

# SCHEDULES

## SCHEDULE 7

Regulation 8

### Chiropractors

#### PART 1

#### Amendments to legislation

##### Interpretation

1. In this Schedule, “the 1994 Act” means the Chiropractors Act 1994<sup>(1)</sup>.

##### Chiropractors Act 1994

2. The 1994 Act is amended as follows.
3. Omit section 5A (registration of visiting European chiropractors)<sup>(2)</sup>.
4. In section 6 (supplemental provision about registration)<sup>(3)</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).
5. In section 8 (restoration to the register)<sup>(4)</sup>, in subsection (8), for “, provisionally registered chiropractors or temporarily registered chiropractors” substitute “or provisionally registered chiropractors”.
6. In section 14 (recognition of qualifications)<sup>(5)</sup>—
  - (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.”;

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(1) 1994 c. 17.

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

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

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

(5) Relevant amending instrument is S.I. 2011/1043.

*Status: This is the original version (as it was originally made).*

- (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)(6), omit subsections (2A) to (2D).
8. In section 29 (appeals against decisions of the Registrar)(7), omit subsection (1)(ba).
9. Omit section 29A (appeals against decisions of the General Council)(8).
10. In section 37 (indemnity arrangements)(9), omit subsection (2).
11. In section 43 (interpretation)(10)—
- (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(11)—
- (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”.

#### **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(12)—
- (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)—

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

(7) Subsection (1)(ba) was inserted by S.I. 2007/3101.

(8) 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.

(9) Section 37 was substituted by S.I. 2014/1887.

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

(11) 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.

(12) 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.

- (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,

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)

**Status:** This is the original version (as it was originally made).

<i>Act or instrument</i>	<i>Provision relating to visiting chiropractors</i>
	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—
    - ““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.