. 2016/1030](#).

(67) Paragraphs (1A) and (7)(ca) were inserted by, and paragraph (7)(b) was amended by, [S.I. 2016/1030](#).

(68) Paragraph (4)(ca) was inserted by, and paragraph (4)(b) was amended by, [S.I. 2016/1030](#).

(69) Relevant amending instrument is [S.I. 2016/1030](#).

(70) Article 42A was inserted by [S.I.2016/1030](#).

31. Omit article 67 (The Directive: designation of competent authority etc)(71).
32. Omit article 71 (review)(72).
33. Omit Schedule 2 (visiting pharmacists and pharmacy technicians from relevant European States)(73).
34. Omit Schedule 2A (European professional card)(74).
35. Omit Schedule 3 (The Directive: designation of competent authority etc)(75).

#### **Medicines for Human Use (Clinical Trials) Regulations 2004**

36. In the Medicines for Human Use (Clinical Trials) Regulations 2004(76), in regulation 2(1) (interpretation), in the definition of “pharmacist”—
  - (a) in paragraph (a), omit “or 4”;
  - (b) in paragraph (b), omit the words from “, or the” to “European State,”.

#### **Approved European Pharmacy Qualifications Order of Council 2007**

37. The Approved European Pharmacy Qualifications Order of Council 2007(77) is revoked.

#### **National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

38. In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(78), in regulation 2 (interpretation), in paragraph (1), in the definition of “pharmacist”, omit “or 4”.

#### **General Pharmaceutical Council (Registration) Rules 2010**

- 39.—(1) The General Pharmaceutical Council (Registration) Rules 2010(79) are amended as follows.
  - (2) In rule 10 (entry in the Register)—
    - (a) in paragraph (3)—
      - (i) omit sub-paragraphs (e), (f), (h) and (i);
      - (ii) in sub-paragraph (j)—
        - (aa) omit paragraph (i) (including the final “or”);
        - (bb) in paragraph (ii), omit from “in”, where it first occurs, to “way,”;
      - (iii) in sub-paragraph (k)—
        - (aa) omit paragraph (i) (including the final “and”);
        - (bb) in paragraph (ii), omit “whether or not the applicant is an exempt person,”;
    - (b) omit paragraph (3ZA);

(71) Relevant amendments made by paragraph 357 of Schedule 19 to the Data Protection Act 2018, [S.I. 2016/1030](#).

(72) Article 71 was inserted by [S.I. 2016/1030](#).

(73) Relevant amending instrument is [S.I. 2016/1030](#).

(74) Schedule 2A was inserted by [S.I. 2016/1030](#). Relevant amendments made by paragraph 358 of Schedule 19 to the Data Protection Act 2018.

(75) Relevant amendments made by paragraph 359 of Schedule 19 to the Data Protection Act 2018, [S.I. 2015/806](#), [2016/1030](#).

(76) [S.I. 2004/1031](#). Paragraph (a) was substituted by [S.I. 2010/231](#), and paragraph (b) was amended by [S.R. 2008 No.192](#).

(77) [S.I. 2007/564](#).

(78) [S.S.I. 2009/183](#). Relevant amending instrument is [S.I. 2010/231](#).

(79) As set out in the Schedule to the General Pharmaceutical Council (Registration Rules) Order of Council 2010 ([S.I. 2010/1617](#)). Paragraph 10(3ZA) was inserted by [S.I. 2016/1030](#). Paragraph 10(12) was substituted by [S.I. 2010/2660](#). Relevant amending instruments are [S.I. 2012/3171](#), [2016/1008](#), [1030](#).

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- (c) in paragraph (12), omit the definition of “attesting state” (including the final “and”).
- (3) In the heading to Part 4, for “, 2, 4 and 5” substitute “and 2”.
- (4) In rule 18 (notice of intention to remove: stage 1)—
  - (a) in paragraph (1)(a), omit “, 4 or 5”;
  - (b) in paragraph (5)(a)(i), omit “, 4 or 5”.
- (5) In rule 19 (subsequent action by Registrar: stage 2)—
  - (a) in paragraph (1), omit “, 4 or 5”;
  - (b) in paragraph (4)(a), omit “, 4 or 5”;
  - (c) in paragraph (5)(b), omit “, 4 or 5”.
- (6) In rule 20 (decisions in contested cases: stage 3), in paragraph (3)(a), omit “, 4 or 5”.

### **Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010**

**40.** The Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010(**80**) is revoked.

### **General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011**

**41.**—(1) The General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011(**81**) are amended as follows.

- (2) In rule 5 (steps which the Registrar may take)—
  - (a) in paragraph (2)(b), for “, 2, 4 or 5” substitute “or 2”;
  - (b) omit paragraph (3).
- (3) In rule 6 (remedial measures), in paragraph (1)(f), omit paragraph (ii) and the “or” before it.
- (4) In rule 8 (subsequent action by the Registrar: stage 2), in paragraph (1), for “, 2, 4 or 5” substitute “or 2”.
- (5) In rule 9 (decisions in contested cases: stage 3), in paragraph (5), for “, 2, 4 or 5” substitute “or 2”.
- (6) In rule 11 (suspension from the register pending appeal), in paragraph (1)(a), for “, 2, 4 or 5” substitute “or 2”.

### **Human Medicines Regulations 2012**

- 42.** In the Human Medicines Regulations 2012(**82**), in regulation 8(1) (interpretation)—
- (a) in the definition of “health care professional”, in paragraph (d), omit “or 5”;
  - (b) in the definition of “pharmacist”—
    - (i) in paragraph (a), omit “or 4”;
    - (ii) in paragraph (b), omit the words from “or the” to “European State”.

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(80) [S.I. 2010/1620](#).

(81) As set out in the Schedule to the General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules Order of Council 2011 ([S.I. 2011/1367](#)).

(82) [S.I. 2012/1916](#).



## National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

43. In the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013(83), in regulation 2(1)—

- (a) in the definition of “registered pharmacist”, omit “or 4”;
- (b) in the definition of “registered pharmacy technician”, omit “or 5”.

## PART 2

### Savings and transitional provision

#### Pending applications

44. Where an application for entry in, or restoration to, a part of the register kept under the 2010 Order is received before exit day, any provision made by or under that Order (except for provision contained in Schedule 2A 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.

#### Visiting pharmacists and pharmacy technicians: saving of old law for up to one year

45.—(1) Where, immediately before exit day—

- (a) a visiting pharmacist or pharmacy technician was entitled under paragraph 3, 6, 11 or 14 of Schedule 2 to the 2010 Order to provide occasional pharmacy services, or
- (b) the Registrar was in receipt of the required documents (within the meaning of paragraph 4 or 12 of that Schedule) from a pharmacist or pharmacy technician seeking to acquire that entitlement,

any provision made by an Act or instrument amended by Part 1 of this Schedule continues to apply in relation to the pharmacist or technician without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting practitioners from relevant European States.

(2) But a visiting practitioner’s entitlement does not continue (or further continue) under paragraph 6 or 14 of Schedule 2 to the 2010 Order on or after exit day (and, accordingly, the entitlement lapses at the end of—

- (a) in the case of a pharmacist, the period mentioned in paragraph 7(1) or (2) of that Schedule;
- (b) in the case of a pharmacy technician, the period mentioned in paragraph 15(1) or (2) of that Schedule).

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting practitioners from relevant European States” is to the provisions listed in the following table.

<i>Instrument</i>	<i>Provision relating to visiting practitioners</i>
The 1968 Act	section 67E
	section 69(1ZA)
	section 71(7)
	section 78(5) and (5A)

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<i>Instrument</i>	<i>Provision relating to visiting practitioners</i>
The 2010 Order	in article 3(1), the definitions of “competent authority”, “exempt person”, “General Systems Regulations”, “registered pharmacist” and “registered pharmacy technician”
	article 19(2)(d) and (e)
	article 29(3)(a)
	article 32(11)
	article 33
	article 36(3)
	article 37(5)
	article 38(2) and (4)
	article 39(1)(c), (e), (i) and (l)
	article 43(5)(c), (8)(b) and (9)
Schedule 2	
Medicines for Human Use (Clinical Trials) Regulations 2004	regulation 2(1)
National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009	regulation 2(1)
General Pharmaceutical Council (Registration) Rules 2010	rule 18(1)(a) and (5)(a)(i)
	rule 19(1), (4)(a) and (5)(b)
	rule 20(3)(a)
General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011	rule 5(2)(b) and (3)
	rule 6(f)(ii)
	rule 8(1)
	rule 9(5)
rule 11(1)(a)	
Human Medicines Regulations 2012	regulation 8(1)
National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013	regulation 2(1)

### European Professional Card

- 46.**—(1) Sub-paragraph (2) applies where, immediately before exit day—
- (a) a person held a valid European professional card for establishment as a pharmacist in Great Britain, or
  - (b) the General Pharmaceutical 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.

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(2) For the purposes of registration in the register kept under the 2010 Order, the person is not required to resubmit any document or evidence held by the Council 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 exit day;
- (b) “IMI file” has the meaning given by article 3 of the 2010 Order as it had effect immediately before exit day.

**47.—**(1) Where, immediately before exit day, a person was entitled as mentioned in paragraph 15(2) of Schedule 2A to the 2010 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 pharmacy services by holders of a European professional card.

(2) For the purposes of paragraph 15(4)(a) of Schedule 2A to the 2010 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 on 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 pharmacy services by holders of a European professional card” is to the provisions listed in the following table.

<i>Instrument</i>	<i>Provision relating to visiting practitioners</i>
The 1968 Act	section 67E
	section 69(1ZA)
	section 71(7)
	section 78(5) and (5A)
The 2010 Order	in article 3(1), the definitions of “competent authority”, “European professional card”, “General Systems Regulations”, “IMI”, “IMI file” and “registered pharmacist”
	article 19(2)(d)
	article 29(3)(a)
	article 33A
	article 36(3)
	article 37(5)
	article 38(2) and (4)
	article 39(1)(c), (i) and (l)

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<i>Instrument</i>	<i>Provision relating to visiting practitioners</i>
	article 43(5)(c), (8)(b) and (9)
	in Schedule 2A, paragraphs 2 (except the definitions of “automatically recognised pharmacist”, “EPC holder” and “missing document”), 15 and 16
Medicines for Human Use (Clinical Trials) Regulations 2004	regulation 2(1)
National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009	regulation 2(1)
General Pharmaceutical Council (Registration) Rules 2010	rule 18(1)(a) and (5)(a)(i)
	rule 19(1), (4)(a) and (5)(b)
	rule 20(3)(a)
General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011	rule 5(2)(b) and (3)
	rule 8(1)
	rule 9(5)
	rule 11(1)(a)
Human Medicines Regulations 2012	regulation 8(1)
National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013	regulation 2(1)

**48.**—(1) A decision within article 39(1)(u) of the 2010 Order taken before exit day, or a failure within article 39(1A) of that Order arising before exit day, continues to be appealable for the purposes of article 40 of that Order (subject to the provisions of the Order) despite the revocation of article 39(1)(u) and (1A).

(2) In disposing of such an appeal (or a further appeal under article 41 of the 2010 Order), the powers of the Appeal Committee (or the relevant court) are, instead of those set out in article 40(7) (or 41(4)) of the 2010 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and—
  - (i) direct the Council to take such steps as the Committee (or the relevant court) thinks fit to draw the findings of the Committee (or court) 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 45(1)(a), as a person who held a valid European professional card for establishment in Great Britain immediately before exit day,

and, in the case of an appeal under article 41, to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

### **IMI alerts**

**49.**—(1) Where an alert has been sent by the General Pharmaceutical Council before exit day under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (as they had effect before exit day), the decision to send the alert continues to be appealable

for the purposes of article 40 of the 2010 Order (subject to the provisions of that Order) despite the revocation of article 39(1)(t).

(2) In disposing of such an appeal (or a further appeal under article 41 of the 2010 Order), the powers of the Appeal Committee (or the relevant court) are, instead of those set out in article 40(7) (or 41(4)) of the 2010 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and direct the Council to take such steps as the Committee (or the relevant court) thinks fit to draw the findings of the Committee (or court) to the attention of the European Commission,

and, in the case of an appeal under article 41, to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

### **Interpretation of saved provisions**

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

(a) in article 3(1) of the 2010 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 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 exit day;”;

(ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before exit 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 exit day, was a national of a relevant European State,

(b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of pharmacist or pharmacy technician by virtue of an enforceable EU right, or

(c) a person who, immediately before exit 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 of pharmacist or pharmacy technician, no less favourably than a national of a relevant European State;”;

(iv) in the definition of “General Systems Regulations”, after “2015” there were inserted

—  
“—

(a) in relation to anything done before exit day, as they had effect at that time;

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

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

## SCHEDULE 3

Regulation 4

### Dentists and dental care professionals

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule—
  - “the 1984 Act” means the Dentists Act 1984<sup>(84)</sup>;
  - “the 1998 Regulations” means the European Primary and Specialist Dental Qualifications Regulations 1998<sup>(85)</sup>.

#### Dentists Act 1984

2. The 1984 Act is amended as follows.
3. In section 12A (degrees and licences)<sup>(86)</sup>, in subsection (2), in the definition of “basic dental training”, for “is to” substitute “would”.
4. In section 14 (dentists register)<sup>(87)</sup>, in subsection (1A)—
  - (a) for “three” substitute “two”;
  - (b) at the end of paragraph (a), insert “and”;
  - (c) omit paragraph (c) and the “and” before it.
5. In section 15 (qualification for registration)<sup>(88)</sup>—
  - (a) in subsection (1)—
    - (i) at the end of paragraph (a), insert “and”;
    - (ii) omit paragraphs (b) and (ba) (including the final “and”);
  - (b) for subsection (2), substitute—

“(2) In this Act “recognised overseas diploma” means—

    - (a) a relevant European diploma, or
    - (b) any other diploma granted in a country overseas that is recognised for the time being by the Council for the purposes of this Act.

(2ZA) In this Act “relevant European diploma” means—

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<sup>(84)</sup> 1984 c. 24.

<sup>(85)</sup> S.I. 1998/811.

<sup>(86)</sup> Section 12A was inserted by S.I. 2007/3101.

<sup>(87)</sup> Section 14 was substituted by S.I. 2005/2011 and subsection (1A) was inserted by S.I. 2007/3101.

<sup>(88)</sup> Subsection (1)(b) and (ba) was substituted by S.I. 2007/3101. Subsection (3)(ba) was inserted by 2015/806. Subsections (4A) to (4BD) were substituted by S.I. 2007/3101. Subsection (4C) was inserted by S.I. 1998/811. Relevant amending instruments are S.I. 2007/3101, 2016/1030.

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- (a) an appropriate European diploma, within the meaning given by Schedule 2, that has not been designated by the Council for the purposes of this paragraph, or
  - (b) a dental qualification that is not an appropriate European diploma but—
    - (i) was granted in a relevant European State, and
    - (ii) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a UK diploma in dentistry (within the meaning given by section 12A(2)).
- (2ZB) The Council—
- (a) may designate a diploma for the purposes of subsection (2ZA)(a) only with the approval of the Privy Council;
  - (b) must maintain and publish a list of the diplomas that are so designated.”;
- (c) in subsection (3), omit “, (b) or (ba)”;
  - (d) after subsection (4), insert—
    - “(4ZA) Subsection (4)(c) does not apply to a person whose application under this section is made in reliance on a relevant European diploma.”;
  - (e) omit subsections (4A) to (4C).
6. In section 15A (necessary knowledge of English)(89), omit subsections (5) and (7).
7. In section 16 (overseas diplomas)(90), omit subsections (2A) and (2B).
8. In section 17 (temporary registration)(91)—
- (a) omit subsection (3A);
  - (b) in subsection (3B), omit “(except subsection (5))”.
9. In section 18 (registration procedure)(92), omit subsections (2A) and (2B).
10. In section 19 (registration regulations)(93)—
- (a) in subsection (1), for “Subject to subsection (1A), the” substitute “The”;
  - (b) omit subsection (1A).
11. In section 21A (notification of result of application)(94)—
- (a) omit subsections (2A) and (2B);
  - (b) in subsection (3), for the words from “application—” to the end substitute “application within the period of three months beginning with the relevant date.”.
12. In section 26A (indemnity requirements)(95), omit subsection (11).
13. In section 29 (appeals)(96)—
- (a) in subsection (1), omit paragraph (d);

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(89) Section 15A was inserted by [S.I. 2015/806](#).

(90) Subsections (2A) was inserted by [S.I. 1998/811](#). Subsection (2B) was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2003/3148](#), [2007/3101](#).

(91) Subsection (3A) was inserted by [S.I. 1998/811](#), and subsection (3B) was inserted by [S.I. 2015/806](#). Relevant amending instruments are [S.I. 2003/3148](#), [2007/3101](#).

(92) Subsections (2A) and (2B) were inserted by [S.I. 2007/3101](#).

(93) Subsection (1A) was inserted by, and subsection (1) was amended by, [S.I. 2007/3101](#).

(94) Section 21A was substituted by [S.I. 2007/3101](#). Subsections (2A) and (2B) were inserted by [S.I. 2015/806](#).

(95) Section 26A was substituted by [S.I. 2014/1887](#).

(96) Subsection (1)(d) was inserted by [S.I. 2016/1030](#). Subsection (1B) was inserted by [S.I. 2005/2011](#). Subsection (3) was substituted by section 31(2)(d) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) and subsection (3)(b) to (d) was substituted by [S.I. 2005/2011](#). Relevant amending instruments is [S.I. 2016/1030](#).

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- (b) in subsection (1B), omit “or regulation 67 of the General System Regulations,”;
- (c) in subsection (3)—
  - (i) in paragraph (b), omit the words after “against”;
  - (ii) in paragraphs (c) and (d), omit “the Council,”.
- 14.** Omit section 34AA (professional training and development for visiting dentists)(**97**).
- 15.** In section 35 (effect of disqualification in relevant European States)(**98**)—
  - (a) in subsection (1), for “15(1)(b) or (ba) above” substitute “15(1)(c) in reliance on a relevant European diploma”;
  - (b) in subsection (3), for the words from “is registered” to “when he is” substitute “has been registered under section 15(1)(c) in reliance on a relevant European diploma, or under subsection (1)(b) or (ba) of that section as it had effect before exit day, when he was”;
  - (c) in subsection (5), for “15(1)(b) or (ba)” substitute “15(1)(c) in reliance on a relevant European diploma, or under subsection (1)(b) or (ba) of that section as it had effect before exit day,”.
- 16.** Omit section 36 (visiting dentists from relevant European states)(**99**).
- 17.** Omit sections 36ZA (designation of competent authority)(**100**) and 36ZB (fees for certificates)(**101**).
- 18.** In section 36B (dental care professionals register)(**102**), for subsection (1A) substitute—
 

“(1A) The dental care professionals register shall contain particulars of persons who under section 36C are entitled to be registered in the dental care professionals register.”.
- 19.** In section 36C (qualifications for registration)(**103**)—
  - (a) in subsection (1), for paragraphs (a) and (b) substitute—
    - “(a) of matter A or C, and
    - (b) of matter D.”;
  - (b) omit subsection (3);
  - (c) after subsection (4), insert—
 

“(4A) Subsection (4)(b) does not apply to a person whose application for registration is made in reliance on a relevant qualification that—

    - (a) was granted in a relevant European State, and
    - (b) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2).”;
  - (d) in subsection (5), for paragraphs (a) and (b) substitute—
    - “(a) shall take into account all that person’s relevant qualifications, and all relevant knowledge or experience, wherever acquired, and

(97) Section 34AA was inserted by [S.I. 2007/3101](#).

(98) Relevant amending instruments are [S.I. 2005/2011](#), [2007/3101](#).

(99) Relevant amending instruments are [S.I. 1996/1496](#), [2007/3101](#).

(100) Section 36ZA was inserted by [S.I. 2007/3101](#) and amended by paragraph 29 of Schedule 19 to the Data Protection Act 2018.

(101) Section 36ZB was inserted by [S.I. 2007/3101](#).

(102) Section 36B was inserted by [S.I. 2005/2011](#). Subsection (1A) was inserted by [S.I. 2007/3101](#).

(103) Section 36C was inserted by [S.I. 2005/2011](#). Subsections (3) and (5)(b) were substituted by, [S.I. 2007/3101](#). Subsections (6A) and (6B) were inserted by [S.I. 2015/806](#). Relevant amending instrument is [S.I. 2006/1718](#).



- (b) may determine that a person must perform to the satisfaction of the Council in any test or assessment specified in the determination.”;
- (e) omit subsections (6A) and (6B).
- 20.** In section 36CA (necessary knowledge of English)(**104**)—
- (a) omit subsections (5), (7) and (8);
- (b) in subsection (14)(a), omit “the principal list of”.
- 21.** In section 36E (rules relating to the register)(**105**), in paragraph (a), omit “the principal list of”.
- 22.** In section 36F (registration fees)(**106**)—
- (a) for “Subject to subsection (1A), the” substitute “The”;
- (b) omit subsection (1A).
- 23.** In section 36L (indemnity arrangements)(**107**), omit subsection (11).
- 24.** In section 36S (appeals)(**108**)—
- (a) in subsection (1), omit paragraph (d);
- (b) in subsection (3), omit “or regulation 67 of the General System Regulations,”;
- (c) in subsection (6)—
- (i) in paragraph (b), omit the words after “against”;
- (ii) in paragraphs (c) and (d), omit “the Council,”.
- 25.** Omit sections 36Z3 (visiting dental care professionals from relevant European states)(**109**) and 36Z4 (training and development for visiting professionals)(**110**).
- 26.** In section 53 (interpretation)(**111**), in subsection (1)—
- (a) omit the definitions of “competent authority”, “[Directive 2002/58/EC](#)”, “exempt person”, “the General Systems Regulations”, “IMI”, and “national”;
- (b) 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 Act 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 exit day;”.
- 27.** In Schedule 2 (European Dental Qualifications)(**112**)—
- (a) in paragraph 1(1), omit the definition of “medical qualification”;
- (b) in paragraph 2—

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(104) Section 36CA was inserted by [S.I. 2015/806](#).

(105) Section 36E was inserted by [S.I. 2005/2011](#). Relevant amending instrument is [S.I. 2007/3101](#).

(106) Section 36F was inserted by [S.I. 2005/2011](#). Subsection (1A) was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#).

(107) Section 36L was substituted by [S.I. 2014/1887](#).

(108) Section 36S was inserted by [S.I. 2005/2011](#). Relevant amending instrument is [S.I. 2016/1030](#).

(109) Section 36Z3 was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(110) Section 36Z4 was inserted by [S.I. 2007/3101](#).

(111) The definitions of “competent authority”, “the Directive”, “exempt person”, “the General Systems Regulations”, “national”, and “relevant European State” were inserted by [S.I. 2007/3101](#). The definitions of “[Directive 2002/58/EC](#)” and “IMI” were inserted by, and “the General Systems Regulations” was substituted by, [S.I. 2016/1030](#). Relevant amending instrument is [S.I. 2011/1043](#).

(112) Relevant amending instruments are [S.I. 1996/1496](#), [2003/3148](#), [2004/1947](#), [2007/3101](#), [2013/3036](#), [2016/1030](#).

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- (i) for “paragraphs 3, 3A and 4” substitute “paragraph 3”;
  - (ii) for “any” substitute “a”;
  - (iii) for “15(1)(b)” substitute “15(2ZA)”;
  - (iv) for “, provided that, where the diploma” substitute “if it”;
  - (v) after “Directive”, where it first occurs, insert “and”;
- (c) in paragraph 3—
- (i) for “15(1)(b)” substitute “15(2ZA)”;
  - (ii) omit the words from “unless” to the end;
- (d) omit paragraphs 3A to 10.
- 28.** In Schedule 2A (registration appeals)(**113**)—
- (a) in paragraph 1—
- (i) in the definition of “appealable registration decision”, omit “and (4)”;
  - (ii) in the definition of “person concerned”, omit “or (4)”;
  - (iii) in the definition of “the requisite period”—
    - (aa) omit “(ba),”;
    - (bb) for “, (i) or (j)” substitute “or (i)”;
    - (cc) omit the words after “the decision”, where it first appears;
- (b) in paragraph 2(1)—
- (i) in paragraph (a), omit “, (b)”;
  - (ii) omit paragraphs (aa), (ab), (ba) and (bb);
  - (iii) omit paragraphs (j), (k) and (l);
- (c) in paragraph 3—
- (i) in sub-paragraph (2)—
    - (aa) omit “, (aa)”;
    - (bb) for “, (i) or (j)” substitute “or (i)”;
  - (ii) omit sub-paragraphs (3) and (4);
- (d) in paragraph 4(1)(b), omit “or (4)”.
- 29.** Omit Schedule 4 (visiting dentists from relevant European states)(**114**).
- 30.** Omit Schedule 4ZA (designation of competent authority)(**115**).
- 31.** In Schedule 4A (registration appeals)(**116**)—
- (a) in paragraph 1—
- (i) in the definition of “appealable registration decision”, omit “and (4)”;
  - (ii) in the definition of “person concerned”, omit “or (4)”;
  - (iii) in the definition of “the requisite period”, omit “(ab),”;
- (b) in paragraph 2(1)—

(113) Schedule 2A was inserted by [S.I. 2005/2011](#). Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#).

(114) Schedule 4 was substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(115) Schedule 4ZA was inserted by [S.I. 2007/3101](#). Relevant amending instruments are Schedule 19 to the Data Protection Act 2018, [S.I. 2016/1030](#).

(116) Schedule 4A was inserted by [S.I. 2005/2011](#). Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#).

- (i) omit paragraphs (aa) and (ab);
- (ii) omit paragraph (i) and the “and” before it;
- (c) in paragraph 3, omit sub-paragraphs (3) and (4);
- (d) in paragraph 4(1)(b), omit “or (4)”.

## **European Primary and Specialist Dental Qualifications Regulations 1998**

**32.**—(1) The 1998 Regulations are amended as follows.

(2) In regulation 2 (interpretation)(**117**), in paragraph (1)—

(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 these Regulations 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 exit day;”;

(b) omit the definitions of “[Directive 2002/58/EC](#)”, “exempt person”, “the GDPR”, “General Systems Regulations”, “IMI” and “national”.

(3) In regulation 3 (power of direction in relation to EU obligations)(**118**), in paragraph (1), after “arise from” insert “retained”.

(4) Omit regulation 4 (designation of competent authority)(**119**).

(5) In regulation 7 (minimum requirements for specialist training)(**120**)—

(a) in paragraph (1), for “is to” substitute “would”;

(b) in paragraph (2), for “can” substitute “would”.

(6) In regulation 8 (distinctive titles and specialist lists)(**121**)—

(a) in paragraph (2)—

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

(ii) omit sub-paragraphs (c) and (e) (and the “or” before sub-paragraph (e));

(b) omit paragraphs (2A) and (2B).

(7) In regulation 9 (eligible specialists)(**122**)—

(a) in paragraph (1)—

(i) omit sub-paragraph (a) (including “and”);

(ii) in sub-paragraph (b), for “recognised” substitute “relevant European”;

(b) in paragraph (2), for “Subject to paragraph (2A), a” substitute “A”;

(c) omit paragraphs (2A) and (3);

(d) in paragraph (4)—

(i) omit sub-paragraph (a);

(ii) in sub-paragraph (b), omit “in any other case,”.

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(**117**) Paragraph (1) was amended by [S.I. 2004/1947](#), [2007/3101](#), [2011/1043](#), [2016/1030](#), Schedule 19 to the Data Protection Act 2018. There are other amending instruments but none is relevant.

(**118**) Regulation 3 was amended by [S.I. 2007/3101](#), [2011/1043](#).

(**119**) Regulation 4 was substituted by [S.I. 2007/3101](#).

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

(**121**) Paragraph (2) to (2B) were substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(**122**) Relevant amending instruments are [S.I. 2003/3148](#), [2007/3101](#).

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- (8) Omit regulation 9A (applications by nationals of relevant European States etc.)(**123**).
- (9) In regulation 10 (recognised European qualifications)(**124**)—
- (a) in the heading, for “Recognised” substitute “Relevant European”;
  - (b) before paragraph (1), insert—
    - “(A1) In regulation 9(1), “relevant European specialist dental qualification” means an appropriate European specialist dental qualification, within the meaning of paragraph (1), that has not been designated by the GDC for the purposes of this paragraph.
    - (B1) The GDC—
      - (a) may designate a qualification for the purposes of paragraph (A1) only with the approval of the Privy Council;
      - (b) must maintain and publish a list of the qualifications that are so designated.”;
  - (c) in paragraph (1)—
    - (i) in the words before sub-paragraph (a)—
      - (aa) for “recognised” substitute “appropriate European”;
      - (bb) for “regulation 9(1)” substitute “paragraph (A1)”;
    - (ii) in sub-paragraph (a)(ii), omit “other than the United Kingdom”;
    - (iii) omit sub-paragraphs (aa) to (e);
  - (d) omit paragraph (2).
- (10) Omit regulation 13 (access to other specialities by nationals of relevant European States etc.)(**125**).
- (11) In regulation 14 (appeals to panel)(**126**), in paragraph (1), omit sub-paragraphs (ba) to (bc).
- (12) Omit Schedule A1 (competent authority functions)(**127**).

### **General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015**

- 33.** In the General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015(**128**), in rule 1(2) (interpretation)—
- (a) in the definitions of “dental care professional” and “dentist”, omit the words from “other” to the end;
  - (b) in the definition of “register”, in paragraphs (a) and (b), omit the words from “in relation” to the end.

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(123) Regulation 9A was inserted by [S.I. 2007/3101](#).

(124) Relevant amending instruments are [S.I. 2004/1947](#), [2007/3101](#), [2013/3036](#).

(125) Regulation 13 was substituted by [S.I. 2003/3148](#). Relevant amending instrument is [S.I. 2007/3101](#).

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

(127) Schedule A1 was inserted by [S.I. 2007/3101](#). Relevant amendments made by Schedule 19 to the Data Protection Act 2018. Relevant amending instrument is [S.I. 2016/1030](#).

(128) As set out in the Schedule to the General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules Order of Council 2015 ([S.I. 2015/1758](#)). Relevant amending instrument is [S.I. 2007/3101](#).

## **General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017**

**34.** In the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017(**129**), in rule 1(3) (interpretation), in the definition of “practitioner”, omit the words from “other” to the end.

## **PART 2**

### **Savings and transitional provision**

#### **Pending applications**

**35.**—(1) Where an application for—

- (a) registration in, or restoration to, a register kept under the 1984 Act, or
- (b) entry into a list kept under regulations made under section 26 of the 1984 Act,

is received before exit day, any provision made by or under that Act, or (in the case of an application within paragraph (b)) by the 1998 Regulations, 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) For the purposes of paragraph (1) a list transmitted under section 18(3) of the 1984 Act is to be regarded as an application for registration in the dentists register.

#### **Assessments in relation to specialties**

**36.** Regulation 13 of the 1998 Regulations continues to apply for the purposes of any assessment referred to in paragraph (1)(a)(i) or (b) of that regulation that has begun but not been concluded before exit day.

#### **Visiting dentists: saving of old law for up to one year**

**37.**—(1) Where, immediately before exit day—

- (a) a visiting dentist was entitled under paragraph 4 or 7 of Schedule 4 to the 1984 Act to provide occasional dental services, or
- (b) the registrar was in receipt of the required documents (within the meaning of paragraph 5 of that Schedule) from a dentist seeking to acquire that entitlement,

any provision made by or under the Act, or by the 1998 Regulations, continues to apply in relation to the dentist without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting dentists from relevant European states.

(2) But a visiting dentist’s entitlement does not continue (or further continue) under paragraph 7 of Schedule 4 to the 1984 Act on or after exit day (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

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

<i>Act or instrument</i>	<i>Provision relating to visiting dentists</i>
The 1984 Act	section 14(1A)

(129) As set out in the Schedule to the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council 2017 (S.I. 2017/966).

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<i>Act or instrument</i>	<i>Provision relating to visiting dentists</i>
	section 19(1) and (1A)
	section 26A(11)
	section 34AA
	section 36
	in section 53(1), the definitions of “the Directive”, “exempt person”, “the General Systems Regulations”, and “national”
	Schedule 2A, paragraph 2(1)(l)
	Schedule 4
The 1998 Regulations	regulation 8(2)(e), (2A) and (2B)
	regulation 14(1)(bc)
General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015	rule 1(2)
General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017	rule 1(3)

**Visiting dental care professionals: saving of old law for up to one year**

38.—(1) Where—

- (a) a person had, immediately before exit 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 relevant dental care services (and section 36Z3(3) of the 1984 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit day,

any provision made by or under the 1984 Act 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 dental care professionals from relevant European states.

(2) Sub-paragraph (1) ceases to apply in relation to a visiting dental care professional—

- (a) in respect of a title under which the professional is registered as required by section 36Z3(3), when the person’s name is erased under section 36Z3(6) of the 1984 Act;
- (b) in respect of any other title, when the person’s entitlement ceases by reason of the operation of section 36Z3(5) of the 1984 Act.

(3) In sub-paragraph (1)—

- (a) “relevant dental care services” means services that were “relevant services” within the meaning of section 36Z3(11) of the 1984 Act, as it had effect immediately before exit day;
- (b) the reference to “the provisions relating to visiting dental care professionals from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
The 1984 Act	section 36B(1A)
	section 36CA(14)

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<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
	section 36E
	section 36F(1) and 1(A)
	section 36L(11)
	section 36Z3
	section 36Z4
	in section 53(1), the definitions of “competent authority”, “exempt person”, “the General Systems Regulations”, and “national”
	Schedule 4A, paragraph 2(1)(i)
General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015	rule 1(2)
General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017	rule 1(3)

### IMI alerts

**39.**—(1) Where an alert has been sent by the General Dental Council before exit 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 section 29 or (as the case may be) 36S of the 1984 Act (subject to the provisions of that Act) despite the repeal of sections 29(1)(d) and 36S(1)(d).

(2) In disposing of such an appeal, the powers of the relevant court are, instead of those set out in section 29(3) or 36S(6) of the 1984 Act, to—

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

and to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

### Interpretation of saved provisions

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

- (a) in section 53(1) of the 1984 Act or regulation 2(1) of the 1998 Regulations (whichever is relevant)—

- (i) there were substituted for the definition of “the Directive”—

- (aa) in the case of section 53(1) of the 1984 Act—

- ““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 Act 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 exit day;”;

- (bb) in the case of regulation 2(1) of the 1998 Regulations—

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““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 these Regulations 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 exit day;”;

(ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before exit 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

—  
(aa) in the case of section 53(1) of the 1984 Act—

“(a) a person who, immediately before exit day, was a national of a relevant European State,

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

(c) a person who, immediately before exit 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;”;

(bb) in the case of regulation 2(1) of the 1998 Regulations—

“(a) a person who, immediately before exit day, was a national of a relevant European State,

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

(c) a person who, immediately before exit 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 of dentistry, no less favourably than a national of a relevant European State;”;

(iv) in the definition of “the General Systems Regulations” (or “General Systems Regulations”), at the end there were inserted—

“—

(a) in relation to anything done before exit day, as they had effect at that time;

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

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

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



## 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(**130**).

##### Nursing and Midwifery Order 2001

2. The 2001 Order is amended as follows.
3. In article 5A (knowledge of English)(**131**), omit paragraphs (5) and (7).
4. In article 6 (register of nurses, midwives and nursing associates)(**132**), omit paragraph (3)(aa).
5. In article 7 (register: supplemental provision)(**133**), omit paragraph (4).
6. In article 8 (access to register)(**134**), omit paragraph (5).
7. In article 9 (registration)(**135**)—
  - (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).
8. In article 10 (renewal and readmission)(**136**)—
  - (a) in paragraph (1), for “Subject to paragraph (6), where” substitute “Where”;
  - (b) omit paragraph (6).
9. In article 12A (indemnity arrangements)(**137**), omit paragraph (11).
10. In article 13 (approved qualifications)(**138**)—
  - (a) in paragraph (1)—
    - (i) at the end of sub-paragraph (a), insert “or”;
    - (ii) omit sub-paragraphs (b) and (c);

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(130) S.I. 2002/253.

(131) Article 5A was inserted by S.I. 2015/806.

(132) Paragraph (3)(aa) was inserted by S.I. 2007/3101. Relevant amending instrument is S.I. 2018/838.

(133) Paragraph (4) was inserted by S.I. 2007/3101 and substituted by S.I. 2018/838.

(134) Relevant amending instrument is S.I. 2007/3101.

(135) 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.

(136) Paragraph (1) was amended by and paragraph (6) was inserted by S.I. 2007/3101.

(137) Article 12A was inserted by S.I. 2014/1887 and paragraph (11) was substituted by S.I. 2018/838.

(138) 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.

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- (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.”.

**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.”.

**12.** Omit article 14 (EEA qualifications)(139).

**13.** In article 15 (education and training)(140), omit paragraph (2).

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

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

14. In article 19 (post-registration training)(**141**), omit paragraphs (2A) to (2D).
15. In article 37 (appeals against decisions of the Registrar)(**142**)—
  - (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”).
16. In article 38 (other appeals)(**143**), 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”;
  - (c) omit sub-paragraph (ca) (including the final “or”).
17. Omit articles 39 to 40 (EEA provisions)(**144**).
18. Omit article 55 (review)(**145**).
19. Omit Schedule 2A (visiting European practitioners)(**146**).
20. Omit Schedule 2B (European Professional Card)(**147**).
21. Omit Schedule 3 (competent authority functions)(**148**).
22. In Schedule 4 (interpretation)(**149**)—
  - (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 exit 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”.

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

23. In the Nursing and Midwifery Council (Fees) Rules 2004(**150**), in rule 3 (prescribed fees), in the table—

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

(**142**) 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](#).

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

(**144**) 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](#).

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

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

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

(**148**) 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](#).

(**149**) Relevant amending instruments are Data Protection Act 2018, [S.I. 2003/3148](#), [2007/3101](#), [2011/1043](#), [2016/1030](#), [2018/838](#).

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

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- (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),”.

#### **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(**151**), omit article 8.

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

**25.** The European Nursing and Midwifery Qualifications Designation Order of Council 2004(**152**) is revoked.

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

**26.** The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004(**153**) are amended as follows.

- (1) In rule 2 (interpretation)(**154**), omit paragraph (2).
- (2) Omit rule 2A (visiting European practitioners)(**155**).
- (3) In rule 3 (education)(**156**), omit paragraphs (1) to (2).
- (4) In rule 5 (applications for registration)(**157**)—
  - (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)(**158**)—
  - (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)(**159**)—

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

(152) [S.I. 2004/1766](#).

(153) 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](#)).

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

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

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

(157) 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](#).

(158) 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](#).

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

- (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)(**160**), in paragraph (2), omit “to (1E)”.
- (8) In rule 20 (periods for appeals)(**161**)—
- (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)(**162**), 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)(**163**), omit paragraphs (ba) and (bb).

## PART 2

### Savings and transitional provision

#### **Pending applications**

**27.**—(1) Where a relevant application is received before exit 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.

#### **Visiting nurses, midwives and nursing associates: saving of old law for up to one year**

- 28.**—(1) Where, immediately before exit 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.

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(160) Relevant amending instruments are [S.I. 2007/3101](#), [2014/1887](#), [2015/1923](#). There are other amending instruments but none is relevant.

(161) Relevant amending instruments are [S.I. 2015/1923](#), [2016/1030](#).

(162) Relevant amending instruments are [S.I. 2015/1923](#), [2016/1030](#).

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

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(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 exit day (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(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)
	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)

**29.—(1) Where—**

- (a) a person had, immediately before exit 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 exit 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.

(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.

### European Professional Card

- 30.**—(1) Sub-paragraph (2) applies where, immediately before exit 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 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 exit day;
  - (b) “IMI file” has the meaning given by Schedule 4 to the 2001 Order as it had effect immediately before exit day.

**31.**—(1) Where, immediately before exit 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)

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<i>Act or instrument</i>	<i>Provision relating to visiting practitioners</i>
	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

**32.**—(1) A decision within article 37(1)(g) of the 2001 Order taken before exit day, or a failure within article 37(1)(h) of that Order arising before exit 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 for establishment as a nurse in the United Kingdom immediately before exit 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.

### **IMI alerts**

**33.**—(1) Where an alert has been sent by the Nursing and Midwifery Council before exit 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.

### 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 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 exit day;”;

(ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before exit 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 exit day, was a national of a relevant European State,

(b) a person who, immediately before exit 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 exit 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”, at the end there were inserted—

“—

(a) in relation to anything done before exit day, as they had effect at that time;

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

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

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

## SCHEDULE 5

Regulation 6

## Opticians

## PART 1

## Amendments to legislation

**Interpretation**

1. In this Schedule, “the 1989 Act” means the Opticians Act 1989<sup>(164)</sup>.

**Opticians Act 1989**

2. The 1989 Act is amended as follows.
3. In section 8 (qualifications for registration)<sup>(165)</sup>—
  - (a) omit subsection (1A);
  - (b) after subsection (2A) insert—
    - “(2B) A determination under subsection (2A) may not be made in relation to a person whose qualification—
      - (a) was granted in a relevant European State, and
      - (b) indicates, in the opinion of the Council, a level of attainment of competency comparable to that indicated by an approved UK qualification.
    - (2C) In subsection (2B), “approved UK qualification” means a qualification that is—
      - (a) approved under section 12(7)(b), and
      - (b) granted by an establishment in the United Kingdom that is approved under section 12(7)(a).”.
4. Omit sections 8B to 8D (registration of visiting European practitioners)<sup>(166)</sup>.
5. In section 10 (general provisions as to registers and lists)<sup>(167)</sup>—
  - (a) in subsection (1)(c), omit “subject to subsection (1ZA),”;
  - (b) omit subsection (1ZA).
6. In section 10A (indemnity arrangements)<sup>(168)</sup>, omit subsection (11).
7. In section 11A (continuing education and training), omit subsections (5) to (7)<sup>(169)</sup>.
8. In section 11B (failure to satisfy continuing education and training requirements)<sup>(170)</sup>, omit subsections (1A) to (1C).
9. In section 23G (appeals)<sup>(171)</sup>—
  - (a) in subsection (1)—

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<sup>(164)</sup> 1989 c. 44.

<sup>(165)</sup> Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#).

<sup>(166)</sup> Sections 8B to 8D were inserted by [S.I. 2007/3101](#). Sections 8C and 8D were amended by [S.I. 2016/1030](#).

<sup>(167)</sup> Relevant amending instruments are [S.I. 2005/848](#), [2007/3101](#).

<sup>(168)</sup> Section 10A was inserted by [S.I. 2005/848](#) and substituted by [S.I. 2014/1887](#).

<sup>(169)</sup> Section 11A was inserted by [S.I. 2005/848](#) and subsections (5) to (7) were inserted by [S.I. 2007/3101](#).

<sup>(170)</sup> Section 11B was inserted by [S.I. 2005/848](#) and subsections (1A) to (1C) were inserted by [S.I. 2007/3101](#).

<sup>(171)</sup> Section 23G was inserted by [S.I. 2005/848](#). Relevant amending instrument is [S.I. 2016/1030](#).

- (i) in paragraph (c), at the end insert “and”;
  - (ii) omit paragraph (e) and the “and” before it;
  - (b) in subsection (4), in paragraphs (b) and (c), for “(e)” substitute “(d)”;
  - (c) omit subsection (8).
- 10.** In section 29 (death or bankruptcy)(**172**), omit subsection (2A).
- 11.** In section 36 (interpretation)(**173**), in subsection (1)—
- (a) omit the definitions of “exempt person” and “General Systems Regulations”;
  - (b) in the definition of “individual registrant”, for “ , 8A or 8B” substitute “or 8A”;
  - (c) in the definition of “register”, omit paragraph (ca);
  - (d) in the definitions of “registered dispensing optician” and “registered optometrist”, omit the words from “or in” to the end.
- 12.** In Schedule 1 (constitution of the General Council)(**174**), in paragraph 1A(1)(b)(ii), omit “or 8B”.

#### **National Health Service (Scotland) Act 1978**

**13.** In the National Health Service (Scotland) Act 1978(**175**), in section 108 (interpretation), in subsection (1), in the definition of “ophthalmic optician” omit from “ , or in” to “that Act” (where it first occurs).

#### **National Health Service Act 2006**

**14.** In the National Health Service Act 2006(**176**), in section 275 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act.”.

#### **National Health Service (Wales) Act 2006**

**15.** In the National Health Service (Wales) Act 2006(**177**), in section 206 (interpretation), in subsection (1), in the definition of “optometrist” omit from “or in” to “that Act.”.

#### **National Health Service (General Ophthalmic Services) Regulations 1986**

**16.** In the National Health Service (General Ophthalmic Services) Regulations 1986(**178**), in regulation 2 (interpretation), in paragraph (1), in the definition of “optician” omit from “or in” to “that Act”.

#### **National Health Service (Service Committees and Tribunal) Regulations 1992**

**17.** In the National Health Service (Service Committees and Tribunal) Regulations 1992(**179**), in regulation 2 (interpretation), in paragraph (1), in paragraph (b) of the definition of “optician” omit from “or in” to “that Act”.

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(172) Subsection 2A was inserted by S.I. 2007/3101.

(173) Relevant amending instruments are S.I. 2005/848, 2007/3101, 2011/1043, 2016/1030.

(174) Relevant amending instrument is S.I. 2008/1774.

(175) 1978 c. 29. Relevant amending instruments are S.I. 2005/848, 2007/3101.

(176) 2006 c. 41. Relevant amending instrument is S.I. 2007/3101.

(177) 2006 c. 42. Relevant amending instrument is S.I. 2007/3101.

(178) S.I. 1986/975. Relevant amending instruments are S.I. 2005/1481, 2007/122 (W.12), 2007/3101.

(179) S.I. 1992/664. Relevant amending instruments are S.I. 2005/848, 2007/3101.

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### **General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993**

**18.** In the General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993(**180**), in rule 4 (classes of exempt person), omit paragraph (c).

### **Medicines for Human Use (Clinical Trials) Regulations 2004**

**19.** In the Medicines for Human Use (Clinical Trials) Regulations 2004(**181**), in regulation 2 (interpretation), in paragraph (1), in paragraph (e) of the definition of “health care professional” omit from “or in” to “that Act,”.

### **General Optical Council (Registration) Rules 2005**

- 20.** In the General Optical Council (Registration) Rules 2005(**182**)—
- (a) in rule 2 (interpretation), omit paragraph (1A);
  - (b) in rule 5(1) (information from applicants)—
    - (i) in sub-paragraph (d), omit from “(except” to “registered)”;
    - (ii) in sub-paragraph (f), omit from “except” to “8(1A)),”;
  - (c) in rule 12 (entries on the register), omit paragraph (2);
  - (d) in rule 13 (entries relating to specialties), omit paragraph (2);
  - (e) omit rules 21A and 21B (visiting opticians from relevant European states).

### **National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006**

- 21.** In the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(**183**), in regulation 2 (interpretation), in paragraph (1)—
- (a) in the definition of “optometrist”, omit from “or in” to “that Act”;
  - (b) in paragraph (b) of the definition of “register”, omit from “or in” to “that Act” (where it first occurs).

### **National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

**22.** In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(**184**), in regulation 2 (interpretation), in paragraph (1), in paragraph (a) of the definition of “optometrist independent prescriber”, omit from “, or in” to “that Act”.

### **Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012**

**23.** In the Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012(**185**), in regulation 1(2) (interpretation), in the definition of “ophthalmic optician”, omit from “, or in” to “that Act” (where it first occurs).

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(180) As set out in the Schedule to the General Optical Council (Testing of Sight by Persons Training as Ophthalmic Opticians Rules) Order of Council 1994 (S.I. 1994/70). Relevant amending instrument is S.I. 2007/3101.

(181) S.I. 2004/1031. Relevant amending instrument is S.I. 2007/3101.

(182) As set out in the Schedule to the General Optical Council (Registration Rules) Order of Council 2005 (S.I. 2005/1478). Relevant amending instrument is S.I. 2007/3101.

(183) S.S.I. 2006/135. Relevant amending instrument is S.I. 2007/3101.

(184) S.S.I. 2009/183.

(185) S.S.I. 2012/110.

## Human Medicines Regulations 2012

24. In the Human Medicines Regulations 2012(186), in regulation 8 (interpretation), in paragraph (1)—

- (a) in the definition of “registered optometrist”, omit the words from “or the” to the end;
- (b) in paragraph (c) of the definition of “the relevant register”, omit the words from “or the” to the end.

## PART 2

### Savings and transitional provision

#### Pending applications

25. Where an application for—

- (a) entry in, or restoration to, a register kept under the 1989 Act, or
- (b) the entry, or restoration of an entry, of particulars of a specialty in such a register,

is received before exit day, any provision made by or under that Act continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

#### Visiting opticians: saving of old law for up to one year

26.—(1) Where—

- (a) a person had, immediately before exit 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 an optometrist or dispensing optician (and section 8C(3) or 8D(3) of the 1989 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit day,

any provision made by an Act or instrument amended by Part 1 of this Schedule 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 opticians from relevant European states.

(2) Sub-paragraph (1) ceases to apply in relation to a visiting optometrist or dispensing optician—

- (a) if the optometrist or optician is registered as required by section 8C(3) or 8D(3) of the 1989 Act, when his or her name is removed under section 8C(6) or 8D(6) of the Act;
- (b) otherwise, when his or her entitlement ceases by reason of the operation of section 8C(5) or 8D(5) of the Act.

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

<i>Act or instrument</i>	<i>Provision relating to visiting opticians</i>
The 1989 Act	sections 8B to 8D
	section 10(1)(c) and (1ZA)
	section 10A(11)

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<i>Act or instrument</i>	<i>Provision relating to visiting opticians</i>
	section 11A(5) to (7)
	section 11B(1A) to (1C)
	section 29(2A)
	section 36(1)
	Schedule 1, paragraph 1A(1)(b)(ii)
National Health Service (Scotland) Act 1978	section 108(1)
National Health Service (General Ophthalmic Services) Regulations 1986	regulation 2(1)
National Health Service (Service Committees and Tribunal) Regulations 1992	regulation 2(1)
Medicines for Human Use (Clinical Trials) Regulations 2004	regulation 2(1)
General Optical Council (Registration) Rules 2005	rules 2(1A), 21A and 21B
National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006	regulation 2(1)
National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009	regulation 2(1)
Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012	regulation 1(2)
Human Medicines Regulations 2012	regulation 8(1)

### **IMI alerts**

**27.**—(1) Where an alert has been sent by the General Optical Council before exit 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 section 23G of the 1989 Act (subject to the provisions of that Act) despite the repeal of section 23G(1)(e).

(2) In disposing of such an appeal, the powers of the relevant court continue to be those set out in section 23G(8) of the 1989 Act (as it had effect before the coming into force of these Regulations), but as if for “that the alert be withdrawn or amended” there were substituted “the Council to take such steps as the relevant court considers fit to draw the findings of the court to the attention of the European Commission”.

### **Interpretation of saved provisions**

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

(a) in section 36(1) of the 1989 Act—

(i) there were inserted at the appropriate place—

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

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

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- “(a) a person who, immediately before exit day, was a national of a relevant European State,
  - (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession by virtue of an enforceable EU right, or
  - (c) a person who, immediately before exit 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;”;
- (iii) in the definition of “General Systems Regulations”, at the end there were inserted—
- “—
- (a) in relation to anything done before exit day, as they had effect at that time;
  - (b) otherwise, as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day;”;
- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

## SCHEDULE 6

Regulation 7

### Osteopaths

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule, “the 1993 Act” means the Osteopaths Act 1993<sup>(187)</sup>.

#### Osteopaths Act 1993

2. The 1993 Act is amended as follows.
3. Omit section 5A (registration of visiting European osteopaths)<sup>(188)</sup>.
4. In section 6 (supplemental provision about registration)<sup>(189)</sup>—
  - (a) in subsection (1)(a), for “, provisional or temporary” substitute “or provisional”;
  - (b) in subsection (2), for “Subject to subsection (4A), the” substitute “The”;
  - (c) omit subsection (4A);
  - (d) in subsection (5), omit “, except in the case of temporary registration,”;
  - (e) omit subsection (6).

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<sup>(187)</sup>1993 c. 21.

<sup>(188)</sup>Section 5A was inserted by S.I. 2007/3101. Relevant amending instrument is S.I. 2016/1030.

<sup>(189)</sup>Sections (4A) and (6) were inserted by S.I. 2007/3101. Relevant amending instrument is S.I. 2007/3101.

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5. In section 8 (restoration to the register)(**190**), in subsection (8), for “, provisionally registered osteopaths or temporarily registered osteopaths” substitute “or provisionally registered osteopaths”.
6. In section 14 (recognition of qualifications)(**191**)—
  - (a) after subsection (2), insert—
    - “(2A) A qualification that—
      - (a) was granted by an institution in a relevant European State, and
      - (b) is, in the opinion of the General Council, evidence of having reached a standard of proficiency comparable to that evidenced by a qualification recognised under subsection (2),
 is to be treated for the purposes of this Act as if it were so recognised.”;
    - (b) in subsection (3), after “qualification”, where it first occurs, insert “(not being one to which subsection (2A) applies)”;
    - (c) omit subsections (10) and (11).
7. In section 17 (post registration training)(**192**), omit subsections (2A) to (2D).
8. In section 29 (appeals against decisions of the Registrar)(**193**), omit subsection (1)(ba).
9. Omit section 29A (appeals against decisions of the General Council)(**194**).
10. In section 37 (indemnity arrangements)(**195**), omit subsection (2).
11. In section 41 (interpretation)(**196**)—
  - (a) omit the definitions of “exempt person”, “General Systems Regulations”, and “temporarily registered osteopath”;
  - (b) in the definition of “registered osteopath”, for the words from “, as a provisionally” to the end, substitute “or as a provisionally registered osteopath”.

### **General Osteopathic Council (Registration) Rules 1998**

12. In the General Osteopathic Council (Registration) Rules 1998(**197**)—
  - (a) in rule 3 (form of register)—
    - (i) in paragraph (1)(a) and (b), omit “or other relevant European State”;
    - (ii) in paragraph (3)—
      - (aa) in sub-paragraph (b), for “, conditionally registered or temporarily registered” substitute “or conditionally registered”;
      - (bb) in sub-paragraph (d), for “, “conditional” or “temporary”” substitute “or “conditional””;
  - (b) in rule 7 (certificates), in paragraph (2)(a)(iv), omit “, a temporarily registered osteopath”.

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

(191) Relevant amending instrument is [S.I. 2011/1043](#).

(192) Sections (2A) to (2D) were inserted by [S.I. 2007/3101](#), and amended by [S.I. 2008/1774](#).

(193) Subsection (1)(ba) was inserted by [S.I. 2007/3101](#).

(194) Section 29A was inserted by [S.I. 2007/3101](#). Relevant amendments made by Schedule 9 to the Crime and Courts Act 2013 (c. 22). Relevant amending instrument is [S.I. 2016/1030](#).

(195) Section 37 was substituted by [S.I. 2014/1887](#).

(196) Relevant amending instruments are [S.I. 2007/3101](#), [2011/1043](#), [2016/1030](#).

(197) As set out in the Schedule to the General Osteopathic Council (Registration) Rules Order of Council 1998 ([S.I. 1998/1328](#)). Relevant amending instrument is [S.I. 2007/3101](#).



### **General Osteopathic Council (Application for Registration and Fees) Rules 2000**

**13.** In the General Osteopathic Council (Application for Registration and Fees) Rules 2000(**198**)—

- (a) in rule 2 (interpretation), in paragraph (1), omit the definition of “European Economic Area State”;
- (b) in rule 6 (entry fee), in paragraph (2)(b), omit “or other European Economic Area State,”;
- (c) in rule 8 (retention fee), in paragraph (2)(b), omit “or other European Economic Area State,”;
- (d) in rule 10 (restoration fee), in paragraph (2)(b), omit “or other European Economic Area State,”.

### **General Osteopathic Council (Recognition of Qualifications) Rules 2000**

**14.** In the General Osteopathic Council (Recognition of Qualifications) Rules 2000(**199**), in rule 4 (non-UK qualifications), omit paragraph (2).

## **PART 2**

### **Savings and transitional provision**

#### **Pending applications**

**15.**—(1) Where an application for entry in, or restoration to, the register kept under the 1993 Act is received before exit day, any provision made by or under that Act 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) Where section 14(10) of the 1993 Act continues to apply by virtue of sub-paragraph (1), the reference in that subsection to EU or Community 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)).

#### **Visiting osteopaths: saving of old law for up to one year**

**16.**—(1) Where—

- (a) a person had, immediately before exit 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 an osteopath (and section 5A(3) of the 1993 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit day,

any provision made by or under the 1993 Act 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 osteopaths from relevant European states.

(2) Sub-paragraph (1) ceases to apply in relation to a visiting osteopath—

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(198) As set out in the Schedule to the General Osteopathic Council (Application for Registration and Fees) Rules Order of Council 2000 (S.I. 2000/1038). Relevant amending instrument is S.I. 2004/1947.

(199) As set out in the Schedule to the General Osteopathic Council (Recognition of Qualifications) Rules Order of Council 2000 (S.I. 2000/1281). Relevant amending instrument is S.I. 2007/3101.

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- (a) if the osteopath is registered as required by section 5A(3) of the 1993 Act, when the osteopath’s name is removed under section 5A(6) of the Act;
  - (b) otherwise, when the osteopath’s entitlement ceases by reason of the operation of section 5A(5) of the Act.
- (3) The reference in sub-paragraph (1) to “the provisions relating to visiting osteopaths from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting osteopaths</i>
The 1993 Act	section 5A
	section 6(1), (2), (4A), (5) and (6)
	section 8(8)
	section 17(2A) to (2D)
	section 29(1)(ba)
	section 29A (other than subsection (2)(c))
	section 37(2)
	section 41
General Osteopathic Council (Registration) Rules 1998	rules 3(1) and (3) and 7(2)(a)

**IMI alerts**

17.—(1) Where an alert has been sent by the General Osteopathic Council before exit 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 section 29A of the 1993 Act (subject to the provisions of that Act) despite the repeal of section 29A(2)(c).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in section 29A(3) of the 1993 Act, to—

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

and to make such order as to costs (or, in Scotland, expenses) as the court (or sheriff) thinks fit.

**Interpretation of saved provisions**

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

- (a) in section 41 of the 1993 Act—
  - (i) there were inserted at the appropriate place—
    - ““enforceable EU right” means a right recognised and available in domestic law, immediately before exit day, by virtue of section 2(1) of the European Communities Act 1972;”;
  - (ii) in the definition of “exempt person”—
    - (aa) for paragraphs (a) to (c) there were substituted—

- “(a) a person who, immediately before exit day, was a national of a relevant European State,
  - (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of osteopathy by virtue of an enforceable EU right, or
  - (c) a person who, immediately before exit 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 of osteopathy, no less favourably than a national of a relevant European State;”;
- (bb) in the words after paragraph (c), for “is not” substitute “was not, immediately before exit day”;
- (iii) in the definition of “General Systems Regulations”, at the end there were inserted—
- “—
- (a) in relation to anything done before exit day, as they had effect at that time;
  - (b) otherwise, as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day;”;
- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

## SCHEDULE 7

Regulation 8

### Chiropractors

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule, “the 1994 Act” means the Chiropractors Act 1994(200).

#### Chiropractors Act 1994

2. The 1994 Act is amended as follows.
3. Omit section 5A (registration of visiting European chiropractors)(201).
4. In section 6 (supplemental provision about registration)(202)—
  - (a) in subsection (1)(a), for “, provisional or temporary” substitute “or provisional”;
  - (b) in subsection (2), for “Subject to subsection (4A), the” substitute “The”;
  - (c) omit subsection (4A);

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(200) 1994 c. 17.

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

(202) Subsections (4A) and (6) were added by S.I. 2007/3101. Relevant amending instrument is S.I. 2007/3101.

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- (d) in subsection (5), omit “, except in the case of temporary registration.”;
  - (e) omit subsection (6).
5. In section 8 (restoration to the register)(**203**), in subsection (8), for “, provisionally registered chiropractors or temporarily registered chiropractors” substitute “or provisionally registered chiropractors”.
6. In section 14 (recognition of qualifications)(**204**)—
- (a) after subsection (2), insert—
    - “(2A) A qualification that—
    - (a) was granted by an institution in a relevant European State, and
    - (b) is, in the opinion of the General Council, evidence of having reached a standard of proficiency comparable to that evidenced by a qualification recognised under subsection (2),is to be treated for the purposes of this Act as if it were so recognised.”;
  - (b) in subsection (3), after “qualification”, where it first occurs, insert “(not being one to which subsection (2A) applies)”;
  - (c) omit subsections (10) and (11).
7. In section 17 (post registration training)(**205**), omit subsections (2A) to (2D).
8. In section 29 (appeals against decisions of the Registrar)(**206**), omit subsection (1)(ba).
9. Omit section 29A (appeals against decisions of the General Council)(**207**).
10. In section 37 (indemnity arrangements)(**208**), omit subsection (2).
11. In section 43 (interpretation)(**209**)—
- (a) omit the definitions of “exempt person”, “the General Systems Regulations”, and “temporarily registered chiropractor”;
  - (b) in the definition of “registered chiropractor”, for the words after “conditionally registered chiropractor” substitute “or as a provisionally registered chiropractor”.

### **General Chiropractic Council (Registration) Rules 1999**

12. In the General Chiropractic Council (Registration) Rules 1999(**210**)—
- (a) in rule 2 (interpretation), omit paragraph (2A);
  - (b) in rule 3 (form of register), in paragraph (4)(a), for “, provisionally registered and temporarily” substitute “and provisionally”;
  - (c) in rule 6 (certificates), in paragraph (2), for “, provisionally or temporarily” substitute “or provisionally”.

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

(204) Relevant amending instrument is [S.I. 2011/1043](#).

(205) Subsections (2A) to (2D) were inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2008/1774](#).

(206) Subsection (1)(ba) was inserted by [S.I. 2007/3101](#).

(207) Section 29A was inserted by [S.I. 2007/3101](#). Relevant amendments made by Schedule 9 to the Crime and Courts Act 2013. Relevant amending instrument is [S.I. 2016/1030](#).

(208) Section 37 was substituted by [S.I. 2014/1887](#).

(209) Relevant amending instruments are [S.I. 2007/3101](#), [2011/1043](#), [2016/1030](#).

(210) As set out in the Schedule to the General Chiropractic Council (Registration) Rules Order of Council 1999 ([S.I. 1999/1856](#)). Relevant amending instrument is [S.I. 2007/3101](#).

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

**13.** In the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002(211)—

- (a) in rule 2 (interpretation), omit the definition of “the Directive”;
- (b) for the heading of Part 2 substitute “Applications by chiropractors with foreign qualifications”;
- (c) in rule 4 (application of Part 2)—
  - (i) at the end of paragraph (a), insert “and”;
  - (ii) omit paragraph (c) and the “and” before it;
- (d) in rule 5 (treatment of foreign qualifications)—
  - (i) in paragraphs (1) and (2), omit “, subject to paragraph (3),”;
  - (ii) omit paragraph (3);
- (e) in rule 6 (required standard of proficiency)—
  - (i) in paragraph (1), for “Subject to paragraph (1A), in” substitute “In”;
  - (ii) omit paragraph (1A);
- (f) omit Part 3 (chiropractors entitled to be authorised under EU law);
- (g) in the Schedule, omit Form B.

## **PART 2**

### **Savings and transitional provision**

#### **Pending applications**

**14.**—(1) Where an application for entry in, or restoration to, the register kept under the 1994 Act is received before exit day, any provision made by or under that Act 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) Where section 14(10) of the 1994 Act continues to apply by virtue of sub-paragraph (1), the reference in that subsection to EU or Community 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)).

#### **Visiting chiropractors: saving of old law for up to one year**

**15.**—(1) Where—

- (a) a person had, immediately before exit 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 chiropractor (and section 5A(3) of the 1994 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit day,

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(211) As set out in the Schedule to 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, 2011/1043.

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any provision made by or under the 1994 Act 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 chiropractors from relevant European states.

- (2) Sub-paragraph (1) ceases to apply in relation to a visiting chiropractor—
  - (a) if the chiropractor is registered as required by section 5A(3) of the 1994 Act, when his or her name is removed under section 5A(6) of the Act;
  - (b) otherwise, when the chiropractor’s entitlement ceases by reason of the operation of section 5A(5) of the Act.
- (3) The reference in sub-paragraph (1) to “the provisions relating to visiting chiropractors from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting chiropractors</i>
The 1994 Act	section 5A
	section 6(1), (2), (4A), (5) and (6)
	section 8(8)
	section 17(2A) to (2D)
	section 29(1)(ba)
	section 29A (other than subsection (2)(c))
	section 37(2)
	section 31
General Chiropractic Council (Registration) Rules 1999	rules 2(2A), 3(4)(a) and 6(2)

**IMI alerts**

**16.**—(1) Where an alert has been sent by the General Chiropractic Council before exit 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 section 29A of the 1994 Act (subject to the provisions of that Act) despite the repeal of section 29A(2)(c).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in section 29A(3) of the 1994 Act, to—

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

and to make such order as to costs (or, in Scotland, expenses) as the court (or sheriff) thinks fit.

**Interpretation of saved provisions**

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

- (a) in section 43 of the 1994 Act—
  - (i) there were inserted at the appropriate place—

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

(ii) in the definition of “exempt person”—

(aa) for paragraphs (a) to (c) there were substituted—

“(a) a person who, immediately before exit day, was a national of a relevant European State,

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

(c) a person who, immediately before exit 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 of chiropractic, no less favourably than a national of a relevant European State;”;

(bb) in the words after paragraph (c), for “is not” there were substituted “was not, immediately before exit day”;

(iii) in the definition of “General Systems Regulations”, at the end there were inserted—

“—

(a) in relation to anything done before exit day, as they had effect at that time;

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

(b) in the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002—

(i) in rule 2, in the definition of “the Directive”, for “as amended from time to time” there were substituted “as it had effect immediately before exit day”;

(ii) in rules 11(1) and 12, the references to the Directive applying or not applying to a case were references to the case falling within or outside the Directive;

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

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## SCHEDULE 8

Regulation 9

## Health and social work professionals

## PART 1

## Amendments to legislation

**Interpretation**

1. In this Schedule, “the 2001 Order” means the Health and Social Work Professions Order 2001(212).

**Health and Social Work Professions Order 2001**

2. The 2001 Order is amended as follows.
3. In article 6 (health and social work professions register)(213), omit paragraph (3)(aa).
4. In article 7 (register: supplemental provision)(214), omit paragraph (4).
5. In article 8 (access to register)(215), omit paragraph (5).
6. In article 9 (registration)(216)—
  - (a) in paragraph (1), for “Subject to paragraph (8), a” substitute “A”;
  - (b) in paragraph (5), for “specified in the General Systems Regulations” substitute “of three months beginning with the day on which the application is received”;
  - (c) omit paragraph (8).
7. In article 10 (renewal and readmission)(217)—
  - (a) in paragraph (1), for “Subject to paragraph (6), where” substitute “Where”;
  - (b) omit paragraph (6).
8. In article 11A (indemnity arrangements)(218), omit paragraph (12).
9. In article 12 (approved qualifications)(219)—
  - (a) in paragraph (1)—
    - (i) at the end of sub-paragraph (a), insert “or”;
    - (ii) omit sub-paragraphs (b) and (ba);
    - (iii) in sub-paragraph (c)(iii), omit “(except where he is an exempt person)”;
  - (b) omit paragraph (1A).

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(212) [S.I. 2002/254](#).

(213) Paragraph (3)(aa) was inserted by [S.I. 2007/3101](#), and was amended by section 215(5) of the Health and Social Care Act 2012 (c. 7).

(214) Paragraph (4) was inserted by [S.I. 2007/3101](#), and was amended by section 215(5) of the Health and Social Care Act 2012.

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

(216) Paragraph (8) was inserted by, and paragraphs (1) and (5) were amended by [S.I. 2007/3101](#). Relevant amendments are made by section 215(5) of the Health and Social Care Act 2012, [S.I. 2014/1887](#).

(217) Paragraph (6) was inserted by, and paragraph (1) was amended by, [S.I. 2007/3101](#). Paragraph (6) was also amended by section 215(6) of the Health and Social Care Act 2012.

(218) Article 11A was inserted by [S.I. 2014/1887](#).

(219) Paragraph (1)(b) and (c)(iii) was substituted, and paragraph (1A) was inserted, by [S.I. 2007/3101](#). Paragraph (1)(ba) was inserted by [S.I. 2016/1030](#). Relevant amendments are made by section 215(7) of the Health and Social Care Act 2012.



10. Omit article 13A (visiting professionals from relevant European states)(220).
11. In article 19 (post-registration training)(221), omit paragraphs (2A) to (2D).
12. In article 37 (registration appeals)(222), omit paragraph (1)(aa).
13. In article 38 (other appeals)(223)—
  - (a) in paragraph (1)(b), for “mentioned in paragraph (1A)” substitute “under article 37”;
  - (b) omit paragraph (1A);
  - (c) in paragraph (3)—
    - (i) in sub-paragraph (b), omit the words from “or, in the case” to the end;
    - (ii) in sub-paragraph (c), omit from “, or the failure” to “(1A)(e),”.
14. Omit article 49 (review)(224).
15. In Schedule 3 (interpretation)(225), omit the definitions of “European professional card”, “exempt person”, “General Systems Regulations”, “national”, “relevant European State” and “visiting health or social work professional from a relevant European State”.

### **Health Professions (Parts of and Entries in the Register) Order of Council 2003**

16. In the Health Professions (Parts of and Entries in the Register) Order of Council 2003(226), omit article 7.

### **Health and Care Professions Council (Registration and Fees) Rules 2003**

17. In the Health and Care Professions Council (Registration and Fees) Rules 2003(227)—
  - (a) in rule 2 (interpretation), omit the definitions of “attesting State” and “competent authority”;
  - (b) omit rule 2A;
  - (c) in rule 4 (registration applications), in paragraph (4)(a), omit paragraphs (ii) and (ia) (but not the final “or”);
  - (d) in rule 7 (knowledge of English), omit “who is not an exempt person”;
  - (e) in rule 17 (scrutiny fees), in paragraph (2), omit “(b) or”.

### **Health Professions Council (Registration Appeals) Rules 2003**

18. In the Health Professions Council (Registration Appeals) Rules 2003(228), in rule 4 (period for appealing), in paragraph (b), for the words from “specified” to the end substitute “of three months referred to in article 9(5) of the Order”.

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(220) Article 13A was inserted by [S.I. 2007/3101](#). Relevant amendments made by section 215(5) of the Health and Social Care Act 2012, [S.I. 2016/1030](#).

(221) Paragraphs 2A to 2D were inserted by [S.I. 2007/3101](#). Paragraph 2A was amended by section 215(10) of the Health and Social Care Act 2012.

(222) Paragraph (1)(aa) was inserted by [S.I. 2007/3101](#) and was amended by section 215(5) of the Health and Social Care Act 2012.

(223) Paragraph (1A) was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2004/2033](#), [2007/3101](#), [2014/1887](#), [2016/1030](#).

(224) Article 49 was inserted by [S.I. 2016/1030](#).

(225) Relevant amending instruments are [S.I. 2003/3148](#), [2007/3101](#), [2011/1043](#), [2016/1030](#) and other relevant amendments made by section 215(13) of the Health and Social Care Act 2012.

(226) [S.I. 2003/1571](#). Article 7 was inserted by [S.I. 2007/3101](#).

(227) As set out in the Schedule to the Health Professions Council (Registration and Fees) Rules Order of Council 2003 ([S.I. 2003/1572](#)). Relevant amending instruments are [S.I. 2007/1280](#), [3101](#), [2012/1479](#), [2015/1337](#), [2016/693](#), [1030](#).

(228) As set out in the Schedule to the Health Professions Council (Registration Appeals) Rules Order of Council 2003 ([S.I. 2003/1579](#)).

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## PART 2

### Savings and transitional provision

#### Pending applications

**19.**—(1) Where a relevant application is received before exit day, any provision made by or under the 2001 Order (except for article 12(1)(ba) of 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 kept under the 2001 Order,
- (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.

#### Visiting health and social work professionals: saving of old law for up to one year

**20.**—(1) Where—

- (a) a person had, immediately before exit 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 member of one of the relevant professions (and article 13A(3) of the 2001 Order accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit 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 health and social work professionals from relevant European states.

(2) Sub-paragraph (1) ceases to apply in relation to a visiting health or social work professional—

- (a) if the professional is registered as required by article 13A(3) of the 2001 Order, when his or her name is removed under article 13A(6) of the Order;
- (b) otherwise, when the professional’s entitlement ceases by reason of the operation of article 13A(5) of the Order.

(3) In sub-paragraph (1)—

- (a) “relevant professions” has the meaning given by Schedule 3 to the 2001 Order;
- (b) the reference to “the provisions relating to visiting health and social work professionals from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
The 2001 Order	article 6(3)(aa)
	article 7(4)
	article 9(1) and (8)
	article 10(1) and (6)
	article 11A(12)
	article 13A (except paragraph (2)(b))

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
	article 19(2A) to (2D)
	article 37(1)(aa)
	article 38 (so far as relating to article 37(1)(aa))
	in Schedule 3, the definitions of “exempt person”, “the General Systems Regulations”, “national”, “relevant European State” and “visiting health or social work professional from a relevant European State”
Health Professions (Parts of and Entries in the Register) Order of Council 2003	article 7
Health and Care Professions Council (Registration and Fees) Rules 2003	rule 2A

### European Professional Card

**21.**—(1) Sub-paragraph (2) applies where, immediately before exit day—

- (a) a person held a valid European professional card for establishment as a physiotherapist in the United Kingdom, or
- (b) the Health and Care Professions 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 as a physiotherapist, the person is not required to resubmit any document or evidence held by the Council which is derived from the person’s IMI file and which does not appear to the Council to have become invalid.

(3) Where, immediately before exit day, a person fell within article 12(1)(ba) of the 2001 Order by virtue of holding a European professional card for establishment as a physiotherapist in the United Kingdom, the person is to continue to be regarded as having an approved qualification for the purposes of registration as a physiotherapist despite the revocation of article 12(1)(ba).

(4) 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 exit day;
- (b) “IMI file” has the meaning given by Schedule 4 to the 2001 Order as it had effect immediately before exit day;
- (c) “registration as a physiotherapist” means registration as such in the register maintained under article 5 of the 2001 Order.

**22.**—(1) Where, immediately before exit day, a person was entitled as mentioned in article 13A(2) (b) of 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 health or social work services by holders of a European professional card.

(2) But the person’s entitlement ceases on the expiry of the period of 18 months beginning with the day on which the person’s European professional card was issued, and the person may accordingly be removed from the register maintained under article 5 of the 2001 Order.

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(3) The reference in sub-paragraph (1) to “the provisions relating to the provision of occasional health or social work services by holders of a European professional card” is to the provisions listed in the table in paragraph 20(3), but as if—

- (a) in the entry for article 13A of the 2001 Order, for “(except paragraph (2)(b))” there were substituted “(except paragraphs (2)(a), (5) and (6))”;
- (b) in the entry for Schedule 3 to the 2001 Order, there were added the definition of “European professional card”.

(4) The definition of “European professional card” in Schedule 3 to the 2001 Order, as it continues to have effect by virtue of sub-paragraph (3)(b), is to be read as if for “as amended from time to time” there were substituted “as it had effect immediately before exit day”.

**23.**—(1) A decision within article 38(1A)(d) of the 2001 Order taken before exit day, or a failure within article 38(1A)(e) of that Order arising before exit day, continues to be appealable for the purposes of article 38(1)(b) of that Order (subject to the provisions of that Order) despite the revocation of article 38(1A).

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

- (a) dismiss the appeal, or
- (b) allow the appeal and—
  - (i) direct the Council to take such steps as the court or sheriff thinks fit to draw the findings of 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 21(1) or (3), as a person who held a valid European professional card for establishment as a physiotherapist in the United Kingdom immediately before exit day,

and to make such order as to costs (or, in Scotland, expenses) as the court or sheriff thinks fit.

### **IMI alerts**

**24.**—(1) Where an alert has been sent by the Health and Care Professions Council before exit 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 38(1)(b) of the 2001 Order (subject to the provisions of that Order) despite the revocation of article 38(1A)(c).

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

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

and to make such order as to costs (or, in Scotland, expenses) as the court or sheriff thinks fit.

### **Interpretation of saved provisions**

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

- (a) in Schedule 3 to the 2001 Order, in paragraph (1)—
  - (i) there were inserted at the appropriate place—

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

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

—

- “(a) a person who, immediately before exit day, was a national of a relevant European State,
- (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, a relevant profession by virtue of an enforceable EU right, or
- (c) a person who, immediately before exit 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 a relevant profession, no less favourably than a national of a relevant European State;”;

(iii) in the definition of “General Systems Regulations”, at the end there were inserted—

“—

- (a) in relation to anything done before exit day, as they had effect at that time;
- (b) otherwise, as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day;”;

(iv) in the definition of “national”, for “is not” there were substituted “was not, immediately before exit day”;

- (b) in rule 2 of the Health and Care Professions Council (Registration and Fees) Rules 2003, in the definition of “competent authority”, after “professional qualifications” there were inserted “(as it had effect immediately before exit day)”;
- (c) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

## SCHEDULE 9

Regulation 10

### Social workers in Scotland

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule, “the 2001 Act” means the Regulation of Care (Scotland) Act 2001(229).

#### Regulation of Care (Scotland) Act 2001

2. The 2001 Act is amended as follows.
3. In section 44 (register of social workers and of other social service workers)(230)—
  - (a) in subsection (1), omit paragraph (aa);

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(229) 2001 asp 8.

(230) Subsection (1)(aa) was inserted, and subsections (2) and (2A) were substituted, by S.I. 2007/3101.

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- (b) in subsection (2), omit paragraph (b);
- (c) omit subsection (2A).
- 4. In section 45 (applications for registration under Part 3)(**231**)—
  - (a) in subsection (1), omit “, other than for registration in the visiting European part of the register,”;
  - (b) omit subsection (1A).
- 5. Omit section 46A (visiting social workers from relevant European States)(**232**).
- 6. In section 46B (qualifications gained outside Scotland)(**233**), omit paragraph (a).
- 7. In section 47(1) (variation etc. of conditions in relation to registration under Part 3)(**234**), omit “, other than in the visiting European part of the register,”.
- 8. In section 51 (appeal against decision of Council)(**235**)—
  - (a) in subsection (1), omit paragraphs (b) and (c);
  - (b) in subsection (2)(b), omit “or, in the case of an appeal under subsection (1)(c), direct that the alert be withdrawn or amended”.
- 9. In section 57 (power of Council to make rules)(**236**), omit subsection (2A).
- 10. In section 77 (interpretation)(**237**)—
  - (a) omit the definitions of “EEA State”, “exempt person”, “the General Systems Regulations”, “relevant European State” and “visiting social worker from a relevant European state”;
  - (b) in the definition of “social service worker”, omit paragraph (b).

#### **National Health Service (Primary Medical Services Performers List) (Scotland) Regulations 2004**

- 11. The National Health Service (Primary Medical Services Performers List) (Scotland) Regulations 2004(**238**), in paragraph 4 of Schedule 1—
  - (a) in sub-paragraph (a), for “34J” substitute “34H”;
  - (b) in sub-paragraph (b), for “within the meaning of” substitute “established under”.

## PART 2

### Savings and transitional provision

#### **Pending applications**

- 12.—(1) This paragraph applies where a relevant application is made, but not finally determined, before exit day.

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(231) Subsection (1) was amended, and subsection (1A) was inserted, by [S.I. 2007/3101](#).

(232) Section 46A was inserted by [S.I. 2007/3101](#) and amended by [S.I. 2016/1030](#).

(233) Section 46B was inserted by [S.I. 2007/3101](#).

(234) Subsection (1) was amended by [S.I. 2007/3101](#) and paragraph 3 of Schedule 15 to the Public Services Reform (Scotland) Act 2010 ([asp 8](#)).

(235) Subsection (1) was substituted by [S.I. 2007/3101](#). Subsections (1) and (2) were amended by paragraph 9 of Schedule 15 to the Public Services Reform (Scotland) Act 2010, [S.I. 2016/1030](#).

(236) Subsection (2A) was inserted by [S.I. 2007/3101](#).

(237) Section 77 was substituted by [S.S.I. 2011/211](#) and amended by [S.I. 2011/1043](#), [2016/1030](#) and [S.S.I. 2013/177](#).

(238) [S.S.I. 2004/114](#). Paragraph 4 was substituted by [S.I. 2010/234](#).

(2) Despite their repeal by Part 1 of this Schedule, the following provisions of the 2001 Act continue to apply in relation to the application (including any appeal arising from it), on and after exit day, subject to the modifications specified in paragraph 13—

- (a) section 46B(a);
- (b) section 51(1)(b); and
- (c) in section 77, the definitions of “EEA State”, “exempt person”, “the General Systems Regulations” and “relevant European State”.

(3) For the purposes of sub-paragraph (1), “relevant application” means an application for—

- (a) registration in a part of the register maintained under Part 3 of the 2001 Act; or
- (b) renewal of registration in that register.

(4) For the purposes of sub-paragraph (1), an application is finally determined when—

- (a) it is withdrawn;
- (b) notice is given that it has been granted; or
- (c) notice is given that it has been granted subject to conditions, or refused, and either—
  - (i) the time limit for appeal against the decision has expired without an appeal being made; or
  - (ii) an appeal made against the decision under section 51 of the 2001 Act has been finally determined or abandoned.

### **Visiting social workers: saving of old law for up to one year**

13.—(1) This paragraph applies where—

- (a) a person had, immediately before exit 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 social worker (and section 46A(3) of the 2001 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit day.

(2) Despite their repeal or amendment by Part 1 of this Schedule, the following provisions of the 2001 Act continue to apply in relation to the provision of those services by that person on and after exit day, as they applied before that day, subject to the modifications specified in paragraph 13—

- (a) section 44(1)(aa), (2)(b) and (2A);
- (b) section 45(1) and (1A);
- (c) section 46A;
- (d) section 47(1);
- (e) section 57(2A); and
- (f) in section 77, the definitions of “EEA State”, “exempt person”, “the General Systems Regulations”, “relevant European State”, “social service worker” and “visiting social worker from a relevant European state”.

(3) Sub-paragraph (2) has effect until—

- (a) in the case of a person who is registered in accordance with section 46A(3) of the 2001 Act, the day on which the person’s name is removed from the register under section 46A(6) of that Act;
- (b) in any other case, the day on which the person’s entitlement under section 46A(3) of the 2001 Act to be registered ceases by virtue of section 46A(5) of that Act.

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## Interpretation of saved provisions

14. The modifications of the 2001 Act mentioned in paragraphs 11(2) and 12(2) are as follows—

(a) section 46A(1) is to have effect as if, in the reference to a relevant European State other than the United Kingdom, “other than the United Kingdom” were omitted;

(b) section 77 is to have effect as if—

(i) at the appropriate place, there were inserted—

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

(ii) in the definition of “exempt person”—

(aa) for paragraphs (a) to (c), there were substituted—

“(a) a person who, immediately before exit day, was a national of a relevant European State,

(b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking to engage in relevant social work by virtue of an enforceable EU right, or

(c) a person who, immediately before exit 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, as regards the right to engage in relevant social work, no less favourably than a national of a relevant European State;”;

(bb) in the words after paragraph (c), for “is not” there were substituted “was not, immediately before exit day”;

(iii) at the end of the definition of “the General Systems Regulations”, there were inserted

“—

(a) in relation to anything done before exit day, as they had effect at that time;

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

## IMI alerts

15.—(1) This paragraph applies where—

(a) before exit day, a person is given notice of a decision made under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015 to send an alert about the person; and

(b) either—

(i) the time limit for appeal against the decision under section 51(1)(c) of the 2001 Act expires on or after exit day; or

(ii) an appeal against the decision under that section is made, but not finally determined, before exit day.

(2) Despite their repeal by Part 1 of this Schedule, the following provisions of the 2001 Act continue to apply in relation to the decision on and after exit day—

(a) section 51(1)(c); and



- (b) in section 77, the definition of “the General Systems Regulations”.
- (3) In disposing of an appeal against the decision on or after exit day, the sheriff has (instead of the powers specified in section 51(2) of the 2001 Act) the power—
  - (a) to confirm the decision; or
  - (b) if the sheriff considers that the alert should be withdrawn or amended, to direct that the Scottish Social Services Council take such steps as the sheriff thinks fit to notify the European Commission of the sheriff’s decision.

## SCHEDULE 10

Regulation 11

### Social care workers in Northern Ireland

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule, “the 2001 Act” means the Health and Personal Social Services Act (Northern Ireland) 2001.

#### Health and Personal Social Services Act (Northern Ireland) 2001

- 2. The 2001 Act is amended as follows.
- 3. In section 2 (“social care worker” etc.)(**239**), omit subsections (5) to (7).
- 4. In section 3 (the register)(**240**)—
  - (a) in subsections (1) and (2)—
    - (i) at the end of paragraph (a), insert “and”;
    - (ii) omit paragraph (c) (and the “and” before it);
  - (b) omit subsection (2A)(c).
- 5. Omit section 5A (visiting social workers from relevant European States)(**241**).
- 6. In section 7 (rules about registration)(**242**), in paragraph (c), omit “under section 5A(6) or”.
- 7. In section 7A (power to obtain information etc.)(**243**), in subsection (1), omit “, 5A”.
- 8. In section 8 (registration – enforcement)(**244**), in subsection (1)—
  - (a) omit “or a visiting social worker from a relevant European State”;
  - (b) in paragraph (b) for the words “registered in either of those ways” substitute “so registered”.

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(239) Subsections (5) to (7) were inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(240) Subsection (1)(c) was inserted by, and subsections (2)(c) and (2A)(c) were substituted by [S.I. 2007/3101](#).

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

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

(243) Section 7A was inserted by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016 (c. 23) (N.I.).

(244) Relevant amendments made by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016. Relevant amending instrument is [S.I. 2007/3101](#).

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9. In section 11 (qualifications gained outside Northern Ireland)(**245**), omit subsection (A1).
10. In section 12 (post registration training)(**246**), omit subsections (2A) to (2D).
11. In section 15 (appeals to the Care Tribunal)(**247**)—
  - (a) in subsection (2)(b), omit the words from “or, in” to “amended”;
  - (b) omit subsection (3)(b) and (c).
12. In section 18 (rules)(**248**)—
  - (a) in subsection (1), omit “, but subject to subsection (2A)”;
  - (b) in subsection (2)(a), omit “, but subject to subsection (2A)”;
  - (c) omit subsection (2A).

## PART 2

### Savings and transitional provision

#### **Pending applications**

13. Where an application for registration, or renewal or restoration of registration, in the register kept under the 2001 Act is received before exit day, any provision made by the 2001 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

#### **Visiting social work professionals: saving of old law for up to one year**

14.—(1) Where—

- (a) a person had, immediately before exit 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 social worker (and section 5A(3) of the 2001 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit day,

any provision made by or under the 2001 Act 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 social workers from relevant European states.

(2) Sub-paragraph (1) ceases to apply in relation to a visiting social worker—

- (a) if the worker is registered as required by section 5A(3) of the 2001 Act, when his or her name is removed under section 5A(6) of that Act;
- (b) otherwise, when the worker’s entitlement ceases by reason of the operation of section 5A(5) of that Act.

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting social work professionals from relevant European states” is to the following provisions of the 2001 Act—

- (a) section 2(5) to (7);

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(245) Subsection A1 was inserted by [S.I. 2007/3101](#). Relevant amendments made by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016.

(246) Subsections (2A) to (2D) were substituted by [S.I. 2007/3101](#).

(247) Section 15 was substituted by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016. Relevant amending instrument is [S.I. 2016/1030](#).

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

- (b) section 3(1), (2) and (2A);
- (c) section 5A;
- (d) section 7(c);
- (e) section 7A(1);
- (f) section 8(1);
- (g) section 12(2A) to (2D);
- (h) section 18(1), (2) and (2A).

### **IMI alerts**

**15.**—(1) Where an alert has been sent by the Northern Ireland Social Care Council before exit day under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be a relevant decision for the purposes of section 15 of the 2001 Act despite the repeal of section 15(3)(c).

(2) In disposing of an appeal against such a decision, the powers of the Care Tribunal are, instead of those set out in section 15(2) of the 2001 Act, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and direct the Northern Ireland Social Care Council to take such steps as the Tribunal thinks fit to draw the findings of the Tribunal to the attention of the European Commission.

### **Interpretation of saved provisions**

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

- (a) in section 2 of the 2001 Act—
  - (i) in subsection (5), at the end there were inserted—

“—

    - (a) in relation to anything done before exit day, as they had effect at that time;
    - (b) otherwise, as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of anything done before exit day;”;
  - (ii) in subsection (7)—
    - (aa) for paragraphs (a) to (c) there were substituted—
      - “(a) a person who, immediately before exit day, was a national of a relevant European State,
      - (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of chiropractic by virtue of an enforceable EU right, or
      - (c) a person who, immediately before exit 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 social work profession, no less favourably than a national of a relevant European State;”;
    - (bb) in the words after paragraph (c), for “is not” there were substituted “was not, immediately before exit day”;

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(iii) after subsection (8) there were inserted—

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

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

## SCHEDULE 11

Regulation 12

### Social workers in England

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule, “the 2018 Regulations” means the Social Workers Regulations 2018(249).

#### Social Workers Regulations 2018

2. The 2018 Regulations are amended as follows.
3. In regulation 2 (interpretation)—
  - (a) in paragraph (1), omit the definition of “relevant European State”;
  - (b) omit paragraphs (2) and (3).
4. In regulation 8 (the registrar and the register), omit paragraph (8).
5. In regulation 9 (content of the register), omit paragraph (1)(c).
6. In regulation 10 (procedure for registration), omit paragraph (5).
7. In regulation 11 (eligibility for registration)—
  - (a) in paragraph (4), omit “, subject to paragraph (5)”;
  - (b) omit paragraphs (5) and (8).
8. Omit regulation 18 (visiting professionals from relevant European States).
9. In regulation 19 (registration appeals)—
  - (a) in paragraph (1), omit sub-paragraphs (e) and (i);
  - (b) omit paragraphs (9) and (10).
10. In Schedule 1 (recognised qualifications)—
  - (a) in paragraph 1, omit sub-paragraph (b);
  - (b) omit paragraph 2.

## PART 2

### Savings and transitional provision

#### **Pending applications**

11. Where an application for registration, or renewal or restoration of registration, in the register kept under the 2018 Regulations is received before exit day, any provision made by or under the 2018 Regulations continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

#### **Visiting social work professionals: saving of old law for up to one year**

12.—(1) Where—

- (a) a person had, immediately before exit 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 social worker (and regulation 18(2) of the 2018 Regulations accordingly applied to the person), and
- (b) the person continues to have that benefit on or after exit day,

any provision made by or under the 2018 Regulations 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 social work professionals from relevant European states.

(2) Sub-paragraph (1) ceases to apply in relation to a visiting social work professional—

- (a) if the professional is registered as required by regulation 18(2) of the 2018 Regulations, when his or her name is removed under regulation 18(5) of those Regulations;
- (b) otherwise, when the professional's entitlement ceases by reason of the operation of regulation 18(5) of those Regulations.

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting social work professionals from relevant European states” is to the following provisions of the 2018 Regulations

- 
- (a) regulation 2(1), (2) and (3);
- (b) regulation 9(1)(c);
- (c) regulation 10(5);
- (d) regulation 18;
- (e) regulation 19(1)(i).

#### **Interpretation of saved provisions**

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

(a) in regulation 2 of the 2018 Regulations—

(i) in paragraph (1), there were inserted at the appropriate place—

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

(ii) in paragraph (2), for sub-paragraphs (a) to (c) there were substituted—

“(a) a person who, immediately before exit day, was a national of a relevant European State,

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- (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the social work profession by virtue of an enforceable EU right, or
  - (c) a person who, immediately before exit 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 social work profession, no less favourably than a national of a relevant European State.”;
- (iii) in paragraph (3), for “is not” there were substituted “was not, immediately before exit day”;
- (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted;
  - (c) any reference to the European Union (Recognition of Professional Qualifications) Regulations 2007 or the European Union (Recognition of Professional Qualifications) Regulations 2015 were—
    - (i) in relation to anything done before exit day, to those Regulations as they had effect at that time;
    - (ii) otherwise, to those Regulations as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day.
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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16), in order to address failures of domestic legislation to operate effectively and other deficiencies (as specified in section 8(2)(a) to (e) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union and to make consequential, saving and transitional provision in that regard. These Regulations amend legislation concerned with the regulation of health and care professionals.

Schedule 1 amends legislation concerning medical practitioners.

Schedule 2 amends legislation concerning pharmacists and pharmacy technicians.

Schedule 3 amends legislation concerning dental and dental care professionals.

Schedule 4 amends legislation concerning nurses, midwives and nursing associates.

Schedule 5 amends legislation concerning opticians.

Schedule 6 amends legislation concerning osteopaths.

Schedule 7 amends legislation concerning chiropractors.

Schedule 8 amends legislation concerning health and social work professionals.

Schedule 9 amends legislation concerning social workers registered or registering under the Regulation of Care (Scotland) Act 2001 (asp 8).

Schedule 10 amends legislation concerning social workers registered or registering under the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3) (N.I.).

Schedule 11 amends legislation concerning social workers who will be registered under the Social Workers Regulations 2018.

Part 1 of each Schedule collectively removes provision in the Medical Act 1983 (c. 54) Pharmacy Order 2010, Dentists Act 1984 (c. 24), Nursing and Midwifery Order 2001, Opticians Act 1989, Osteopaths Act 1993, Chiropractors Act 1994, Health and Social Work Professions Order 2001, Regulation of Care (Scotland) Act 2001, Health and Personal Social Services Act (Northern Ireland) 2001 and Social Workers Regulations 2018 (“the regulators’ governing legislation”) relating to rights and obligations under Directive 2005/36 of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p22) (“the Directive”). Part 1 of each Schedule also makes consequential amendment to legislation made under the regulators’ governing legislation and to other secondary legislation. Part 1 of Schedules 2 (pharmacists and pharmacy technicians) and 5 (opticians) makes consequential amendments to certain primary legislation.

Part 1 of Schedules 1, 2 (in relation pharmacists), 3 and 4 makes provision for recognition of European qualifications and diplomas that fall under the “automatic regime” in the Directive (doctors, dental practitioners, pharmacists, general care nurses and midwives) issued by relevant European States (defined in the Regulations as an EEA State or Switzerland), as qualifications that are acceptable for the purposes of registration as a health care professional, unless a particular qualification or diploma has been designated not so. Provisions have also been made in respect of other European qualifications that fall under the “general systems” process (which also falls under the Directive), taking them out of that process, and providing them to be qualifications enabling registration as a health care professional where they are assessed to be comparable to the equivalent UK qualification. Part 1 of Schedule 2 also provides for registration rights for individuals with a European Union qualification who are registered with the Pharmaceutical Society of Northern Ireland as at exit day and who remain registered continuously after exit day. Regulation 14 requires the Secretary of State to perform a review of the provisions for the former “automatic regime” professions two years after these Regulations come into force and to produce and publish the conclusions of the review.

Part 2 of each Schedule makes certain transitional and saving provision in relation to applications (e.g. for registration or appeals) made before exit day and in relation to certain rights attached to registrations made before exit day (except for Schedule 1 that makes such provision in Parts 1 and 2). Part 2 of each Schedule makes saving and transitional provision in relation to the entitlements of visiting health and care professionals to provide services. Part 2 of Schedules 1 to 10 make saving and transitional provision in relation to appeal rights concerning IMI alerts. Part 2 of Schedules 2, 4 and 8 makes transitional and saving provision in relation to persons who have applied for or hold a European Professional Card.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.