

SCHEDULE 1

Regulation 4

Amendments to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019

1. The Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 are amended as follows.

2. In Part 2 of Schedule 1(1)—

(a) in the heading, for “exit day” substitute “IP completion day”;

(b) in paragraph 7, in the substituted regulation 3—

(i) in paragraph (a)—

(aa) in sub-paragraph (x), omit “and Social Work”;

(bb) in sub-paragraph (xi), at the beginning insert “the”;

(cc) omit sub-paragraph (xiii);

(ii) in paragraph (g), for “exit day” substitute “IP completion day”;

(c) in paragraph 19(b), for the inserted paragraph (1A)(b)(ii) and the “or” following it substitute—

“(ii) requires specific training that covers substantially different matters from those covered by the applicant’s evidence of formal qualifications; or”;

(d) in paragraph 37(a), after paragraph (vii), insert—

“(viiia) Farrier in England, Wales and Scotland;”.

3. For Part 3 of Schedule 1, substitute the following—

“PART 3

Transitional and saving provision

Saving of decisions etc. taken before IP completion day

40. The amendments and revocations made by these Regulations do not affect the validity of any action or decision taken or right accrued under the principal Regulations or the 2007 Regulations before IP completion day, except as provided in this Part.

Language testing – transitional and saving provision

41.—(1) Where a competent authority has recognised a professional qualification—

(a) before IP completion day, under the principal Regulations; or

(b) pursuant to paragraph 44,

the provisions of the principal Regulations specified in sub-paragraph (2) continue to apply on and after IP completion day as they had effect immediately before IP completion day.

(2) The specified provisions are—

(a) regulation 6;

(1) Part 2 of Schedule 1 amends the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059). Part 3 contains saving and transitional provisions relating to the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781) and S.I. 2015/2059. S.I. 2007/2781 was revoked with savings by S.I. 2015/2059 and by S.I. 2019/312.

- (b) regulation 68, so far as it relates to appeals against a decision of a competent authority under regulation 6(1); and
- (c) any other provision of the principal Regulations so far as they relate to those provisions.

Temporary and occasional provision of services – Part 2 of the principal Regulations - transitional and saving provision

42.—(1) This paragraph applies where, before exit day, an applicant has submitted or renewed a declaration in accordance with regulation 15 of the principal Regulations to the appropriate competent authority, and, on IP completion day, has not lost entitlement to provide services.

(2) The provisions of the principal Regulations relating to the provision of services on a temporary and occasional basis continue to apply on and after IP completion day in relation to the applicant concerned, as they had effect immediately before IP completion day but subject to the modifications specified in sub-paragraph (3), until the earlier of the following—

- (a) the day before that on which renewal of the declaration in accordance with regulation 15(2)(c) would have been required but for the modification specified in sub-paragraph (3); or
- (b) 30th January 2021.

(3) The modifications to the principal Regulations are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State”;
- (b) regulation 5 is to be read as if—
 - (i) in paragraph (2), “, using the IMI procedure” were omitted;
 - (ii) paragraph (3) were omitted;
 - (iii) in paragraph (5), for the words from “rules” to the end there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018(2)”;
 - (iv) paragraph (7) were omitted;
 - (v) for paragraph (8), there were substituted—

“(8) Where a competent authority asks for advanced electronic signatures under Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market for the completion of procedures referred to in paragraph (6), it must act in accordance with Article 27 of that Regulation (and for this purpose the completion of the procedures is to be treated as the use of an online service to which that Article applies).”;

- (vi) paragraph (9) were omitted;
- (vii) in paragraph (10), for “regulations 21 and 42” there were substituted “regulation 21”;
- (viii) after paragraph (11), there were inserted—

(2) 2018 c. 12. Section 3(9) was amended by [S.I. 2019/419](#).

“(12) If the applicant does not provide any certified copies requested under paragraph (6) before the expiry of the time limit for the competent authority to notify the applicant of its decision under regulation 21, the competent authority may refuse the provision of services.”;

- (c) regulation 15 is to be read as if—
 - (i) in paragraph (2), sub-paragraph (c) and the “and” immediately before it were omitted;
 - (ii) paragraph (3) were omitted;
- (d) regulation 23 is to be read as if in paragraph (2) after “the applicant may” there were inserted “not”;
- (e) regulation 24 is to be read as if paragraphs (2), (3) and (4) were omitted;
- (f) regulation 25 is to be read as if—
 - (i) after paragraph (1), there were inserted—

“(1A) If the competent authorities of the home State fail to provide the information requested under paragraph (1) within such period as may be specified in the request, the applicant will no longer be entitled to provide services in the profession that the applicant is pursuing in the United Kingdom in accordance with this Part nor retain any temporary registration.”;

- (ii) paragraph (3) were omitted;
 - (g) regulation 26(e) is to be read as if for the words from “the VAT identification” to the end there were substituted “the country in which the applicant is VAT registered and the applicant’s VAT registration number”;
 - (h) Parts 4 and 5 are to be ignored;
 - (i) in regulation 66—
 - (i) paragraph (1) is to be read as if for “must” there were substituted “may”;
 - (ii) paragraph (3) is to be read as if for the words from “rules” to the end there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018”;
 - (j) regulation 67 is to be ignored, save to the extent that paragraph 47 of this Schedule applies;
 - (k) regulation 68, so far as it relates to an appeal under regulation 67, is to be ignored, save to the extent that paragraph 47 of this Schedule applies.
- (4) In this paragraph, “applicant” has the meaning in regulation 8(3) of the principal Regulations—
- (a) before amendment made by Part 2; and
 - (b) with the omission of the words “including Part 4”.

Temporary and occasional provision – transitional and saving provision relating to certain sectoral professions

43.—(1) In connection with the provisions referred to in sub-paragraph (2), so far as they continue to have effect after IP completion day—

- (a) regulations 3(9), 9 and 14 to 16 of the 2007 Regulations, as well as any other provision of those Regulations which, immediately before IP completion day, applied in connection with regulations 9 and 14 to 16, continue to apply as they

applied immediately before IP completion day, by virtue of regulation 78(3) of the principal Regulations, but with the modifications specified in paragraph 48(3) or 49(3) of this Schedule (as the case may be);

- (b) regulations 3(8), 13 and 19 to 23 of the principal Regulations, as well as any other provision of those Regulations which, immediately before IP completion day, applied in connection with regulations 13 and 19 to 23, continue to apply without the amendments made by Part 2, but with the modifications specified in paragraph 42(3) of this Schedule.

(2) The provisions are—

- (a) Schedule 1B to the Veterinary Surgeons Act 1966(3);
- (b) Schedule 2A to the Medical Act 1983(4);
- (c) Schedule 4 to the Dentists Act 1984(5);
- (d) Schedule 2A to the Nursing and Midwifery Order 2001(6);
- (e) Schedule 2 to the Pharmacy Order 2010(7).

Applications begun before IP completion day – establishment under Chapters 1 and 2 of Part 3 of the principal Regulations - transitional and saving provision

44.—(1) This paragraph applies where—

- (a) before IP completion day, an applicant has made an application to a competent authority or to a point of single contact under, or relying on an entitlement under, Chapters 1 and 2 of Part 3 of the principal Regulations; and
- (b) the application has not been finally determined before IP completion day.

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

- (a) the competent authority has notified or is deemed to have notified the applicant of its decision; and
- (b) either—
 - (i) the period for appeal against that decision under the principal Regulations has expired without an appeal being made; or
 - (ii) an appeal made under regulation 68(1) of the principal Regulations against a decision taken or deemed to be taken under regulations 10 or 42(2) has been determined.

(3) The provisions of the principal Regulations continue to apply on and after IP completion day as they had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (4), in relation to—

- (a) the application concerned; and
- (b) any appeal under regulation 68(1) of the principal Regulations against a decision taken or deemed to be taken under regulations 10 or 42(2) in relation to that application.

(3) 1966 c. 36. Schedule 1B was inserted by S.I. 2008/1824 and amended by S.I. 2011/1043, 2015/2073. Schedule 1B is revoked with savings by SI 2019/454 with effect from IP completion day

(4) 1983 c. 54. Schedule 2A was inserted by S.I. 2007/3101 and amended by S.I. 2016/1030. Schedule 2A is revoked with savings by SI 2019/593 with effect from IP completion day.

(5) 1984 c. 24. Schedule 4 was substituted by S.I. 2007/3101 and amended by S.I. 2016/1030. Schedule 4 is revoked with savings by SI 2019/593 with effect from IP completion day.

(6) S.I. 2002/253. Schedule 2A was inserted by S.I. 2007/3101 and amended by S.I. 2011/1043, 2016/1030. Schedule 2A is revoked with savings by SI 2019/593 with effect from IP completion day.

(7) S.I. 2010/231, amended by S.I. 2016/1030. Schedule 2 is revoked with savings by SI 2019/593 with effect from IP completion day.

- (4) The modifications to the principal Regulations are as follows—
- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
 - (b) regulation 5 is to be read as if—
 - (i) in paragraph (2), after “IMI procedure” there were inserted “where appropriate in accordance with Article 29(2) of the withdrawal agreement⁽⁸⁾”;
 - (ii) paragraph (3) were omitted;
 - (iii) for paragraph (4), there were substituted—
 - “(4) A competent authority must—
 - (a) act as a point of single contact for their regulated professions; and
 - (b) provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
 - (iv) in paragraph (5), for the words from “rules” to the end there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018.”;
 - (v) for paragraph (8) there were substituted—
 - “(8) Where a competent authority asks for advanced electronic signatures under Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market for the completion of procedures referred to in paragraph (6), it must act in accordance with Article 27 of that Regulation (and for this purpose the completion of the procedures is to be treated as the use of an online service to which that Article applies).”;
 - (vi) paragraph (9) were omitted;
 - (vii) in paragraph (10), for “regulations 21 and” there were substituted “regulation”;
 - (c) regulation 41 is to be ignored;
 - (d) regulation 42(5) is to be ignored;
 - (e) Parts 4 and 5 are to be ignored;
 - (f) regulation 66(3) is to be read as if for the words from “rules” to the end there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018 and through use of the IMI procedure where appropriate, in accordance with Article 29(2) of the withdrawal agreement”;
 - (g) regulation 67 is to be ignored, save to the extent that paragraph 47 of this Schedule applies;
 - (h) regulation 68, so far as it relates to an appeal under regulation 67, is to be ignored, save to the extent that paragraph 47 of this Schedule applies.
- (5) In this paragraph, “applicant” has the meaning in regulation 8(4) of the principal Regulations—
- (a) before amendment made by Part 2; and
 - (b) with the omission of the words “including Part 4”.

(8) See section 39(1) of the 2020 Act for the definition of “withdrawal agreement”.

Administrative co-operation under the withdrawal agreement and the EEA EFTA separation agreement

45.—(1) This paragraph applies where an individual has, before IP completion day, made an application falling under Article 28 of the withdrawal agreement or Article 27 of the EEA EFTA separation agreement⁽⁹⁾ to a competent authority in a European State for recognition of a professional qualification awarded or recognised by a competent authority in the United Kingdom.

(2) Where sub-paragraph (1) applies, the competent authority in the United Kingdom—

(a) must cooperate with the competent authority or assistance centre in the European State, or with the individual (as the case may be), in accordance with—

(i) regulation 5(2), (4) and (5) of the principal Regulations, as modified in accordance with paragraph 44(4)(b), and

(ii) regulation 5(3) of the principal Regulations; and

(b) for the purposes of paragraph (a), may exchange information with the European State competent authority regarding disciplinary action or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(3) Competent authorities in the United Kingdom must exchange information for the purposes of sub-paragraph (2) in accordance with data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018 and through use of the IMI procedure where appropriate, in accordance with Article 29(2) of the withdrawal agreement.

(4) In this paragraph, a reference to the principal Regulations is to those Regulations as they had effect immediately before IP completion day, and—

“competent authority” has the meaning in regulation 2(1) of the principal Regulations; and

“European State” means an EEA State other than the United Kingdom.

Certificates of Experience – Chapter 3 of Part 3 of the principal Regulations - transitional and saving provision

46.—(1) Where, before IP completion day, a person has applied to ECCTIS Limited⁽¹⁰⁾ for a Certificate of Experience under regulation 36 of the principal Regulations—

(a) that regulation; and

(b) any other provision of the principal Regulations so far as it relates to regulation 36,

continue to apply on and after IP completion day as they had effect immediately before IP completion day in relation to that application.

(2) Regulation 37 continues to apply on and after IP completion day as it had effect immediately before IP completion day in relation to any Certificate of Experience issued by ECCTIS under the principal Regulations.

Alert mechanism – saving provision

47.—(1) This paragraph applies where a designated competent authority has, before IP completion day, sent an alert under regulation 67 of the principal Regulations.

⁽⁹⁾ See section 39(1) of the 2020 Act for the definition of “EEA EFTA separation agreement”.

⁽¹⁰⁾ ECCTIS Limited is a private limited company registered in England and Wales with company number 2405026.

(2) Regulations 67 and 68 of the principal Regulations continue to apply on and after IP completion day as they had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (3), in relation to—

- (a) the decision to send the alert; and
- (b) any appeal made in relation to that decision.

(3) The modifications to the principal Regulations are as follows—

- (a) regulations 67(1) to (6) are to be ignored;
- (b) regulation 67(8) is to be read as if for “qualify the alert to show that it” there were substituted “notify the Commission that the alert”;
- (c) regulation 67(9) is to be read as if for the words from “delete” to “it”, there were substituted “notify the Commission within three days of a decision revoking the alert”;
- (d) regulation 68(5) is to be read as if for sub-paragraph (b) there were substituted—
 - “(b) allow the appeal and direct the designated competent authority to take such steps as the appeal body thinks fit to draw the findings of the appeal body to the attention of the Commission.”.

The 2007 Regulations – Temporary and occasional provision of services - transitional and saving provision

48.—(1) This paragraph applies where, before exit day, an applicant has submitted or renewed a declaration in accordance with regulation 11 of the 2007 Regulations to the appropriate competent authority, and, on IP completion day, has not lost entitlement to provide services.

(2) The provisions of the 2007 Regulations relating to the provision of services on a temporary and occasional basis continue to apply on and after IP completion day in relation to the applicant concerned, as they had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (3), until the earlier of the following—

- (a) the day before that on which renewal of the declaration in accordance with regulation 11(2)(c) would have been required but for the modification specified in sub-paragraph (3); or
- (b) 30th January 2021.

(3) The modifications to the 2007 Regulations are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
- (b) regulation 5 is to be read as if paragraphs (5) and (7) were omitted;
- (c) regulation 11 is to be read as if—
 - (i) paragraph (2)(c) and the “and” immediately before it were omitted;
 - (ii) paragraph (3) were omitted;
- (d) regulation 16(5) is to be read as if after “the applicant may” there were inserted “not”;
- (e) regulation 17 is to be read as if paragraphs (2), (3) and (4) were omitted;
- (f) regulation 18 is to be read as if after paragraph (2), there were inserted—

“(3) If the competent authorities of the home State fail to provide the information requested under paragraph (1)(a) within such period as may be

specified in the request, the applicant will no longer be entitled to provide services in the profession that the applicant is pursuing in the United Kingdom in accordance with this Part nor retain any temporary registration.”;

- (g) regulation 19(e) is to be read as if for the words from “the VAT identification” to the end there were substituted “the country in which the applicant is VAT registered and the applicant’s VAT registration number”.

(4) In this paragraph, “applicant” has the meaning in regulation 6(3) of the 2007 Regulations, as those Regulations had effect immediately before IP completion day, but does not include a relevant applicant as defined in paragraph 49(2).

Temporary and occasional provision of services – additional rights under the Swiss citizens’ rights agreement

49.—(1) This paragraph applies in relation to a relevant applicant.

(2) In this paragraph, a “relevant applicant” means an individual—

- (a) who provides services in a regulated profession in the United Kingdom on a temporary and occasional basis on the basis of a written contract which was concluded, and the performance of which started, before IP completion day;
- (b) who began providing the services described in paragraph (a) either—
- (i) before IP completion day, in an employed or self-employed capacity; or
 - (ii) on or after IP completion day, as an employee posted for the purpose of carrying on professional activities in the United Kingdom by their employer who is established in the United Kingdom or Switzerland;
- (c) who is a national of the United Kingdom or Switzerland, or a third country national who was, immediately before IP completion day, by virtue of any enforceable EU right entitled to be treated no less favourably than a national of either state, for the purposes of access to and pursuit of a regulated profession;
- (d) who is legally established in Switzerland for the purpose of pursuing the same profession there; and
- (e) who, if neither the regulated profession the individual wishes to access and pursue in the United Kingdom nor the education and training leading to it is regulated in Switzerland, has pursued that profession in Switzerland for at least two years during the ten years preceding the provision of services in the United Kingdom,

and “third country” and “same profession” have the meanings in regulation 2(1) of the 2007 Regulations as they had effect immediately before IP completion day.

(3) The provisions of the 2007 Regulations relating to the provision of services on a temporary and occasional basis continue to apply on and after IP completion day in relation to a relevant applicant, as they had effect immediately before IP completion day but subject to the modifications specified in sub-paragraph (4), until—

- (a) the end of the period of five years beginning with IP completion day; or
- (b) where the period referred to in paragraph (a) is extended in accordance with Article 23(2) of the Swiss citizens’ rights agreement⁽¹¹⁾, the end of that period as extended.

(4) The modifications to the 2007 Regulations referred to in sub-paragraph (3) are as follows—

⁽¹¹⁾ See section 39(1) of the 2020 Act for the definition of “Swiss citizens’ rights agreement”.

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
- (b) regulation 5 is to be read as if—
 - (i) for “other relevant European States” in paragraphs (2)(a) and (b) and (3), and “another relevant European State which regulates that profession” in paragraph (5), there were substituted “Switzerland”;
 - (ii) for paragraph (7), there were substituted—

“(7) A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
- (c) in regulation 6(3), the definition of “applicant” is to be read as meaning a relevant applicant as defined in sub-paragraph (2) of this paragraph;
- (d) regulation 10(1) is to be read as if for “another relevant European State” there were substituted “Switzerland”;
- (e) regulation 11(1) is to be read as if for “another relevant European State” there were substituted “Switzerland”;
- (f) regulation 12 is to be read as if—
 - (i) in paragraph (1), after sub-paragraph (a) the “or” were omitted and there were inserted—

“(aa) for the first renewal of the declaration following IP completion day, or”;
 - (ii) in paragraph (2)—
 - (aa) in sub-paragraph (a), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
 - (bb) in sub-paragraph (b), for “another relevant European State” there were substituted “Switzerland”;
 - (cc) after sub-paragraph (e), there were inserted—

“(f) evidence of the written contract which was concluded, and the performance of which started, before IP completion day.”;
- (g) regulation 17(1) is to be read as if—
 - (i) after sub-paragraph (a), the “or” were omitted;
 - (ii) after sub-paragraph (b) there were inserted—
 - (c) the applicant ceases for any reason other than one falling within sub-paragraph (b) to be established for the purposes of pursuing that profession in Switzerland; or
 - (d) the applicant ceases to provide services pursuant to a written contract which was concluded, and the performance of which started, before IP completion day.”;
- (h) regulation 18(1) is to be read as if—
 - (i) in sub-paragraph (a), for “the home State” there were substituted “Switzerland”;
 - (ii) in sub-paragraph (b), for “other relevant European States” there were substituted “Switzerland”;
- (i) regulation 19 is to be read as if—

- (i) for “the home State”, in both places it occurs, there were substituted “Switzerland”;
- (ii) in paragraph (e), for the words from “the VAT identification” to the end there were substituted “the country in which the applicant is VAT registered and the applicant’s VAT identification number”.

Applications begun before IP completion day – establishment under Chapters 1 and 2 of Part 3 of the 2007 Regulations - transitional and saving provision

50.—(1) This paragraph applies where—

- (a) before IP completion day, an applicant has made an application to a competent authority under, or relying on an entitlement under, Chapters 1 and 2 of Part 3 of the 2007 Regulations; and
- (b) the application has not been finally determined before IP completion day.

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

- (a) the competent authority has notified or is deemed to have notified the applicant of its decision; and
- (b) either—
 - (i) the period for appeal against that decision under the 2007 Regulations has expired without an appeal being made; or
 - (ii) an appeal made under regulation 36(1) of the 2007 Regulations against a decision taken or deemed to have been taken under regulation 34 has been determined.

(3) The provisions of the 2007 Regulations continue to apply on and after IP completion day as they had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (4), in relation to—

- (a) the application concerned; and
- (b) any appeal under regulation 36 of the 2007 Regulations against a decision taken or deemed to have been taken under regulation 34 in relation to that application.

(4) The modifications to the 2007 Regulations are as follows—

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
- (b) regulation 5 is to be read as if for paragraph (7), there were substituted—

“(7) A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”.

(5) In this paragraph, “applicant” has the meaning in regulation 6(3) of the 2007 Regulations, as those Regulations had effect immediately before IP completion day.

Qualifications begun before IP completion day – extended period for applications under the Swiss citizens’ rights agreement

51.—(1) This paragraph applies in relation to a qualifying applicant.

(2) In this paragraph, a “qualifying applicant” means an individual who—

- (a) is a national of the United Kingdom or Switzerland, or a third country national who was, immediately before IP completion day, by virtue of any enforceable EU

- right entitled to be treated no less favourably than a national of either state, for the purposes of access to and pursuit of a regulated profession;
- (b) wishes to access and pursue a regulated profession in the United Kingdom on a permanent basis, whether in an employed or self-employed capacity;
 - (c) has obtained a relevant qualification;
 - (d) if that relevant qualification was obtained in a third country, has three years' professional experience in the profession concerned in the territory of Switzerland and certified by a competent authority in Switzerland; and
 - (e) if that relevant qualification is a professional qualification obtained in an EEA State, is legally established in Switzerland, unless the individual is a Swiss national.
- (3) In this paragraph, “relevant qualification” means —
- (a) a professional qualification obtained in an EEA State or Switzerland before IP completion day;
 - (b) a professional qualification started in an EEA State or Switzerland before IP completion day but completed after IP completion day;
 - (c) a third country professional qualification recognised by a competent authority in Switzerland pursuant to Article 2(2) of [Directive 2005/36/EC](#) before IP completion day;
 - (d) a third country professional qualification for which an application for recognition pursuant to Article 2(2) of [Directive 2005/36/EC](#) has been submitted to a competent authority in Switzerland before IP completion day, where that application is successful after IP completion day.
- (4) In this paragraph—
- “[Directive 2005/36/EC](#)” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications⁽¹²⁾, as it had effect immediately before IP completion day;
- “competent authority”, “professional qualification” and “third country” have the meanings in regulation 2(1) of the 2007 Regulations as they had effect immediately before IP completion day.
- (5) Where a qualifying applicant makes an application to a competent authority for recognition of a relevant qualification before the end of the period of four years beginning with IP completion day, the provisions of the 2007 Regulations continue to apply on and after IP completion day as those Regulations had effect immediately before IP completion day, but subject to the modifications specified in sub-paragraph (6), in relation to—
- (a) the application concerned; and
 - (b) any appeal under regulation 36 of the 2007 Regulations against a decision made under regulation 34 in relation to that application.
- (6) The modifications to the 2007 Regulations are as follows—
- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State” in regulation 2(1);
 - (b) regulation 5 is to be read as if—
 - (i) in paragraph (5), for “another relevant European State which regulates that profession” there were substituted “Switzerland”;

(12) OJ No L255, 30.09.2005, p 22.

(ii) for paragraph (7), there were substituted—

“(7) A competent authority must provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;

(c) in regulation 6(4), the definition of “applicant” is to be read as meaning a qualifying applicant as defined in sub-paragraph (2) of this paragraph.

Certificates of Experience – Chapter 3 of Part 3 of the 2007 Regulations - transitional and saving provision

52.—(1) Where, before IP completion day, a person has applied to ECCTIS Limited for a Certificate of Experience under regulation 29 of the 2007 Regulations—

(a) that regulation; and

(b) any other provision of the 2007 Regulations so far as it relates to regulation 29,

continue to apply on and after IP completion day as they had effect immediately before IP completion day in relation to that application.

(2) Regulation 30 of the 2007 Regulations continues to apply on and after IP completion day as it had effect immediately before IP completion day in relation to any Certificate of Experience issued by ECCTIS under the 2007 Regulations.

Further provisions relating to the Swiss citizens’ rights agreement

53.—(1) In dealing with a relevant applicant (as defined in paragraph 49(2)) who provides services in the United Kingdom pursuant to paragraph 49, a competent authority must treat the applicant no less favourably than it would treat a native applicant (as defined in regulation 2(1) of the 2007 Regulations) providing services in the United Kingdom.

(2) Where an individual is providing services on a temporary and occasional basis in Switzerland pursuant to Article 23 of the Swiss citizens’ rights agreement, the appropriate competent authority in the United Kingdom must cooperate with and provide the appropriate competent authority in Switzerland with any information relevant to the legality of the individual’s establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature, in accordance with regulation 5(2), (3) and (4) of the 2007 Regulations.

(3) Where an individual has made or makes an application falling within Article 31(1) or Article 32(1) or (5) of the Swiss citizens’ rights agreement to a competent authority in Switzerland for recognition of a professional qualification awarded or recognised by a competent authority in the United Kingdom, the appropriate competent authority in the United Kingdom must cooperate with and provide information to the competent authority or contact point in Switzerland, or the individual (as the case may be), in accordance with regulation 5(2) to (7) of the 2007 Regulations.

(4) Competent authorities in the United Kingdom must exchange information for the purposes of sub-paragraphs (2) and (3) in accordance with data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018.

(5) An individual, in connection with the recognition of professional qualifications in Switzerland pursuant to Article 31(1) or Article 32(1) or (5) of the Swiss citizens’ rights agreement, may make an application to ECCTIS Limited for a Certificate of Experience, and where that individual does so—

- (a) regulation 29 of the 2007 Regulations, and any other provision of the 2007 Regulations so far as it relates to regulation 29, applies on and after IP completion day in relation to that application; and
- (b) regulation 30 of the 2007 Regulations applies on and after IP completion day in relation to any Certificate of Experience issued by ECCTIS under the 2007 Regulations.

(6) In this paragraph, a reference to the 2007 Regulations is to those Regulations as they had effect immediately before IP completion day, and “competent authority” has the meaning in regulation 2(1) of the 2007 Regulations.”.

4. In Schedule 2 (amendments etc. of secondary legislation relating to school teachers)—

- (a) in paragraph 1(3), in the substituted paragraph 8—
 - (i) renumber the second sub-paragraph (1)(a) as (c);
 - (ii) in sub-paragraph (1)(c), for “paragraph 48” substitute “paragraph 50 or paragraph 51”;
 - (iii) after sub-paragraph (1)(c) insert—
 - “(d) paragraph 42, paragraph 48 or paragraph 49 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019.”;
- (b) in paragraph 1(4), in the substituted paragraph 8A(1)(a)—
 - (i) renumber existing sub-paragraph (ii) as (iii);
 - (ii) after sub-paragraph (i), omit “or” and insert—
 - “(ii) paragraph 42 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019; or”.