SCHEDULES

SCHEDULE 6

Regulation 7

Osteopaths

PART 1

Amendments to legislation

Interpretation

1. In this Schedule, "the 1993 Act" means the Osteopaths Act 1993(**1**).

Osteopaths Act 1993

2. The 1993 Act is amended as follows.

3. Omit section 5A (registration of visiting European osteopaths)(**2**).

4. In section 6 (supplemental provision about registration)(**3**)—

(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)(**4**), in subsection (8), for ", provisionally registered osteopaths or temporarily registered osteopaths" substitute "or provisionally registered osteopaths".

6. In section 14 (recognition of qualifications)(**5**)—

(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)";

(**1**) 1993 c. 21.
(**2**) Section 5A was inserted by S.I. 2007/3101. Relevant amending instrument is S.I. 2016/1030.
(**3**) Sections (4A) and (6) were inserted 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.

(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 41 (interpretation)(**10**)—

(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(**11**)—

(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".

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

13. In the General Osteopathic Council (Application for Registration and Fees) Rules 2000(**12**)—

(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,".

(**6**) Sections (2A) to (2D) were inserted by S.I. 2007/3101, and amended by 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 (c. 22). 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 Osteopathic Council (Registration) Rules Order of Council 1998 (S.I. 1998/1328). Relevant amending instrument is S.I. 2007/3101.
(**12**) 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.

General Osteopathic Council (Recognition of Qualifications) Rules 2000

14. In the General Osteopathic Council (Recognition of Qualifications) Rules 2000(**13**), 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—

(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.

Act or instrument	*Provision relating to visiting osteopaths*
The 1993 Act	section 5A
	section 6(1), (2), (4A), (5) and (6)
	section 8(8)
	section 17(2A) to (2D)

(**13**) 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.

Act or instrument	*Provision relating to visiting osteopaths*
	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—

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(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.