

SCHEDULE 3

Article 40

THE COMPETENT AUTHORITY FOR CERTAIN EEA PURPOSES

1.—(1) The Council shall be the competent authority in the United Kingdom for the purposes of—

- (a) Directive 77/452/EEC (mutual recognition of diplomas, certificates and other evidence of formal qualifications in nursing);
- (b) Directive 77/453/EEC (coordination of provisions laid down by law, regulation or administrative action in respect of activities of nurses responsible for general care);
- (c) Directive 80/154/EEC (mutual recognition of diplomas, certificates and other evidence of formal qualifications in midwifery); and
- (d) Directive 80/155/EEC (coordination of provisions laid down by law, regulation or administrative action in respect of activities of midwives).

(2) Accordingly, the Council shall as respects the United Kingdom perform (in addition to any functions provided for elsewhere) the following functions conferred by the Directives (the relevant article of those Directives being referred to in brackets where it is not otherwise mentioned)—

- (a) where the United Kingdom is the host State, the function of providing, where the Council see fit, the information referred to in the first paragraph of articles 6(3) and 7(2) of Directive 77/452 and 7(3) and 8(2) of Directive 80/154;
- (b) where the Council receive such information, the function of verifying the accuracy of the facts, of deciding on the nature and extent of the investigation to be made and of informing the host State of action taken (as mentioned in the second paragraph of articles 6(3) and 7(2) of Directive 77/452 and 7(3) and 8(2) of Directive 80/154, such information to be provided within the period of three months beginning with the date on which the request for information was received);
- (c) the function of receiving or (as the case may be) forwarding the information referred to in article 7(1) of Directive 77/452 or 8(1) of Directive 80/154;
- (d) the function of ensuring the confidentiality of information forwarded under articles 6 and 7 of Directive 77/452 (articles 6(3) and 7(3)) and 7 and 8 of Directive 80/154 (7(4) and 8(3));
- (e) the function of supplying the certificates referred to in the second and third indents of article 11(3) of Directive 77/452 and 13(3) of 80/154 in the case of a person established in the United Kingdom, and of withdrawing the former in the circumstances referred to in article 11(5) of Directive 77/452 and 13(5) of Directive 80/154; and
- (f) the functions of requiring, in the event of justified doubts, confirmation of authenticity of diplomas, certificates and other evidence of formal qualifications granted by another EEA State and confirmation that a national of an EEA State seeking registration under this Act by virtue of a primary European qualification not granted in the United Kingdom has fulfilled the Directive's training requirements (article 16 of Directive 77/452 and article 17 of Directive 80/154).

(3) In addition, in relation to United Kingdom qualifications the Council shall as respects the United Kingdom have the functions of a competent authority referred to in the following articles of Directive 77/452/EEC and Directive 80/154/EEC—

- (a) the function of issuing in respect of practice in the United Kingdom the certificate of effective and lawful practice referred to in article 4(1) of Directive 77/452 and article 5(1) and 5(2) of Directive 80/154;

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- (b) article 4(2) and 5(3) (issue of certificates of fulfilment of Directive training requirements in respect of qualifications which do not conform with the designations set out in the Directive);
- (c) article 6(1) of Directive 77/452 and article 7(1) of Directive 80/154 (issue of certificates of good standing);
- (d) article 8, second paragraph of Directive 77/452 and article 9, second paragraph of Directive 80/154 (issue of certificates of physical or mental health); and
- (e) article 16 of Directive 77/452 and article 17 of Directive 80/154 (function of confirming authenticity of qualifications and of confirming that a person has fulfilled the Directive's training requirements).

(4) The Council is hereby designated as respects the United Kingdom for the purposes set out in this regulation in accordance with article 17 of Directive [77/452/EEC](#) and article 18 of Directive [80/154/EEC](#) (which requires member States to designate the authorities competent to issue or receive the diplomas, documents and other information referred to in that Directive).

(5) Subject to paragraph (6) below, the Secretary of State may give directions to the Council in connection with—

- (a) their functions under or by virtue of this regulation, and
- (b) any other functions of theirs which arise from Community obligations and which relate to United Kingdom or other European qualifications, or to registration under the Order by virtue of any qualifications;

and it shall be the duty of the Council to comply with any such directions.

(6) Directions given under paragraph (5) above may be as to matters of administration only.