

*This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament on 22<sup>nd</sup> July 2020 and published on 28<sup>th</sup> July 2020 (ISBN 9780348210378). It is being issued free of charge to all known recipients of that draft Statutory Instrument. This Statutory Instrument has also been printed to correct errors in S.I.s 2019/593 and 2019/585 and is being issued free of charge to all known recipients of those Statutory Instruments.*

*Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, section 66(3) of the Children and Social Work Act 2017, paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018 and paragraph 3(1) of Schedule 4 to the European Union (Withdrawal Agreement) Act 2020, for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

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

**The European Qualifications (Health and  
Social Care Professions) (EFTA States)  
(Amendment etc.) (EU Exit) Regulations 2020**

*Made* - - - - **\*\*\***

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) (“the 1972 Act”), section 66(1) and (2) of the Children and Social Work Act 2017(2) (“the 2017 Act”), section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(3) (“the 2018 Act”) and sections 12, 14 and 41(1)

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(1) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3 of, and the Schedule to, the European Union (Amendment) Act 2008 (c.7). By virtue of the amendments to section 1(2) by section 1 of the European Economic Area Act 1993 (c.51), regulations may be made under section 2(2) of the 1972 Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed in Brussels on 17th March 1993 (Cm 2183). The 1972 Act is repealed with effect from IP completion day by section 1 of the European Union (Withdrawal) Act 2018 (c.16).

(2) 2017 c. 16.

(3) 2018 c. 16.

of, and paragraph 12 of Schedule 4 to, the European Union (Withdrawal Agreement) Act 2020<sup>(4)</sup> (“the 2020 Act”).

The Secretary of State is designated<sup>(5)</sup> for the purposes of section 2(2) of the 1972 Act in relation to recognition of higher education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.

In accordance with the requirements in paragraph 2(2) of Schedule 2 to the 1972 Act, section 66(3) of the 2017 Act, paragraph 1(3) of Schedule 7 to the 2018 Act and paragraph 3(1) of Schedule 4 to the 2020 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

## PART 1

### Introduction

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020.

(2) These Regulations come into force immediately before IP completion day.

(3) An amendment made by these Regulations has the same extent as the provision it amends.

## PART 2

### Amendments to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019

#### **Amendments to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019**

2. The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019<sup>(6)</sup> are amended in accordance with regulations 3 to 19.

#### **Insertion of general interpretation provision**

3. After regulation 1 (citation, commencement and extent), insert—

##### **“Interpretation**

1A.—(1) In these Regulations—

“the 2017 Act” means the Children and Social Work Act 2017<sup>(7)</sup>;

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(4) 2020 c. 1.

(5) See S.I. 1995/3207, 2002/248 and 2003/2901. Under section 57(1) of the Scotland Act 1998 (c.46), despite the transfer to Scottish Ministers of functions in relation to implementation of obligations under European Union law in relation to certain matters by virtue of section 53 of that Act, the function of the Secretary of State in relation to any matter continues to be exercisable by the Secretary of State as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972 (c.68).

(6) S.I. 2019/593.

(7) 2017 c. 16.

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007<sup>(8)</sup>;

“the Directive” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as it had effect immediately before IP completion day;

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

“existing contract” means a written contract which was concluded, and the performance of which started, before IP completion day;

“qualifying applicant” means an individual—

- (a) 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 the United Kingdom or Switzerland for the purposes of access to and pursuit of a regulated profession,
- (b) who 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) who has obtained a relevant qualification,
- (d) who, 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 Swiss competent authority, and
- (e) who, 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;

“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 an existing contract,
- (b) who began providing, or begins to provide, the services mentioned 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 the United Kingdom or Switzerland 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

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<sup>(8)</sup> [S.I. 2007/2781](#). [S.I. 2007/2781](#) was revoked by [S.I. 2015/2059](#), but continued to apply (in relation to Swiss nationals) before IP completion day by virtue of regulation 78 of [S.I. 2015/2059](#) and regulation 155 of [S.I. 2016/1030](#). A relevant amending instrument is [S.I. 2020/\\*\\*\\*](#).

regulated in Switzerland, has pursued that profession in Switzerland for at least two years during the ten years preceding the provision of services;

“relevant European State” means an EEA State or Switzerland;

“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 but not completed before 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;

“same profession” means the profession for which the applicant is qualified in the applicant’s home State if the activities covered are comparable;

“Swiss applicant” means a person who is—

- (a) a national of the United Kingdom,
- (b) a national of Switzerland, or
- (c) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a particular profession, no less favourably than a national of either of those states;

“Swiss recognition period” means the period of four years beginning with the day immediately after IP completion day;

“third country” has the same meaning as in regulation 2(1) of the 2007 Regulations;

“visiting practitioner transitional period” means—

- (a) the period of five years beginning with IP completion day, or
- (b) if the period in sub-paragraph (a) is extended in accordance with Article 23(2) of the Swiss citizens’ rights agreement<sup>(9)</sup>, that period as extended.”.

#### **Insertion of general saving in connection with actions taken etc. before IP completion day**

4. After regulation 12 (social workers in England), insert—

##### **“Actions taken, decisions made etc. before IP completion day: general saving**

**12A.** The amendments, repeals and revocations made by these Regulations to an enactment do not affect the validity of any action or decision taken, or right accrued, before IP completion day under that enactment, except as provided by any applicable saving or transitional provision made by Part 2 of any of the Schedules to these Regulations.”.

#### **Insertion of provisions concerning administrative co-operation and equal treatment**

5. After regulation 12A (as inserted by these Regulations), insert—

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(9) The Swiss citizens’ rights agreement has the meaning given in section 39(1) of the 2020 Act.

### “Equal treatment and administrative co-operation under the Swiss citizens’ rights agreement

**12B.**—(1) In dealing with a relevant applicant who provides services in the United Kingdom pursuant to a relevant savings provision in relation to any matter, the competent authority must treat that person no less favourably than it would treat a native applicant (within the meaning given in regulation 2 of the 2007 Regulations) providing those services in the United Kingdom in relation to that matter.

(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 co-operate 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 the practice information provision.

(3) Where an individual has made or makes an application falling within Articles 31(1) or 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—

- (a) co-operate with the competent authority or contact point in Switzerland or the individual (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Switzerland 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.

(4) A competent authority in the United Kingdom must process information for the purposes of paragraphs (2) and (3) in accordance with data protection legislation within the meaning given in section 3(9) (terms relating to the processing of personal data) of the Data Protection Act 2018<sup>(10)</sup>.

(5) In this regulation—

“the general cooperation provision”, in relation to a competent authority in the United Kingdom, means—

- (a) to the extent it applies to the competent authority, regulation 5(2) to (7) (functions of competent authorities in the United Kingdom) of the 2007 Regulations, and
- (b) where any of the following Schedules applied to the competent authority immediately before IP completion day, that Schedule as it had effect in relation to the competent authority immediately before IP completion day—
  - (i) Schedule 4A (Directive 2005/36: functions of the General Medical Council) to the Medical Act 1983<sup>(11)</sup>;
  - (ii) Schedule 4ZA (Directive 2005/36: functions of the General Dental Council) to the Dentists Act 1984<sup>(12)</sup>;

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<sup>(10)</sup> 2018 c.12.

<sup>(11)</sup> 1983 c. 54. Schedule 4A was inserted by S.I. 2007/3101 and was amended by the Data Protection Act 2018, Schedule 19, paragraph 26, and S.I. 2010/234 and 2016/1030. Schedule 4A is omitted by S.I. 2019/593, but saved for transitional purposes.

<sup>(12)</sup> 1984 c. 24. Schedule 4ZA was inserted by S.I. 2007/3101 and was amended by the Data Protection Act 2018, Schedule 19, paragraph 32, and S.I. 2010/234, 2016/1030 and 2015/806. Schedule 4ZA is omitted by S.I. 2019/593, but saved for transitional purposes.

- (iii) Schedule 3 (Directive 2005/36: functions of the Nursing and Midwifery Council) to the Nursing and Midwifery Order 2001(**13**);
- (iv) Schedule 3 (the Directive: designation of competent authority etc) to the Pharmacy Order 2010(**14**);

“the practice information provision”, in relation to a competent authority, means any of the following provisions which apply to the competent authority—

- (a) section 35B(2) of the Medical Act 1983(**15**);
- (b) section 33C(3) of the Dentists Act 1984(**16**);
- (c) section 13C(3) of the Opticians Act 1989(**17**);
- (d) article 22(10) of the Nursing and Midwifery Order 2001;
- (e) article 22(10) of the Health Professions Order 2001(**18**);
- (f) regulation 5(2), (3) and (4) of the 2007 Regulations;
- (g) article 50 of the Pharmacy Order 2010;
- (h) regulations 25(1)(c) and 26(5)(b)(v) of the Social Workers Regulations 2018(**19**);

“relevant savings provision” means any of the following provisions of these Regulations—

- (a) paragraph 68 (visiting medical practitioners: saving of old law for up to five years)(**20**) of Schedule 1;
- (b) paragraph 45 (visiting pharmacists and pharmacy technicians: saving of old law for up to five years)(**21**) of Schedule 2;
- (c) paragraph 37 or 38 (visiting dentists or dental care professionals: saving of old law for up to five years)(**22**) of Schedule 3;
- (d) paragraph 28 or 29 (visiting nurses, midwives and nursing associates: saving of old law for up to one year)(**23**) of Schedule 4;
- (e) paragraph 26 (visiting opticians: saving of old law for up to five years)(**24**) of Schedule 5;
- (f) paragraph 16 (visiting osteopaths: saving of old law for up to five years)(**25**) of Schedule 6;
- (g) paragraph 15 (visiting chiropractors: saving of old law for up to five years)(**26**) of Schedule 7;

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(13) [S.I. 2002/253](#). Schedule 3 was substituted by [S.I. 2007/3101](#) and amended by the Data Protection Act 2018, Schedule 19, paragraph 285, and [S.I. 2015/806](#) and [2016/1030](#). Schedule 3 is omitted by [S.I. 2019/593](#), but saved for certain purposes.

(14) [S.I. 2010/231](#). Schedule 3 was amended by the Data Protection Act 2018, Schedule 19, paragraph 359, and [S.I.s 2015/806](#) and [2016/1030](#). Schedule 3 is omitted by [S.I. 2019/593](#), but saved for transitional purposes.

(15) Section 35B was substituted by [S.I. 2002/3135](#). It has been amended by [S.I. 2006/1914](#) and [2015/794](#).

(16) Section 33C was inserted by [S.I. 2005/2011](#).

(17) [1989 c. 44](#). Section 13C was inserted by [S.I. 2005/848](#).

(18) [S.I. 2002/254](#); there are amendments to article 22 but none is relevant.

(19) [S.I. 2018/893](#).

(20) The heading for paragraph 68 of Schedule 1 to [S.I. 2019/593](#) is amended by regulation 9(4) of these Regulations.

(21) The heading for paragraph 45 of Schedule 2 to [S.I. 2019/593](#) is amended by regulation 10(5) of these Regulations.

(22) The headings for paragraphs 37 and 38 of Schedule 3 to [S.I. 2019/593](#) were amended by regulation 11(7) and (8) of these Regulations.

(23) The heading for paragraphs 28 and 29 of Schedule 4 to [S.I. 2019/593](#) is amended by regulation 12(5) of these Regulations.

(24) The heading for paragraph 26 of Schedule 5 to [S.I. 2019/593](#) is amended by regulation 13(4) of these Regulations.

(25) The heading for paragraph 16 of Schedule 6 to [S.I. 2019/593](#) is amended by regulation 14(4) of these Regulations.

(26) The heading for paragraph 15 of Schedule 7 to [S.I. 2019/593](#) is amended by regulation 15(4) of these Regulations.

- (h) paragraph 20 (visiting health professionals: saving of old law for up to five years)(**27**) of Schedule 8;
- (i) paragraph 13 (visiting social workers in Scotland: saving of old law for up to five years)(**28**) of Schedule 9;
- (j) paragraph 14 (visiting social work professionals in Northern Ireland: saving of old law for up to five years)(**29**) of Schedule 10;
- (k) paragraph 12 (visiting social work professionals in England: saving of old law for up to five years)(**30**) of Schedule 11.

### **Administrative cooperation under the EEA EFTA citizens' rights agreement**

**12C.**—(1) Where an individual has, before IP completion day, made an application falling under Article 26 of the EEA EFTA citizens' rights agreement to a competent authority in Iceland, Norway or Liechtenstein for recognition of a professional qualification obtained in the United Kingdom, the appropriate competent authority in the United Kingdom must—

- (a) co-operate with the competent authority or assistance centre in Iceland, Norway or Liechtenstein, or with the individual (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Iceland, Liechtenstein or Norway 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.

(2) Competent authorities must process information for the purposes of paragraph (1) in accordance with data protection legislation within the meaning given in section 3(9) of the Data Protection Act 2018.

(3) In this regulation—

“the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015(**31**), as it had effect immediately before IP completion day;

“EEA EFTA citizens' rights agreement” means the Agreement signed at London on 2 April 2019 between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland on arrangements regarding citizens' rights following the withdrawal of the United Kingdom from the European Union and the EEA Agreement;

“the general cooperation provision”, in relation to a competent authority, means—

- (a) where any of the following Schedules applied to the competent authority immediately before IP completion day, that Schedule as it had effect in relation to the authority immediately before IP completion day—
  - (i) Schedule 4A to the Medical Act 1983;
  - (ii) Schedule 4ZA to the Dentists Act 1984;
  - (iii) Schedule 3 to the Nursing and Midwifery Order 2001;
  - (iv) Schedule 3 to the Pharmacy Order 2010;

(27) The heading for paragraph 20 of Schedule 8 to [S.I. 2019/593](#) is amended by regulation 16(8) of these Regulations.

(28) The heading for paragraph 13 of Schedule 9 to [S.I. 2019/593](#) is amended by regulation 17(3) of these Regulations.

(29) The heading for paragraph 14 of Schedule 10 to [S.I. 2019/593](#) is amended by regulation 18(3) of these Regulations.

(30) The heading for paragraph 12 of Schedule 11 to [S.I. 2019/593](#) is amended by regulation 19(c) of these Regulations.

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

- (b) to the extent that they apply to the authority—
  - (i) regulation 5(2), (4) and (5) of the 2015 Regulations, but as modified by paragraph 44(4)(b) of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019<sup>(32)</sup>;
  - (ii) regulation 5(3) of the 2015 Regulations.”.

#### **Amendments to regulation 13 (references to the General Systems Regulations)**

6. For regulation 13 substitute—

“13.—(1) In this regulation “the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015.

(2) In these Regulations (other than in regulation 12C), any reference to the 2015 Regulations (or any provision of those Regulations) includes a reference to the 2007 Regulations (or any provision of those Regulations), so far as the 2007 Regulations—

- (a) continue (or before IP completion day, continued) to apply by virtue of—
  - (i) regulation 78 of the 2015 Regulations;
  - (ii) regulation 155 of the European Qualifications (Health and Social Care Professions) Regulations 2016<sup>(33)</sup>, and
- (b) after IP completion day, continue to apply under Part 3 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019<sup>(34)</sup>.”.

#### **Amendment to regulation 14 (review of continued recognition of certain European qualifications)**

7. In regulation 14(1)(a) for “exit day” substitute “IP completion day”.

#### **Amendments to Part 1 of Schedule 1 (medical practitioners)**

8.—(1) Part 1 of Schedule 1 is amended as follows.

(2) In paragraphs 3, 5(3), 6(3), 7, 8, 12(2) and (3), 13(3), 14, 15(3) and (4), 16(4), 30(2)(a), (b), (d) and (f), and 47(2) and (3), for “exit day” in each place it occurs substitute “IP completion day”.

(3) For paragraph 39(2), substitute—

“(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, on or after the reference date and is not evidence of training commenced by the holder before that date, 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;

<sup>(32)</sup> Paragraph 44(4) is substituted by regulation 5 of S.I. 2020/\*\*\*.

<sup>(33)</sup> S.I. 2016/1030.

<sup>(34)</sup> S.I. 2019/312. Relevant amending instrument is S.I. 2020/\*\*\*.



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

(1B) In paragraph (1), “the reference date”, in relation to a relevant European State, means the date specified in relation to that State in the column entitled “Reference date” in Annex V, point 5.1.4 of the Directive.”.

### **Amendments to Part 2 of Schedule 1 (medical practitioners)**

9.—(1) Part 2 of Schedule 1 is amended as follows.

(2) In paragraphs 66(1) and 67(1), for “exit day” substitute “IP completion day”.

(3) After paragraph 67 insert—

#### **“Swiss medical practitioners: saving of old law**

67A.—(1) This paragraph applies where—

- (a) an application to be registered, or provisionally registered, under the 1983 Act is received from a qualifying Swiss applicant before the end of the Swiss recognition period, or
- (b) an application to be registered under the 1983 Act is received from a qualifying Swiss applicant who is, immediately before the end of the Swiss recognition period, provisionally registered under the 1983 Act.

(2) Where this paragraph applies, any provision made by or under the 1983 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1983 Act and the 2010 Order specified in sub-paragraphs (4) and (5)).

(3) The reference in sub-paragraph (2) to “the establishment provisions” is to the provisions of the following enactments—

- (a) the 1983 Act other than—
  - (i) the provisions of that Act mentioned in the table following paragraph 68(3) of this Schedule, and
  - (ii) sections 5(2A), 21B, 21C, 34D(5), 34G, 34J, 34K, 34L, 44B and 46(2A) (b)(35);
- (b) the National Health Service Pension Scheme Regulations 2008(36);
- (c) the 2010 Order other than the provisions of that Order mentioned in the table following paragraph 68(3);
- (d) the National Health Service Pension Scheme Regulations 2015(37);
- (e) the National Health Service (General Medical Services Contracts) Regulations 2015(38);
- (f) the National Health Service (Personal Medical Services Agreements) Regulations 2015(39).

(4) The modifications to the 1983 Act mentioned in sub-paragraph (2) are—

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(35) Section 5(2A) was inserted by [S.I. 1996/1591](#) and amended by [S.I. 2006/1914](#), [2007/3101](#) and [2008/3131](#). Sections 21B and 21C were inserted by [S.I.2006/1914](#) and amended by [S.I. 2007/3101](#). Sections 34D, 34G, 34J and 34K were inserted by [S.I. 2010/234](#). Section 44B(3) was substituted by [S.I. 2007/3101](#). Section 46(2A) was substituted by [S.I. 2016/1914](#) and amended by [S.I. 2010/234](#) and [2011/1043](#).

(36) [S.I. 2008/653](#).

(37) [S.I. 2015/94](#).

(38) [S.I. 2015/1862](#).

(39) [S.I. 2015/1879](#).

- (a) section 3(**40**) is to be read as if—
- (i) in subsection (1) for paragraph (b) there were substituted—
- “(b) being a Swiss national—
- (i) holds one or more primary European qualifications, and
- (ii) makes an application, before the end of the Swiss recognition period, for registration under this paragraph, or is, at the end of that period, provisionally registered under section 15A (provisional registrations for EEA nationals etc),
- (c) being a national of the United Kingdom—
- (i) holds one or more primary European qualifications obtained in Switzerland, and
- (ii) makes an application, before the end of the Swiss recognition period, for registration under this paragraph, or is, at the end of that period provisionally registered under section 15A, or
- (d) being a national of the United Kingdom who is established in Switzerland and—
- (i) holds one or more primary European qualifications none of which was obtained in Switzerland, and
- (ii) makes an application, before the end of the Swiss recognition period, for registration under this paragraph, or is, at the end of that period, provisionally registered under section 15A.”;
- (ii) for subsection (2) there were substituted—
- “(2) Any person who is a third country national and was, immediately before IP completion day, by virtue of an enforceable EU right (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) entitled to be treated no less favourably than a national of either the United Kingdom or Switzerland for the purposes of access to and pursuit of the medical profession, shall be treated for the purposes of—
- (a) subsection (1)(b), as if he were a Swiss national, or
- (b) subsection (1)(c) or (d), as if he were a United Kingdom national, and shall be treated no less favourably than if he were a national of either of those states, as the case may be.”;
- (b) section 5(4)(**41**) is to be read as if, in the definition of “the Directive”, for “amended from time to time” there were substituted “it had effect immediately before IP completion day”;
- (c) section 14 is to be read as if—
- (i) subsection (3) were omitted;
- (ii) in subsection (4)(a), for “national of a relevant European State” there were substituted “qualifying Swiss applicant”;
- (d) section 14A(**42**) is to be read as if—
- (i) in subsection (1)—

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(40) The relevant amending instrument is [S.I. 2007/3101](#).

(41) The definition of “the Directive” in section 5(4) was substituted by [S.I. 2007/3103](#).

(42) Section 14A was inserted by [S.I. 2007/3101](#) and amended by [S.I. 2011/1043](#) and [2016/1030](#).

- (aa) in the words before paragraph (a), for “national of a relevant European State” there were substituted “qualifying Swiss applicant”;
- (bb) before paragraph (a), there were inserted—
  - “(zb) who makes an application for registration under this section before the end of the Swiss recognition period.”;
- (ii) subsection (2) were omitted;
- (e) section 15A(43) is to be read as if—
  - (i) in subsections (1) and (2), for the words “national of a relevant European State” there were substituted “qualifying Swiss applicant”;
  - (ii) in subsection (2), for the words “his fitness to practise is not impaired” there were substituted—
    - “—
    - (c) the person makes an application, before the end of the Swiss recognition period, for registration under this section, and
    - (d) the person’s fitness to practise is not impaired.”;
  - (iii) subsection (3) were omitted;
  - (iv) in subsection (5), after “medical training” there were inserted “in a relevant European State”;
- (f) section 16(2) is to be read as if “other than a primary United Kingdom qualification” were omitted;
- (g) section 17(1) is to be read as if “other than the United Kingdom” were omitted;
- (h) section 19(44) is to be read as if—
  - (i) before subsection (1), there were inserted—
    - “(A1) Subsection (1) applies only in relation to a qualifying Swiss applicant—
    - (a) who has made an application, before the end of the Swiss recognition period, for registration under this section, or
    - (b) who is provisionally registered under section 21.”;
  - (ii) in subsection (1)—
    - (aa) in the words before paragraph (a), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (bb) for paragraph (aa), there were substituted—
      - “(aa) that qualification has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying the person to practise as a medical practitioner in Switzerland.”;
    - (iii) subsection (2) were omitted;
    - (iv) in subsection (3), paragraph (a) were omitted;
- (i) section 19A(45) is to be read as if—

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(43) Section 15A was inserted by [S.I. 2000/3041](#) and amended by [S.I. 2007/3101](#), [2006/1914](#) and [2011/1043](#).

(44) Section 19 was substituted by [S.I. 2002/3135](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#) and [2011/1043](#).

(45) Section 19A was inserted by [S.I. 2007/3101](#) and amended by [S.I. 2016/1030](#).

- (i) in the words before paragraph (a), for “An exempt person” there were substituted “A qualifying Swiss applicant”;
- (ii) before paragraph (a), there were inserted—
  - “(zb) who has made an application for registration under this section before the end of the Swiss recognition period;”;
- (j) section 21(46) is to be read as if for subsection (2) there were substituted—
  - “(2) Where a qualifying Swiss applicant—
    - (a) makes an application to the General Council, before the end of the Swiss recognition period, 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 practitioner shall, if the Council think fit so to direct, be provisionally registered under this section.”;
- (k) section 55(1)(47) is to be read as if—
  - (i) in the definition of “the General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning of regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (ii) in the appropriate places, there were inserted—
    - ““qualifying Swiss applicant” has the meaning given in paragraph 67A(6) of Schedule 1 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
    - ““Swiss recognition period” means the period of four years beginning with the day immediately after IP completion day;”;
  - (iii) after subsection (1), there were inserted—
    - “(1ZB) For the purposes of this Act, an application for registration is made when it is received by the Registrar.”.
- (5) The modifications to the 2010 Order mentioned in sub-paragraph (2) are—
  - (a) article 2 is to be read as if—
    - (i) after the definition of “the Act”, there were inserted—
      - ““the Directive” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as it had effect immediately before IP completion day;”;
    - (ii) after the definition of “previous legislation”, there were inserted—
      - ““qualifying Swiss applicant” has the meaning given in paragraph 67A(6) of Schedule 1 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;
  - (b) article 4 is to be read as if—
    - (i) in paragraph (1)—

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(46) Relevant amending instruments are [S.I. 2002/3135](#), [2006/1914](#) and [2007/1043](#).

(47) The definition of “the Directive” was inserted by [S.I. 2007/3101](#).

- (aa) for “exempt persons” there were substituted “qualifying Swiss applicants”;
- (bb) the words “other than the United Kingdom” were omitted;
- (ii) in paragraph (4), “Subject to paragraph (5),” were omitted;
- (iii) paragraph (5) were omitted;
- (iv) for paragraph (6)(a), there were substituted—
  - “(a) is a qualifying Swiss applicant who holds a qualification in general practice which was granted otherwise than in a relevant European State but has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying that person to practise as a general practitioner in Switzerland; or”;
- (c) article 5(48) is to be read as if—
  - (i) the existing paragraph were paragraph (1) and in that paragraph, in the words before sub-paragraph (a), for “A person” there were substituted “A qualifying Swiss applicant”;
  - (ii) after paragraph (1), there were inserted—
    - “(2) In this article, any reference to “the General Systems Regulations” is a reference to those Regulations as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019).”;
- (d) article 8 is to be read as if—
  - (i) in paragraph (1)—
    - (aa) for “exempt persons” there were substituted “qualifying Swiss applicants”;
    - (bb) “outside the United Kingdom” were omitted;
  - (ii) in paragraphs (2) and (3)—
    - (aa) “Subject to paragraph (4),” were omitted;
    - (bb) for “a person” there were substituted “A person”;
  - (iii) paragraph (4) were omitted;
  - (iv) for paragraph (5)(a), there were substituted—
    - “(a) is a qualifying Swiss applicant who holds a specialist qualification which was granted otherwise than in a relevant European State but has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive, as qualifying that person to practise as a specialist in Switzerland; or”;
- (e) in article 10(49), the words “other than the United Kingdom” were omitted in each place where they occur.
- (6) In this paragraph—
  - “the 1983 Act” means the Medical Act 1983(50);

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(48) Article 5 was amended by [S.I. 2016/1030](#).

(49) Article 10 was amended by [S.I. 2013/3036](#) and [2016/1030](#).

(50) [1983 c. 54](#).

“the 2010 Order” means the Postgraduate Medical Education and Training Order of Council 2010<sup>(51)</sup>;

“qualifying Swiss applicant” means a Swiss applicant (“A”)—

- (a) who holds a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019),
- (b) who had not, before IP completion day, applied for registration under section 3, 14A, 19, 19A or 21B of the 1983 Act, or to be provisionally registered under that Act, and
- (c) if A falls within paragraph (a) of the definition of “Swiss applicant” and only holds relevant qualifications obtained in EEA States, is established in Switzerland.”

(4) Paragraph 68 is amended as follows—

- (a) in the heading, for “one year” substitute “five years”;
- (b) in sub-paragraph (1), in the words following paragraph (b), after “States”, insert “(but subject to the modifications to Schedule 2A to that Act<sup>(52)</sup> specified in sub-paragraph (4))”;
- (c) in sub-paragraphs (1) and (2), for “exit day” substitute “IP completion day”.
- (d) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting practitioner.

(2B) But a Swiss visiting practitioner’s entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the Medical Act 1983 after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph, “Swiss visiting practitioner” means a visiting practitioner who—

- (a) is a national of the United Kingdom or a Swiss national, or
- (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a regulated profession, no less favourably than a United Kingdom or Swiss national.”;
- (e) in the table following paragraph (3), in the list of provisions of the Medical Act 1983 in the second column, after the entry for “Schedule 2A”, insert “Schedule 3, paragraph 7”;
- (f) after sub-paragraph (3), insert—

“(4) The modifications to Schedule 2A to the Medical Act 1983 mentioned in sub-paragraph (1) are—

- (a) paragraph 1 (application and interpretation) is to be read as if for that paragraph there were substituted—

“1.—(1) This Schedule applies to a Swiss visiting practitioner who is lawfully established in medical practice in Switzerland.

(2) In this Schedule, “Swiss visiting practitioner” has the meaning given in paragraph 68(2C) of Schedule 1 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;

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<sup>(51)</sup> S.I. 2010/473. Relevant amending instrument is S.I. 2016/1030.

<sup>(52)</sup> Schedule 2A to the Medical Act 1983 was inserted by S.I. 2007/3101 and amended by S.I. 2016/1030.

- (b) paragraph 2 is to be read as if—
  - (i) before paragraph (a) there were inserted—
    - “(za) an “existing contract” means a written contract which was concluded, and the performance of which started, before IP completion day;”;
  - (ii) in paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;
  - (iii) in paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland”;
  - (iv) in paragraph (c), after “basis” there were inserted—
    - “—
    - (i) on the basis of one or more existing contracts, and
    - (ii) for a period not exceeding 90 days in total in any calendar year”;
- (c) paragraph 5(2) is to be read as if—
  - (aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
  - (bb) in paragraph (c), for the words from “a relevant European State” to the end, there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner”;
- (d) paragraph 7 is to be read as if—
  - (i) sub-paragraphs (3) and (4) were omitted;
  - (ii) after sub-paragraph (6)(a), there were inserted—
    - “(aa) contains details of the existing contract or contracts on the basis of which the occasional medical services will continue to be provided;
    - (ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
    - (ac) if the practitioner is not a national of the United Kingdom or Switzerland, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner;”;
- (e) paragraph 8(7) (duration of entitlement to provide occasional medical services) is to be read as if, for paragraph (b), there were substituted—
  - “(b) (i) immediately before the time when the suspension or (as the case may be) erasure takes effect, the practitioner is entitled under this Schedule to provide occasional medical services, or
  - (ii) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional medical services, is terminated or otherwise expires.”.

## **Amendments to Schedule 2 (pharmacists and pharmacy technicians)**

- 10.**—(1) Schedule 2 is amended as follows.
- (2) In paragraph 8—

- (a) after “(interpretation)”, insert “, in sub-paragraph (1)”;
- (b) in sub-paragraph (a), for “exit day” substitute “IP completion day”.
- (3) In paragraphs 10 and 44, in each place it occurs, for “exit day” substitute “IP completion day”.
- (4) After paragraph 44 insert—

**“Swiss pharmacists qualifying outside the United Kingdom: saving of old law**

**44A.**—(1) Where an application for registration in Part 1 of the Register is received from a qualifying Swiss applicant before the end of the Swiss recognition period, any provision made by an instrument amended by Part 1 of this Schedule continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 2010 Order<sup>(53)</sup> and the General Pharmaceutical Council (Registration) Rules 2010<sup>(54)</sup> specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 2010 Order, other than articles 19(2)(d) and (e), 32(11), 33, 33A, 36(3), 39(1)(c) and (e), 66(2) and 71, and Schedule 2A;
- (b) the Approved European Pharmacy Qualifications Order of Council 2007<sup>(55)</sup>;
- (c) the General Pharmaceutical Council (Registration) Rules 2010;
- (d) the Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010<sup>(56)</sup>.
- (3) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—
  - (a) article 3(1)<sup>(57)</sup> is to be read as if—
    - (i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for “as amended from time to time” there were substituted “as it had effect immediately before IP completion day”;
    - (ii) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
    - (iii) there were inserted at the appropriate place—
 

““qualifying Swiss applicant” has the meaning given in paragraph 44A(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
    - (iv) for the definition of “third country”, there were substituted—
 

““third country” has the same meaning as in regulation 2(1) of the 2007 Regulations.”;
  - (b) article 20(4) is to be read as if, for sub-paragraph (a), there were substituted—

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<sup>(53)</sup> “The 2010 Order” is defined in paragraph 1 of Schedule 2.

<sup>(54)</sup> As set out in the Schedule to the General Pharmaceutical Council (Registration Rules) Order of Council 2010 ([S.I. 2010/1617](#)). Relevant amending instruments are [S.I. 2010/2660](#), [2012/3171](#), [2016/1008](#) and [2016/1030](#).

<sup>(55)</sup> [S.I. 2007/564](#).

<sup>(56)</sup> [S.I. 2010/1620](#).

<sup>(57)</sup> The definition of “the Directive” was inserted by [S.I. 2016/1030](#).



- “(a) is a qualifying Swiss applicant who has qualified as a pharmacist in a relevant European State;”;
- (c) article 21(**58**) is to be read as if—
- (i) in paragraph (1), in sub-paragraphs (b) and (c), for “an exempt person”, there were substituted “a qualifying Swiss applicant”;
  - (ii) in paragraph (1), in sub-paragraph (d)—
    - (aa) in the words before paragraph (i), “subject to paragraph (2)” were omitted;
    - (bb) in paragraph (ii)(aa), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (cc) in paragraph (ii)(bb), “whether or not P is an exempt person” were omitted;
  - (iii) paragraphs (2), and (4)(b) were omitted, and the “and” at the end of paragraph (4)(a) were omitted;
  - (iv) in paragraph (5)—
    - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (bb) in sub-paragraph (a), for “another relevant European State” there were substituted “a competent authority in Switzerland, pursuant to Article 2(2) of the Directive”;
- (d) in article 23(**59**)—
- (i) paragraph (1)(c) is to be read as if—
    - (aa) paragraph (iii) were omitted;
    - (bb) in paragraph (iv), in the words before sub-paragraph (aa) and in sub-paragraph (bb), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (cc) in paragraph (iv)(aa) and (bb), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
    - (dd) in paragraph (vi), for “an exempt person” there were substituted “a qualifying Swiss applicant”, and for “a relevant European State” there were substituted “Switzerland”;
  - (ii) paragraph (4) is to be read as if for “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (iii) paragraph (9) is to be read as if for the words from “in relation” to the end, there were substituted “in relation to a qualifying Swiss applicant, means Switzerland”;
- (e) article 23A(7)(**60**) is to be read as if for “an exempt person” there were substituted “a qualifying Swiss applicant”;
- (f) article 36(1) is to be read as if for “Subject to paragraph (3), the” there were substituted “The”.
- (4) The modifications to the General Pharmaceutical Council (Registration) Rules 2010 mentioned in sub-paragraph (1) are—

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**(58)** Relevant amending instruments are [S.I. 2015/806](#) and [2016/1030](#).

**(59)** Article 23 was amended by [S.I. 2016/1030](#).

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

- (a) rule 2 is to be read as if after the definition of “prescribed fee”, there were inserted—
- ““qualifying Swiss applicant” has the meaning given in paragraph 44A(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
- (b) rule 10 is to be read as if—
- (i) in paragraph (3)(e)—
- (aa) in the words before paragraph (i), for “an exempt person within the meaning given in article 3(1) of the Order” there were substituted “a qualifying Swiss applicant”;
- (bb) in paragraphs (i) and (ii), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
- (cc) in paragraph (ii), for “Community right by virtue of which the applicant is an exempt person” there were substituted “enforceable EU right by virtue of which the applicant is a qualifying Swiss applicant”;
- (ii) in paragraph (3)(f), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
- (iii) in paragraph (3)(h), in the words before paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
- (iv) in paragraph (3)(i), in the words before paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
- (v) in paragraph (3)(j), in paragraphs (i) and (ii), for “an exempt person”, in each place it occurs, there were substituted “a qualifying Swiss applicant”;
- (vi) in paragraph (3)(k)—
- (aa) in paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
- (bb) in paragraph (ii), “, whether or not the applicant is an exempt person,” were omitted;
- (vii) paragraph (3ZA) were omitted;
- (viii) in paragraph (12), for the definition of “attesting State” there were substituted—
- ““attesting State” means Switzerland;”.
- (5) For the purposes of this paragraph—
- “qualifying Swiss applicant” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration under Schedule 2 to the 2010 Order);
- “the Register” has the meaning given in article 3(1) of the 2010 Order, as it had effect immediately before IP completion day.

### **Swiss pharmacy technicians qualifying outside the United Kingdom: saving of old law**

**44B.**—(1) Where an application for registration in Part 2 of the Register is received from a Swiss pharmacy technician before the end of the Swiss recognition period, any provision made by an instrument amended by Part 1 of this Schedule continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the

2010 Order and the General Pharmaceutical Council (Registration) Rules 2010 specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

(a) the 2010 Order, other than articles 19(2)(d) and (e), 32(11), 33, 36(1) and (3), 39(1)(c) and (e), and 66(2);

(b) the General Pharmaceutical Council (Registration) Rules 2010.

(3) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—

(a) article 3(1) is to be read as if—

(i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for “as amended from time to time” there were substituted “as it had effect immediately before IP completion day”;

(ii) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;

(iii) there were inserted at the appropriate place—

““Swiss pharmacy technician” has the meaning given in paragraph 44B(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;

(iv) for the definition of “third country”, there were substituted—

““third country” has the same meaning as in regulation 2(1) of the 2007 Regulations.”;

(b) article 22 is to be read as if—

(i) in paragraph (1)(b), for “an exempt person” there were substituted “a Swiss pharmacy technician”;

(ii) in paragraph (1)(c)—

(aa) in paragraph (ii)(aa), for “an exempt person” there were substituted “a Swiss pharmacy technician”;

(bb) in paragraph (ii)(bb), “whether or not T is an exempt person,” were omitted;

(iii) in paragraph (2)—

(aa) in the words before sub-paragraph (a), for “exempt person” there were substituted “Swiss pharmacy technician”;

(bb) in sub-paragraph (b), after “the Directive” there were inserted “as they had effect immediately before IP completion day”;

(iv) in paragraph (3)—

(aa) in the words before sub-paragraph (a) for “an exempt person” there were substituted “a Swiss pharmacy technician”;

(bb) in sub-paragraph (a), for “another relevant European State” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”;

(c) article 23(1) is to be read as if in sub-paragraph (c)—

- (i) paragraph (iii) were omitted;
  - (ii) in paragraph (iv)—
    - (aa) in the words before sub-paragraph (aa) and in sub-paragraph (bb), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (aa) in sub-paragraphs (aa) and (bb), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
  - (iii) in paragraph (vi)—
    - (aa) for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (bb) for “a relevant European State” there were substituted “Switzerland”;
  - (d) article 23(4) is to be read as if for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (e) article 23(9) is to be read as if for the words from “in relation” to the end, there were substituted “in relation to a Swiss pharmacy technician, means Switzerland”;
  - (f) article 23A(7) is to be read as if for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (g) article 36(1) is to be read as if for “Subject to paragraph (3), the” there were substituted “The”.
- (4) The modifications to the General Pharmaceutical Council (Registration) Rules 2010 mentioned in sub-paragraph (1) are—
- (a) rule 2 is to be read as if after the definition of “prescribed fee” there were inserted—
    - ““Swiss pharmacy technician” has the meaning given in paragraph 44B(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
  - (b) rule 10 is to be read as if—
    - (i) in paragraph (3)(e)—
      - (aa) in the words before paragraph (i), for “an exempt person within the meaning given in article 3(1) of the Order” there were substituted “a Swiss pharmacy technician”;
      - (bb) in paragraphs (i) and (ii), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
      - (cc) in paragraph (ii), for “Community right by virtue of which the applicant is an exempt person” there were substituted “enforceable EU right by virtue of which the applicant is a Swiss pharmacy technician”;
    - (ii) in paragraph (3)(f), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
    - (iii) in paragraph (3)(h), in the words before paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (iv) in paragraph (3)(i), in the words before paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (v) in paragraph (3)(j), in paragraphs (i) and (ii), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (vi) in paragraph (3)(k)—

- (aa) in paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (bb) in paragraph (ii) “, whether or not the applicant is an exempt person,” were omitted;
  - (vii) paragraph (3ZA) were omitted;
  - (viii) in paragraph (12), for the definition of “attesting State” there were substituted—
    - ““attesting State” means Switzerland;”.
- (5) For the purposes of this paragraph—
- “the Register” has the meaning given in article 3(1) of the 2010 Order, as it had effect immediately before IP completion day;
  - “Swiss pharmacy technician” means a qualifying applicant who had not, before IP completion day, made a registration application.”.
- (5) In paragraph 45—
- (a) in the heading, for “one year” substitute “five years”;
  - (b) in sub-paragraph (1), in the words following paragraph (b), after “States”, insert “(but subject, in the case of a Swiss visiting practitioner, to the modifications to the 2010 Order specified in sub-paragraph (4))”;
  - (c) after sub-paragraph (2), insert—
    - “(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting practitioner.
    - (2B) But a Swiss visiting practitioner’s entitlement does not continue (or further continue) under paragraph 6 or 14 of Schedule 2 to the 2010 Order after the end of the visiting practitioner transitional period (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).
    - (2C) In this paragraph, “Swiss visiting practitioner” means a visiting practitioner who—
      - (a) is a national of the United Kingdom or Switzerland, or
      - (b) a third country national, who was, immediately before IP completion day, entitled by virtue of an enforceable EU right 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 the United Kingdom or Switzerland.”;
  - (d) after the table in sub-paragraph (3) insert—
    - “(4) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—
      - (a) article 3(1) is to be read as if in the definition of “competent authority” for “a relevant European State” there were substituted “Switzerland”;
      - (b) article 43(9) is to be read as if, for the words from “the relevant” to the end, there were substituted “Switzerland”;
      - (c) Part 1 of Schedule 2 is to be read as if—
        - (i) for paragraph 1(1), there were substituted—

“(1) This Part of this Schedule applies to a Swiss visiting practitioner who is lawfully established as a pharmacist in Switzerland.”;

(ii) in paragraph 1(2)—

(aa) before paragraph (a), there were inserted—

“(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;

(zb) “Swiss visiting practitioner” has the meaning given in paragraph 45(2C) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;

(bb) in paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;

(cc) in paragraph (b), for the words from “the relevant” to the end, there were substituted “Switzerland”;

(dd) in paragraph (c), after “basis” there were inserted—

“—

(i) on the basis of one or more existing contracts, and

(ii) for a period not exceeding 90 days in total in any calendar year.”;

(iii) in paragraph 4(2)—

(aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;

(bb) in paragraph (c), for the words from “a relevant European State” to the end, there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner”;

(iv) in paragraph 6—

(aa) sub-paragraphs (3) and (4) were omitted;

(bb) in sub-paragraph (6), after paragraph (a), there were inserted—

“(aa) contains details of the existing contract or contracts on the basis of which the occasional pharmacy services will continue to be provided;

(ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;

(ac) if the practitioner is not a national of the United Kingdom or Switzerland, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner;”;

(v) paragraph 7(7) is to be read as if, for paragraph (b), there were substituted—

“(b) (i) immediately before the time when the supervision or, as the case may be, removal takes effect, the practitioner is entitled under this Part to provide occasional pharmacy services, or

- (ii) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional pharmacy services, is terminated or otherwise expires,”;
- (d) Part 2 of Schedule 2 is to be read as if—
  - (i) in paragraph 9(1), for the words from “an exempt person” to the end, there were substituted “a Swiss visiting practitioner who is lawfully established as a pharmacy technician in Switzerland”;
  - (ii) in paragraph 9(2)—
    - (aa) before paragraph (a) there were inserted—
      - “(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;
      - (zb) “Swiss visiting practitioner” has the meaning given in paragraph 45(2C) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
    - (bb) in paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;
    - (cc) in paragraph (b), for the words from “the relevant” to the end, there were substituted “Switzerland”;
    - (dd) in paragraph (c), after “basis” there were inserted—
      - “—
      - (i) on the basis of one or more existing contracts, and
      - (ii) for a period not exceeding 90 days in total in any calendar year.”;
  - (iii) in paragraph 12(2)—
    - (aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
    - (bb) in paragraph (c), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner”;
  - (iv) in paragraph 14—
    - (aa) sub-paragraphs (3) and (4) were omitted;
    - (bb) in sub-paragraph (6), after paragraph (a), there were inserted—
      - “(aa) contains details of the existing contract or contracts on the basis of which the occasional pharmacy services will continue to be provided;
      - (ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
      - (ac) if the practitioner is not a national of the United Kingdom or Switzerland, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner;”;

(v) in paragraph 15(6), after paragraph (a), there were inserted—

“(aa) ceases to have a valid contract to provide occasional pharmacy services, because the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional pharmacy services, is terminated or otherwise expires; or”.”

(6) In paragraphs 45(1) and (2), 46(1), (3)(a) and (b), 47(1), 48(1) and (2)(b)(ii), and 49(1), in each place it occurs, for “exit day” substitute “IP completion day”.

(7) In paragraph 50—

(a) in sub-paragraph (a)(i), (ii), (iii) and (iv), in each place it occurs, for “exit day” substitute “IP completion day”;

(b) in sub-paragraph (a)(iv)—

(i) after ““General Systems Regulations””, insert “(other than that definition as it continues to apply by virtue of paragraph 44A or 44B of this Part)”;

(ii) for “after “2015””, substitute “at the end”.

### **Amendments to Schedule 3 (dentists and dental care professionals)**

**11.**—(1) Schedule 3 is amended as follows.

(2) In paragraph 15(b) and (c), for “exit day” substitute “IP completion day”.

(3) In paragraph 22(a), before “for” insert “in subsection (1),”.

(4) In paragraphs 26(b), 32(2)(a) and 35(1), for “exit day” substitute “IP completion day”.

(5) After paragraph 35 insert—

#### **“Swiss dentists qualifying outside the United Kingdom: saving of old law**

**35A.**—(1) Where an application for registration in the dentists register is received from a Swiss dentist before the end of the Swiss recognition period, any provision made by or under the 1984 Act, or by the 1998 Regulations<sup>(61)</sup>, continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1984 Act and the 1998 Regulations specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

(a) the 1984 Act (other than sections 14(1A), 19(1) and (1A), 26A(11), 34AA and 36, paragraph 2(1)(l) of Schedule 2A, and Schedule 4);

(b) the 1998 Regulations (other than regulations 8(2)(e), (2A) and (2B) and 14(1)(bc)).

(3) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

(a) section 14(1A)<sup>(62)</sup> is to be read as if paragraph (c) were omitted;

(b) section 15<sup>(63)</sup> is to be read as if—

(i) in subsections (1)(b) and (ba), for “any exempt person” there were substituted “any Swiss dentist”;

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<sup>(61)</sup> “The 1984 Act” and “the 1998 Regulations” are defined in paragraph 1 of Schedule 3 to [S.I. 2019/593](#).

<sup>(62)</sup> Subsection (1A) was inserted by [S.I. 2007/3101](#).

<sup>(63)</sup> Subsection (1)(b) and (ba) and subsections (4A) to (4BD) were substituted by [S.I. 2007/3101](#).



- (ii) in subsection (4A), for “an exempt person” there were substituted “a Swiss dentist”;
- (iii) for subsection (4BD), there were substituted—
  - “(4BD) In subsections (4B) to (4BC), the “attesting State”, in relation to A, is Switzerland.”;
- (c) section 15A(7)(64) is to be read as if for “an exempt person” there were substituted “a Swiss dentist”;
- (d) section 16(65) is to be read as if—
  - (i) in subsection (2A)—
    - (aa) in the words before paragraph (a), for “an exempt person” there were substituted “a Swiss dentist”;
    - (bb) for paragraph (b), there were substituted—
      - “(b) if the person holds a dental qualification—
        - (i) which was granted otherwise than in a relevant European State or the United Kingdom, and
        - (ii) has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying the person to practise as a dentist in Switzerland,
    - shall take that acceptance into account; and”;
  - (ii) subsection (2B) were omitted;
- (e) section 17(3A)(66) is to be read as if—
  - (i) for “an exempt person” there were substituted “a Swiss dentist”;
  - (ii) for the words from “a relevant” to the end there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive, of the Swiss dentist’s right to practise as a dentist in Switzerland”;
- (f) section 18(2A)(67) is to be read as if—
  - (i) in the words before paragraph (a), for “An exempt person” there were substituted “A Swiss dentist”;
  - (ii) in paragraph (a), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
  - (iii) in paragraph (b), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, the enforceable EU right by virtue of which A is a Swiss dentist”;
- (g) section 53(1)(68) is to be read as if—
  - (i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for the words “as amended from time to time”, there were substituted “as it had effect immediately before IP completion day”;

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

(65) Subsection (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](#) and [2007/3101](#).

(66) Subsection (3A) was inserted by [S.I. 1998/811](#). Relevant amending instruments are [S.I. 2003/3148](#) and [2007/3101](#).

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

(68) The definition of “the Directive” was inserted by [S.I. 2007/3101](#).

- (ii) in the definition of “the General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (iii) there were inserted at the appropriate place—
  - ““Swiss dentist” has the meaning given in paragraph 35A(5) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
- (h) Schedule 2A(69) is to be read as if in paragraph 2(1)(ab) for “an exempt person” there were substituted “a Swiss dentist”.
- (4) The modifications to the 1998 Regulations mentioned in sub-paragraph (1) are—
  - (a) regulation 2(1)(70) is to be read as if—
    - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
    - (ii) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for the words “as amended from time to time”, there were substituted “as it had effect immediately before IP completion day”;
    - (iii) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
    - (iv) there were inserted at the appropriate place—
      - ““Swiss dentist” has the meaning given in paragraph 35A(5) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
  - (b) regulation 8(2)(c)(71) is to be read as if for “an exempt person” there were substituted “a Swiss dentist”;
  - (c) regulation 9(72) is to be read as if—
    - (i) in paragraph (1)(a) for “an exempt person” there were substituted “a Swiss dentist”;
    - (ii) in paragraph (2)—
      - (aa) “Subject to paragraph (2A),” were omitted;
      - (bb) for “a person”, there were substituted “A person”;
    - (iii) paragraph (2A) were omitted;
    - (iv) in paragraph (3)—
      - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss dentist”;

(69) Schedule 2A was inserted by [S.I. 2005/2011](#). Relevant amending instrument is [S.I. 2007/3101](#).

(70) The definition of “competent authority” was inserted by [S.I.2007/3101](#). The definition of “General Systems Regulations” was substituted by [S.I. 2016/1030](#).

(71) Paragraph (2) was substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(72) Relevant amending instruments are [S.I. 2003/3148](#) and [2007/3101](#).

- (bb) in sub-paragraph (b)(ii), for the words from “a relevant European State” to “Kingdom”, there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of the Directive.”;
  - (d) regulation 9A(73) is to be read as if—
    - (i) in paragraph (1), in the words before sub-paragraph (a), for “An exempt person”, there were substituted “A Swiss dentist”;
    - (ii) in paragraph (2)(a) for the words from “in the” to the end, there were substituted “in Switzerland”;
    - (iii) in paragraph (3), for “an exempt person”, there were substituted “a Swiss dentist”;
  - (e) regulation 13(2)(a)(74), is to be read as if for “a relevant European State, other than the United Kingdom”, there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”.
- (5) In this paragraph—
- “registration application” means an application for registration in the dentists register(75);
- “Swiss dentist” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration under Schedule 4 to the 1984 Act).

### **Swiss dental care professionals: saving of old law**

**35B.**—(1) Where a registration application is received from a Swiss dental care professional before the end of the Swiss recognition period, any provision made by or under the 1984 Act, or by the 1998 Regulations, continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1984 Act specified in sub-paragraph (3)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the 1984 Act (other than sections 36B(1A), 36CA(14), 36E, 36F(1) and (1A), 36L(11), 36Z3 and 36Z4 and paragraph 2(1)(i) of Schedule 4A).

(3) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

- (a) section 36B(76) is to be read as if for subsection (1A) there were substituted—

“(1A) The dental care professionals register shall contain particulars of persons who under section 36C are entitled to be registered in that register.”;
- (b) section 36C(77) is to be read as if—
  - (i) in subsection (3)(a) and subsection (5)(b), for “an exempt person” there were substituted “a Swiss dental care professional”;
  - (ii) in subsection (5)(b)(ii), for “a relevant European State, other than the United Kingdom,” there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of the Directive.”;
- (c) section 36CA(78) is to be read as if—

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

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

(75) See section 14 of the Dentists Act 1984.

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

(77) Section 36C was inserted by [S.I. 2005/2011](#). Relevant amending instruments are [S.I. 2006/1718](#), [2007/3101](#) and [2015/806](#).

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

- (i) in subsection (7), for “an exempt person” there were substituted “a Swiss dental care professional”;
  - (ii) in subsection (8), “the principal list of” were omitted;
  - (d) section 36E(a)(79) is to be read as if “the principal list of” were omitted;
  - (e) section 53(1) is to be read as if—
    - (i) in the definition of “the General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
    - (ii) there were inserted at the appropriate place—
      - ““Swiss dental care professional” has the meaning given in paragraph 35B(4) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019);”;
  - (f) in Schedule 4A(80), paragraph 2(1)(aa) is to be read as if for “an exempt person” there were substituted “a Swiss dental care professional”.
- (4) In this paragraph—
- “registration application” means an application for registration in the dental care professionals register as a person entitled to be registered under section 36C of the 1984 Act under a title applying to the profession pursued by any of the following—
- (a) clinical dental technicians;
  - (b) dental hygienists;
  - (c) dental nurses;
  - (d) dental technicians;
  - (e) dental therapists;
  - (f) orthodontic therapists;
- “Swiss dental care professional” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration as a visiting dental care professional).”.
- (6) In paragraph 36, for “exit day” substitute “IP completion day”.
- (7) In paragraph 37—
- (a) in the heading, for “one year” substitute “five years”;
  - (b) in sub-paragraph (1)—
    - (i) for “exit day” substitute “IP completion day”;
    - (ii) in the words after paragraph (b), after “states”, insert “(but subject, in the case of a Swiss visiting dentist, to the modifications to the 1984 Act and the 1998 Regulations specified in sub-paragraphs (4) and (5))”;
  - (c) in sub-paragraph (2), for “exit day” substitute “IP completion day”;
  - (d) after sub-paragraph (2), insert—
    - “(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting dentist.

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

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

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

(2C) In this paragraph, "Swiss visiting dentist" means a visiting dentist who—

- (a) is a national of the United Kingdom or a Swiss national, or
- (b) a third country national, who was, immediately before IP completion day, 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 the United Kingdom or Switzerland.”;

(e) after sub-paragraph (3) insert—

“(4) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—

- (a) section 34AA(4)(**81**) is to be read as if, for the words from “the relevant” to the end, there were substituted “Switzerland”;
- (b) section 53(1) is to be read as if—
  - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (ii) the definitions of “exempt person” and “national” were omitted;
- (c) Schedule 4(**82**) is to be read as if—
  - (i) for paragraph 1 there were substituted—

“**1.**—(1) This Schedule applies to a Swiss visiting dentist who is lawfully established in dental practice in Switzerland.

(2) In this Schedule, “Swiss visiting dentist” has the meaning given in paragraph 37(2C) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;

(ii) in paragraph 2—

(aa) before sub-paragraph (a), there were inserted—

“(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;”;

(bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting dentist”;

(cc) in sub-paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland; and”;

(dd) in sub-paragraph (c), after “basis” there were inserted—

“—

(i) on the basis of one or more existing contracts, and

(ii) for a period not exceeding 90 days in total in any calendar year.”;

(iii) in paragraph 5(2)—

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

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

- (aa) in paragraph (b), for “a relevant European State”, there were substituted “the United Kingdom or Switzerland”;
  - (bb) in paragraph (c), for the words from “a relevant European State” to the end there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting dentist”;
  - (iv) in paragraph 7(6), after paragraph (a), there were inserted—
    - “(aa) contains details of the existing contract or contracts on the basis of which the occasional dental services will continue to be provided;
    - (ab) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
    - (ac) if the practitioner is not a national of the United Kingdom or a Swiss national, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting dentist”;
  - (v) in paragraph 8(6), after paragraph (a), there were inserted—
    - “(aa) ceases to have a valid contract to provide occasional pharmacy services, because the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional dental services, is terminated or otherwise expires; or”.
- (5) The modification to the 1998 Regulations mentioned in sub-paragraph (1) is that regulation 8(2)(e) is to be read as if for “an exempt person” there were substituted “a Swiss visiting dentist (within the meaning given in paragraph 37(2C) of Schedule 3 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019).”.
- (8) In paragraph 38—
- (a) in the heading, for “one year” substitute “five years”;
  - (b) in sub-paragraph (1)—
    - (i) in paragraphs (a) and (b), for “exit day” substitute “IP completion day”;
    - (ii) in the full out words after paragraph (b), after “states” insert “(but subject, in the case of a Swiss visiting dental care professional, to the modifications to the 1984 Act specified in sub-paragraph (4))”;
  - (c) after sub-paragraph (1), insert—
    - “(1A) For the purposes of this paragraph, “Swiss visiting dental care professional” means a visiting dental care professional who is a relevant applicant.
    - (1B) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide relevant dental care services for a period not exceeding 90 days in total in any calendar year.”;
  - (d) after sub-paragraph (2), insert—
    - “(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting dental care professional.
    - (2B) But a Swiss visiting dental care professional’s entitlement does not continue (or further continue) under section 36Z3 of the 1984 Act on or after the end of the visiting practitioner transitional period.

- (2C) In this paragraph, “Swiss visiting dental care professional” means a visiting dental care professional who—
- (a) is a national of the United Kingdom or is a Swiss national, or
  - (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a dental care profession dental care, no less favourably than a national of the United Kingdom or Switzerland.”;
- (e) in sub-paragraph (3)(a), for “exit day” substitute “IP completion day”
- (f) in the table following sub-paragraph (3), for “section 36F(1) and 1(A)” substitute “section 36F(1) and (1A)”;
- (g) after sub-paragraph (3), insert—
- “(4) The modifications to the 1984 Act mentioned in sub-paragraph (1) are—
- (a) section 36Z3(**83**) is to be read as if—
    - (i) in subsection (1)—
      - (aa) for “an exempt person” there were substituted “a relevant applicant”;
      - (bb) for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
    - (ii) after subsection (1) there were inserted—

“(1A) In this section, “relevant applicant” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;
  - (b) section 36Z4(**84**) is to be read as if, in subsection (4), for the words from “the relevant” to the end there were substituted “Switzerland”;
  - (c) section 53(1) is to be read as if, in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”.”.
- (9) In paragraph 39(1), for “exit day” substitute “IP completion day”.
- (10) In paragraph 40(a)—
- (a) in paragraphs (i) to (v), in each place it occurs, for “exit day” substitute “IP completion day”;
  - (b) in paragraph (iv), after “(or “General Systems Regulations”)” insert “(other than those definitions as they continue to apply by virtue of paragraph 35A or 35B)”.

#### **Amendments to Schedule 4 (nurses, midwives and nursing associates)**

- 12.**—(1) Schedule 4 is amended as follows.
- (2) In paragraph 10(c), after the paragraphs inserted after article 13(2) of the 2001 Order, insert—
- “(6) A person who applies, on or after IP completion day, for admission to the register is to be deemed to satisfy the requirements of Article 9(2)(a).”.
- (3) In paragraphs 22(a) and 27(1), for “exit day” substitute “IP completion day”.
- (4) After paragraph 27 insert—

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

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

**“Swiss nurses and midwives qualifying outside the United Kingdom: saving of old law**

**27A.**—(1) Where a registration application is received from a qualifying Swiss applicant before the end of the Swiss recognition period, any provision made by or under the 2001 Order<sup>(85)</sup> continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 2001 Order and the 2004 Registration Rules specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 2001 Order (other than articles 6(3)(aa), 7(4), 9(1) and (7), 10(1) and (6), 12A(11), 19(2A) to (2D), 37(1)(aa), 39, 39A and 39C and Schedule 2A);
- (b) the Nursing and Midwifery Council (Fees) Rules 2004<sup>(86)</sup>;
- (c) the European Nursing and Midwifery Qualifications Designation Order of Council 2004<sup>(87)</sup>;
- (d) the 2004 Registration Rules (other than rules 2A, 20(a) (so far as it relates to article 37(1)(aa) of the 2001 Order) and 21(2)(a)(iii) (so far as it relates to article 37(1)(aa) of the 2001 Order)).

(3) The modifications to the 2001 Order mentioned in sub-paragraph (1) are that the Order is to be read as if—

- (a) in article 5A(7)<sup>(88)</sup> for “an exempt person” there were substituted “a qualifying Swiss applicant”;
- (b) in article 9(3A)<sup>(89)</sup> for “an exempt person” there were substituted “a qualifying Swiss applicant”;
- (c) in article 13<sup>(90)</sup>—
  - (i) for each reference to “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (ii) in paragraph (1)—
    - (aa) in sub-paragraph (c), in the words before paragraph (i), “subject to paragraph (1A)” were omitted;
    - (bb) sub-paragraphs (d) and (dd) were omitted;
  - (iii) paragraph (1A) were omitted;
  - (iv) in paragraph (1B), for sub-paragraph (a), there were substituted—
    - “(a) if the person holds a nursing or midwifery qualification which—
      - (i) was granted otherwise than in a relevant European State or the United Kingdom; but
      - (ii) has been recognised by a competent authority in Switzerland pursuant to Article 2(2) of the Directive as qualifying the person to practise as a nurse or midwife in Switzerland,

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<sup>(85)</sup> “The 2001 Order” is defined in paragraph 1 of Schedule 4 to [S.I. 2019/593](#).

<sup>(86)</sup> As set out in the Schedule to the Nursing and Midwifery Council (Fees) Rules Order of Council 2004 ([S.I. 2004/1654](#)).

<sup>(87)</sup> [S.I. 2004/1766](#).

<sup>(88)</sup> Article 5A was inserted by [S.I. 2015/806](#).

<sup>(89)</sup> Paragraph (3A) was inserted by [S.I. 2007/3101](#).

<sup>(90)</sup> Paragraph (1)(b) to (f) was substituted by, and paragraphs (1A) and (1B) were inserted by, [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2015/806](#), [2016/1030](#) and [2018/838](#).



- the acceptance of that qualification; and”;
- (d) in article 37(**91**)—
- (i) in paragraph (1), sub-paragraphs (f) to (h) were omitted;
  - (ii) in paragraph (9)—
    - (aa) in sub-paragraph (b), the words from “or, in” to the end were omitted;
    - (bb) sub-paragraph (ca) (including the final “or”) were omitted;
- (e) article 39B(**92**) were omitted;
- (f) Schedule 2B(**93**) were omitted;
- (g) in Schedule 4(**94**)—
- (i) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (ii) there were inserted, at the appropriate place—
    - ““qualifying Swiss applicant” has the meaning given in paragraph 27A(5) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”.
- (4) The modifications to the 2004 Registration Rules mentioned in sub-paragraph (1) are that those Rules are to be read as if—
- (a) rule 3 were omitted;
  - (b) in rule 5(2)(a)(ii)(**95**), “a valid European professional card as a nurse or” were omitted;
  - (c) in rule 6, for paragraph (1F)(**96**) there were substituted—
    - “(1F) In paragraphs (1B) to (1E) the “attesting State”, in relation to A, is Switzerland.”;
  - (d) in Schedule 3 to the Rules(**97**)—
    - (i) in paragraph (ba), for “a relevant European State”, there were substituted “the United Kingdom or Switzerland”;
    - (ii) in paragraph (bb), for the words from “a relevant European State” to the end, there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the applicant is a qualifying Swiss applicant”.
- (5) In this paragraph—
- “the 2004 Registration Rules” means the Nursing and Midwifery (Education, Registration and Registration Appeals) Rules 2004(**98**);

(91) Paragraphs (1)(f) to (h) were inserted by, and paragraph (9) was amended by, [S.I. 2016/1030](#). Relevant amending instrument is [2018/838](#).

(92) Article 39B was inserted by [S.I. 2016/1030](#).

(93) Schedule 2B was inserted by [S.I. 2016/1030](#).

(94) The definition of “General Systems Regulations” was substituted by [S.I. 2016/1030](#).

(95) Relevant amending instruments are [S.I. 2007/3101](#) and [2016/1030](#).

(96) Paragraph (1F) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

(97) Paragraphs (ba) and (bb) were inserted by [S.I. 2007/3101](#).

(98) 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](#)).

“qualifying Swiss applicant” means—

- (a) a Swiss applicant (“A”)—
  - (i) who holds a relevant qualification in nursing or midwifery,
  - (ii) who had not, before IP completion day, applied to be registered in the Midwives’ Part, or Sub-Part 1 of the Nurses’ Part of the register (as the case may be), and
  - (iii) if A falls within paragraph (a) of the definition of “Swiss applicant” and only holds relevant qualifications obtained in EEA States, is established in Switzerland; or
- (b) a qualifying applicant who—
  - (i) holds a relevant qualification as a nursing associate, and
  - (ii) had not, before IP completion day, applied to be registered in the Nursing Associates’ Part of the register;

“the register” has the meaning given in Schedule 4 to the 2001 Order;

“registration application” means an application for registration—

- (a) in Sub-Part 1 of the Nurses’ Part of the register,
- (b) in the Midwives’ Part of the register, or
- (c) in the Nursing Associates’ Part of the register;

“relevant qualification” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”.

(5) In paragraph 28—

- (a) in the heading for “one year” substitute “five years”;
- (b) in sub-paragraph (1) —
  - (i) for “exit day” substitute “IP completion day”;
  - (ii) in the words following paragraph (b), after “states”, insert “(but subject, in the case of a Swiss visiting nurse or Swiss visiting midwife, to the modifications to the 2001 Order specified in sub-paragraph (4))”;
- (c) in sub-paragraph (2)—
  - (i) for “exit day” substitute “IP completion day”;
  - (ii) after “of that Schedule.”, insert “This sub-paragraph is subject to sub-paragraphs (2A) to (2C).”;
- (d) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting nurse or a Swiss visiting midwife.

(2B) But a Swiss visiting nurse or Swiss visiting midwife’s entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the 2001 Order on or after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph—

“Swiss visiting midwife” means a visiting midwife who is—

- (a) a national of the United Kingdom or a Swiss national, or

- (b) a third country national, who was, immediately before IP completion day, 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 United Kingdom national or Swiss national;  
“Swiss visiting nurse” means a visiting nurse who is—
  - (a) a national of the United Kingdom or a Swiss national, or
  - (b) a third country national, who was, immediately before IP completion day, 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 United Kingdom national or Swiss national.”;
- (e) after sub-paragraph (3), insert—
  - “(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—
    - (a) article 10(6)(99) is to be read as if for the words from “visiting nurse” to the end there were substituted “Swiss visiting nurse or Swiss visiting midwife”;
    - (b) article 19(2D)(100) is to be read as if, for the words from “the relevant” to the end there were substituted “Switzerland”;
    - (c) Schedule 2A(101) is to be read as if—
      - (i) for paragraph 1, there were substituted—
        - “1. This Schedule applies to—
          - (a) a Swiss visiting nurse who is lawfully established as a nurse in Switzerland; or
          - (b) a Swiss visiting midwife who is lawfully established as a midwife in Switzerland.”;
        - (ii) in paragraph 2—
          - (aa) before sub-paragraph (a), there were inserted—
            - “(za) an “existing contract” means a written contract which was concluded, and the performance of which started, before IP completion day;”;
          - (bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting nurse or Swiss visiting midwife”;
          - (cc) in sub-paragraph (b), for the words from “the relevant” to the end there were substituted “Switzerland”;
          - (dd) in sub-paragraph (d), at the end, there were inserted—
            - “—
            - (i) on the basis of one or more existing contracts, and
            - (ii) for a period not exceeding 90 days in total in any calendar year.”;
        - (iii) in paragraph 5(2)—
          - (aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
          - (bb) for paragraph (c), there were substituted—

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(99) Paragraph (6) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

(100) Paragraph (2D) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

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

- “(c) if the practitioner is not a national of the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting nurse or Swiss visiting midwife;”;
- (iv) in paragraph 7, for sub-paragraph (6), there were substituted—
- “(6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—
- (a) states the practitioner’s wish to provide occasional nursing services or occasional midwifery services in a further year;
  - (b) contains details of the existing contract or contracts on the basis of which those services will continue to be provided;
  - (c) if the practitioner is a national of the United Kingdom or Switzerland, contains proof of nationality;
  - (d) if the practitioner is not a national of the United Kingdom or a Swiss national, contains proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting nurse or Swiss visiting midwife.”;
- (v) in paragraph 8(5), after paragraph (a), there were inserted—
- “(aa) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional nursing or midwifery services, is terminated or otherwise expires; or”;
- (d) Schedule 4(102) is to be read as if—
- (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (ii) there were inserted, at the appropriate places—
 

““Swiss visiting midwife” has the meaning given in paragraph 28(2C) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;

“Swiss visiting nurse” has the meaning given in paragraph 28(2C) of Schedule 4 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”.
- (6) In paragraph 29—
- (a) in sub-paragraph (1) —
    - (i) in paragraphs (a) and (b), for “exit day” substitute “IP completion day”;
    - (ii) in the words following paragraph (b), after “states” insert “(but subject, in the case of a relevant applicant, to the modifications to the 2001 Order specified in sub-paragraph (4))”;
  - (b) after sub-paragraph (1), insert—
 

“(1A) But a relevant applicant to whom sub-paragraph (1) applies may only provide services as a nurse or midwife (as the case may be) for a period not exceeding 90 days in total in any calendar year.”;
  - (c) after sub-paragraph (3), insert—

(102) The definition of “competent authority” was substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

- “(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—
- (a) article 10(6) is to be read as if for the words from “visiting nurse” to the end there were substituted “relevant applicant”;
  - (b) article 39A(1) is to be read as if—
    - (i) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a relevant applicant”;
    - (ii) in sub-paragraph (a), for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
  - (c) article 39C(1) is to be read as if—
    - (i) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a relevant applicant”;
    - (ii) in sub-paragraph (a), for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
  - (d) Schedule 4 is to be read as if—
    - (i) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
    - (ii) there were inserted, at the appropriate place—

““relevant applicant” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.””.
- (7) In paragraphs 30(1), (3)(a) and (b) and 31(1), for “exit day” substitute “IP completion day”.
- (8) In paragraph 32—
- (a) in sub-paragraphs (1) and (2)(b), for “exit day” substitute “IP completion day”;
  - (b) in sub-paragraph (2)(b)(ii), omit “for establishment”.
- (9) In paragraph 33(1), for “exit day” substitute “IP completion day”.
- (10) In paragraph 34(a)—
- (a) in paragraphs (i), (ii), (iii), (iv) and (v), for “exit day” substitute “IP completion day”;
  - (b) in paragraph (iv), after ““General Systems Regulations””, insert “(other than in the definition as it continues to apply by virtue of paragraph 27A)”.

### **Amendments to Part 2 of Schedule 5 (opticians)**

- 13.**—(1) Part 2 of Schedule 5 is amended as follows.
- (2) In paragraph 25, for “exit day” substitute “IP completion day”.
  - (3) After paragraph 25, insert—

#### **“Swiss opticians and optometrists qualifying outside the United Kingdom: saving of old law**

**25A.**—(1) Where a registration application is received from a Swiss optician before the end of the Swiss recognition period, any provision made by or under the 1989 Act<sup>(103)</sup> continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject

<sup>(103)</sup>“The 1989 Act” is defined in paragraph 1 of Schedule 5 to [S.I. 2019/593](#).

to the modifications to the 1989 Act and the General Optical Council (Registration) Rules 2005(**104**) specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 1989 Act (other than sections 8B to 8D, 10(1)(c) and (1ZA), 10A(11), 11A(5) to (7), 11B(1A) to (1C) and 29(2A) and paragraph 1A(1)(b)(ii) of Schedule 1);
- (b) the General Optical Council Testing of Sight by Persons Training as Ophthalmic Opticians Rules 1993(**105**);
- (c) the General Optical Council (Registration) Rules 2005 (other than rules 2(1A), 21A and 21B).

(3) The modifications to the 1989 Act mentioned in sub-paragraph (1) are—

- (a) section 8(1A)(a)(**106**) is to be read as if for “an exempt person” there were substituted “a Swiss optician”;
- (b) section 36(**107**) is to be read as if, in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”.

(4) The modifications to the General Optical Council (Registration) Rules 2005 mentioned in sub-paragraph (1) are—

- (a) rule 12(2)(b)(ii) is to be read as if for “a relevant European State, other than the United Kingdom” there were substituted “a competent authority in Switzerland, pursuant to Article 2(2) of the Directive”;
- (b) rule 13(2)(a) is to be read as if for “a relevant European State other than the United Kingdom” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”.

(5) In this paragraph—

“registration application” means an application for registration in the register of optometrists or the register of dispensing opticians kept under section 7 of the 1989 Act; “Swiss optician” means a qualifying applicant who had not, before IP completion day, made a registration application in respect of registration in the register in which the applicant wishes to be registered on or after IP completion day.”

(4) In paragraph 26—

- (a) in the heading, for “one year” substitute “five years”;
- (b) in sub-paragraph (1)—
  - (i) in paragraphs (a) and (b), for “exit day” substitute “IP completion day”;
  - (ii) in the words following paragraph (b), after “states” insert “(but subject, in the case of a relevant applicant, to the modifications to the 1989 Act specified in sub-paragraph (4))”;
- (c) after sub-paragraph (1), insert—

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

**(105)** 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.

**(106)** Subsection (1A) was inserted by S.I. 2005/848. Relevant amending instrument is S.I. 2007/3101.

**(107)** The definition of “General Systems Regulations” was substituted by S.I. 2016/1030.

“(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may not provide services as an optometrist or a dispensing optician (as the case may be) for a period exceeding 90 days in total in any calendar year.”;

(d) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting optician.

(2B) But a Swiss visiting optician’s entitlement does not continue (or further continue) under sections 8C or 8D of the 1989 Act on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting optician” means a visiting optometrist or dispensing optician who—

- (a) is a national of the United Kingdom or is a Swiss national, or
- (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of optometrist or dispensing optician, no less favourably than a national of the United Kingdom or Switzerland.”;

(e) after sub-paragraph (3), insert—

“(4) The modifications to the 1989 Act mentioned in sub-paragraph (1) are—

- (a) section 8C(**108**) is to be read as if in subsection (1)—
  - (i) for “an exempt person” there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019”;
  - (ii) for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
- (b) section 8D(**109**) is to be read as if in subsection (1)—
  - (i) for “an exempt person” there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019”;
  - (ii) for “a relevant European State other than the United Kingdom” there were substituted “Switzerland”;
- (c) section 11A(**110**) is to be read as if in subsection (7), for the words from “the relevant” to the end there were substituted “Switzerland”;
- (d) section 11B(**111**) is to be read as if in subsection (1C), for the words from “the relevant” to the end there were substituted “Switzerland”.”.

(5) In paragraph 27(1), for “exit day” substitute “IP completion day”.

(6) In paragraph 28—

- (a) in sub-paragraph (a)(i), (ii) and (iii), in each place it occurs, for “exit day” substitute “IP completion day”;
- (b) in sub-paragraph (a)(iii), after ““General Systems Regulations”” insert “(other than in that definition as it is saved by paragraph 25A)”.

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(108) Section 8C was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(109) Section 8D was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(110) Section 11A was inserted by [S.I. 2005/848](#). Relevant amending instrument is [S.I. 2007/3101](#).

(111) Section 11B was inserted by [S.I. 2005/848](#). Relevant amending instrument is [S.I. 2007/3101](#).

## Amendments to Part 2 of Schedule 6 (osteopaths)

14.—(1) Part 2 of Schedule 6 is amended as follows.

- (2) In paragraph 15(1), for “exit day” substitute “IP completion day”.
- (3) After paragraph 15, insert—

### “Swiss osteopaths qualifying outside the United Kingdom: saving of old law

15A.—(1) Where a registration application is received from a Swiss osteopath before the end of the Swiss recognition period, any provision made by or under the 1993 Act<sup>(112)</sup> continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 1993 Act, the Fees Rules and the Recognition Rules specified in sub-paragraphs (3) to (5)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments (other than the provisions listed in the table following paragraph 16(3))—

- (a) the 1993 Act (other than sections 5A, 6(1), (2), (4A), (5) and (6), 8(8), 17(2A) to (2D), 29(1)(ba), 29A (other than subsection (2)(c)) and 37(2));
- (b) the Fees Rules;
- (c) the Recognition Rules.

(3) The modifications to the 1993 Act mentioned in sub-paragraph (1) are—

- (a) in section 14—
  - (i) in subsection (10), the reference to “EU law”, and
  - (ii) in subsection (10)(b), the reference to “Community law”,

are 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));

- (b) section 41 is to be read as if in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”.

(4) The modification to the Fees Rules mentioned in sub-paragraph (1) is that rule 6(2)(b) is to be read as if for “or other European Economic Area State” there were substituted, “, Switzerland”.

(5) The modification to the Recognition Rules mentioned in sub-paragraph (1) is that rule 4(2) is to be read as if—

- (a) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss osteopath (within the meaning given in paragraph 15A(6) of Schedule 6 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (b) in sub-paragraph (b)(ii), for “a relevant European State, other than the United Kingdom,” there were substituted “a competent authority in Switzerland, pursuant to Article 2(2) of the Directive”.

(6) In this paragraph—

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<sup>(112)</sup> “The 1993 Act” is defined in paragraph 1 of Schedule 6 to [S.I. 2019/593](#).



“the Fees Rules” means the General Osteopathic Council (Application for Registration and Fees) Rules 2000(**113**);

“the Recognition Rules” means the General Osteopathic Council (Recognition of Qualifications) Rules 2000(**114**);

“registration application” means an application for entry in the register maintained under the 1993 Act;

“Swiss osteopath” means a qualifying applicant who had not, before IP completion day, made a registration application.”.

(4) In paragraph 16—

(a) in the heading, for “one year” substitute “five years”;

(b) in sub-paragraph (1)—

(i) in paragraphs (a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;

(ii) in the words following paragraph (b), after “states” insert “(but subject, in the case of a relevant applicant, to the modifications to the 1993 Act specified in sub-paragraph (4))”;

(c) after sub-paragraph (1), insert—

“(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as an osteopath for a period not exceeding 90 days in total in any calendar year.”;

(d) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting osteopath.

(2B) But a Swiss visiting osteopath’s entitlement does not continue (or further continue) under section 5A of the 1993 Act on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting osteopath” means a visiting osteopath who—

(a) is a national of the United Kingdom or is a Swiss national, or

(b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the osteopath profession, no less favourably than a national of the United Kingdom or Switzerland.”;

(e) after sub-paragraph (3), insert—

“(4) The modifications to the 1993 Act mentioned in sub-paragraph (1) are—

(a) section 5A(1)(**115**) is to be read as if for the words from “an exempt person” to the end there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“V”) who is lawfully established as an osteopath in Switzerland (“State A”)”;

(b) section 17(2D)(**116**) is to be read as if for the words from “the relevant” to “osteopath” there were substituted “Switzerland”.”.

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**(113)** 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. 2007/3101.

**(114)** 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.

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

**(116)** Subsection (2D) was inserted by S.I. 2007/3101.

- (5) In paragraph 17(1), for “exit day” substitute “IP completion day”.
- (6) In paragraph 18—
  - (a) in sub-paragraphs (a)(i), (ii) and (iii), in each place it occurs, for “exit day” substitute “IP completion day”;
  - (b) in sub-paragraph (a)(iii), after ““General Systems Regulations”” insert “(other than in that definition as it is saved by paragraph 15A)”.

### **Amendments to Part 2 of Schedule 7 (chiropractors)**

- 15.**—(1) Part 2 of Schedule 7 is amended as follows.
- (2) In paragraph 14(1), for “exit day” substitute “IP completion day”.
- (3) After paragraph 14, insert—

#### **“Swiss chiropractors qualifying outside the United Kingdom: saving of old law**

**14A.**—(1) Where a registration application is received from a Swiss chiropractor before the end of the Swiss recognition period, any provision made by or under the 1994 Act(**117**) continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to that Act and the 2002 Rules specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 1994 Act (other than sections 5A, 6(1), (2), (4A), (5) and (6), 8(8), 17(2A) to (2D), 29(1)(ba), 29A (other than subsection (2)(c)) and 37(2));
- (b) the 2002 Rules (other than rules 2(2A), 3(4)(a) and 6(2)).

(3) The modifications to the 1994 Act are—

- (a) in section 14(10), in both places where it occurs, “EU 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));
- (b) section 43 is to be read as if, in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”.

(4) The modifications to the 2002 Rules mentioned in sub-paragraph (1) are—

- (a) rules 5(3), 6(1A) and 11(1) are to be read as if for each reference to “an exempt person” there were substituted “a Swiss chiropractor”;
- (b) rule 6(1A)(b)(ii) is to be read as if for “a relevant European State” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”;
- (c) rule 11 is to be read as if for paragraph (6) there were substituted—

“(6) In paragraphs (2) to (5), the “attesting State” in relation to A, is Switzerland.”.

(5) In this paragraph—

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(117) “The 1994 Act” is defined in paragraph 1 of Schedule 7 to [S.I. 2019/593](#).

“the 2002 Rules” means the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002(**118**);

“registration application” means an application for entry in the register maintained under the 1994 Act;

“Swiss chiropractor” means a qualifying applicant who had not, before IP completion day, made a registration application.”

(4) In paragraph 15—

(a) in the heading, for “one year” substitute “five years”;

(b) in sub-paragraph (1)—

(i) in paragraphs (a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;

(ii) in the words following paragraph (b), after “states” insert “(but subject, in the case of a relevant applicant, to the modifications to the 1994 Act specified in sub-paragraph (4))”;

(c) after sub-paragraph (1), insert—

“(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a chiropractor for a period not exceeding 90 days in total in any calendar year.”;

(d) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting chiropractor.

(2B) But a Swiss visiting chiropractor’s entitlement does not continue (or further continue) under section 5A of the 1994 Act on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting chiropractor” means a visiting chiropractor who—

(a) is a national of the United Kingdom or is a Swiss national, or

(b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the chiropractor profession, no less favourably than a national of the United Kingdom or Switzerland.”;

(e) after sub-paragraph (3), insert—

“(4) The modifications to the 1994 Act mentioned in sub-paragraph (1) are—

(a) section 5A(1)(**119**) is to be read as if for the words from “an exempt” to the end there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“V”) who is lawfully established as a chiropractor in Switzerland (“State A”)”;

(b) section 17(2D)(**120**) is to be read as if for the words from “the relevant” to “chiropractor” there were substituted “Switzerland”.”;

(f) in the table following sub-paragraph (3), for “section 31” substitute “section 43”.

(5) In paragraph 16(1), for “exit day” substitute “IP completion day”.

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**(118)** As set out in 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 and 2011/1043.

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

**(120)** Subsection (2D) was inserted by S.I. 2007/3101.

- (6) In paragraph 17—
- (a) in sub-paragraph (a)(i), (ii) and (iii), and (b), in each place it occurs, for “exit day” substitute “IP completion day”;
  - (b) in sub-paragraph (a)(iii), after ““General Systems Regulations”” insert “(other than in that definition as it is saved by paragraph 14A)”.

### **Amendments to Schedule 8 (health professionals)**

- 16.**—(1) Schedule 8 is amended as follows.
- (2) In the Schedule title, omit “and social work”.
  - (3) In paragraph 1, omit “and Social Work”.
  - (4) In the heading before paragraph 2, omit “and Social Work”.
  - (5) In paragraph 15, omit “or social work”.
  - (6) In paragraph 19(1), for “exit day” substitute “IP completion day”.
  - (7) After paragraph 19, insert—

#### **“Swiss health professionals qualifying outside the United Kingdom: saving of old law**

**19A.**—(1) Where a registration application is received from a Swiss health professional before the end of the Swiss recognition period, any provision made by or under the 2001 Order(**121**) continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the establishment provisions (but subject to the modifications to the 2001 Order and the Registration Rules specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments (other than the articles and rule listed in the table following paragraph 20(3))—

- (a) the 2001 Order;
- (b) the Registration Rules;
- (c) the Health Professions Council (Registration Appeals) Rules 2003(**122**).

(3) The modifications to the 2001 Order mentioned in sub-paragraph (1) are that the Order is to be read as if—

- (a) in article 8(5)(**123**)—
  - (i) for “another relevant European State” there were substituted “Switzerland”;
  - (ii) for “are amended from time to time” there were substituted “had effect immediately before IP completion day”;
- (b) in article 12(**124**)—
  - (i) in paragraph (1)—
    - (aa) in sub-paragraphs (b) and (c)(iii) for “an exempt person” there were substituted “a Swiss health professional”;
    - (bb) sub-paragraph (ba) were omitted;

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**(121)** “The 2001 Order” is defined in paragraph 1 of Schedule 8 to [S.I. 2019/593](#).

**(122)** As set out in the Schedule to the Health Professions Council (Registration Appeals) Rules Order of Council 2003 ([S.I. 2003/1579](#)). Relevant amending instruments are [S.I. 2009/1355](#), [2012/1479](#) and [2019/1094](#).

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

**(124)** Article 12 was amended by the Health and Social Care Act 2012 ([c. 7](#)), section 215, [S.I. 2007/3101](#) and [S.I. 2016/1030](#).

- (ii) in paragraph (1A)—
  - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss health professional”;
  - (bb) in sub-paragraph (a)(ii), for “a relevant European State, other than the United Kingdom” there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as it had effect immediately before IP completion day”;
- (c) in article 38(125)—
  - (i) in paragraph (1A), sub-paragraphs (c) to (e) were omitted;
  - (ii) in paragraph (3)—
    - (aa) in sub-paragraph (b), the words from “or, in the case” to the end were omitted;
    - (bb) in sub-paragraph (c), the words from “, or the failure” to “(1A)(e),” were omitted;
- (d) article 49 were omitted;
- (e) in Schedule 3(126)—
  - (i) in the definition of “General Systems Regulations”, at the end, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (ii) there were inserted, at the appropriate place—

““Swiss health professional” has the meaning given in paragraph 19A(5) of Schedule 8 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”.
- (4) The modifications to the Registration Rules mentioned in sub-paragraph (1) are—
  - (a) rule 2 is to be read as if—
    - (i) for the definition of “attesting State”, there were substituted—

““attesting State”, in relation to an application, is Switzerland;”;
    - (ii) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
  - (b) rule 7 is to be read as if for “an exempt person” there were substituted “a Swiss health professional (within the meaning given in paragraph 19A(5) of Schedule 8 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (c) Schedule 1 to the Registration Rules is to be read as if after paragraph (d), there were inserted—

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(125) Paragraph (1A) was inserted by [S.I. 2007/3101](#). Relevant amendments were made to paragraphs (1A) and (3) by [S.I. 2016/1030](#).

(126) The definition of “General Systems Regulations” was substituted by [S.I. 2016/1030](#).

“(dza) where that person is not a national of the United Kingdom or of Switzerland, proof of the enforceable EU right by virtue of which the person is a Swiss health professional.”.

(5) In this paragraph—

“registration application” means an application for admission to the register maintained under the 2001 Order;

“the Registration Rules” means the Health and Care Professions Council (Registration and Fees) Rules 2003(127);

“relevant professions” has the meaning given in Schedule 3 to the 2001 Order;

“Swiss health professional” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under article 13A of the 2001 Order)(128).”.

(8) In paragraph 20—

(a) in the heading—

(i) omit “and social work”;

(ii) for “one year” substitute “five years”;

(b) in sub-paragraph (1)—

(i) in paragraphs (a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;

(ii) in the words following paragraph (b)—

(aa) omit “and social work”;

(bb) after “states” insert “(but subject, in the case of a relevant applicant, to the modifications to the 2001 Order specified in sub-paragraph (4))”;

(c) after sub-paragraph (1), insert—

“(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a member of one of the relevant professions for a period not exceeding 90 days in total in any calendar year.”;

(d) in sub-paragraph (2), omit “or social work”;

(e) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting health professional.

(2B) But a Swiss visiting health professional’s entitlement does not continue (or further continue) under article 13A of the 2001 Order on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting health professional” means a visiting health professional who—

(a) is a national of the United Kingdom or is a Swiss national, or

(b) is a third country national, who was, immediately before IP completion day, 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 the United Kingdom or Switzerland.”;

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(127) 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, 2007/3101, 2012/1479, 2015/1337, 2016/693 and 2016/1030.

(128) Article 13A was inserted by S.I. 2007/3101. It was amended by the Health and Social Care Act 2012, section 215, and S.I. 2016/1030.

- (f) in sub-paragraph (3)—
  - (i) in paragraph (b), omit “and social work”;
  - (ii) in the table after paragraph (b), in the second column, in the entry for Schedule 3 to the 2001 Order, omit “or social work”;
- (g) after sub-paragraph (3), insert—
  - “(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—
    - (a) article 13A is to be read as if for paragraph (1) there were substituted—
      - “(1) This article applies to a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“V”) who is lawfully established, in Switzerland (“State A”), as a member of one of the relevant professions (“the established profession”).”;
    - (b) article 19(2D)(129) is to be read as if for the words from “the relevant” to the end there were substituted “Switzerland”.”.
- (9) In paragraph 21—
  - (a) in sub-paragraphs (1)(a) and (3), omit “for establishment”;
  - (b) in sub-paragraphs (1), (3), (4)(a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”.
- (10) In paragraph 22—
  - (a) in sub-paragraphs (1) and (3), in each place it occurs, omit “or social work”;
  - (b) in sub-paragraphs (1) and (4), in each place it occurs, for “exit day” substitute “IP completion day”.
- (11) In paragraph 23—
  - (a) in sub-paragraph (2)(b)(ii), omit “for establishment”;
  - (b) in sub-paragraph (1) and (2)(b)(ii), in each place it occurs, for “exit day” substitute “IP completion day”.
- (12) In paragraph 24(1), for “exit day” substitute “IP completion day”.
- (13) In paragraph 25—
  - (a) in sub-paragraphs (a)(i) to (iv) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;
  - (b) in sub-paragraph (a)(iii), after ““General Systems Regulations”” insert “(other than in that definition as it is saved by paragraph 19A)”.

#### **Amendments to Part 2 of Schedule 9 (social workers in Scotland)**

- 17.—(1) Part 2 of Schedule 9 is amended as follows.
- (2) In paragraph 12—
    - (a) in sub-paragraphs (1) and (2), in each place it occurs, for “exit day” substitute “IP completion day”;
    - (b) in sub-paragraph (2), for “paragraph 13” substitute “paragraph 14 or, in the case of a relevant applicant, the modifications specified in paragraph 14A”;
    - (c) after sub-paragraph (2), insert—

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

“(2A) In this Part, “relevant applicant” has the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019).”.

(3) In paragraph 13—

- (a) in the heading, for “one year” substitute “five years”;
- (b) in sub-paragraphs (1)(a) and (b), and (2), in each place it occurs, for “exit day” substitute “IP completion day”;
- (c) in sub-paragraph (2), for “paragraph 13” substitute “paragraph 14”;
- (d) after sub-paragraph (2), insert—

“(2A) Where a person to whom this paragraph applies is a relevant applicant, that person may only provide services as a social worker for a period not exceeding 90 days in total in any calendar year.”.

(4) In paragraph 14—

- (a) for “paragraphs 11(2) and 12(2)” substitute “paragraphs 12(2) and 13(2)”;
- (b) in sub-paragraph (b)(i), (ii) and (iii), in each place it occurs, for “exit day” substitute “IP completion day”.

(5) After paragraph 14, insert—

**“Interpretation of saved provisions: Swiss visiting social workers**

**14A.** The modifications of the 2001 Act(**130**) in the case of a relevant applicant mentioned in paragraph 12(2) are as follows—

(a) section 46A(1)(**131**) is to have effect as if—

- (i) the reference to “an exempt person” were a reference to “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”, and
- (ii) the reference to “a relevant European State other than the United Kingdom” were a reference to “Switzerland”;

(b) section 77(**132**) is to have effect as if—

- (i) the definition of “exempt person” were omitted,
- (ii) at the end of the definition of “the General Systems Regulations” there were inserted—

“—

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

(6) In paragraph 15(1)(a), (b)(i) and (ii), (2) and (3), in each place it occurs, for “exit day” substitute “IP completion day”.

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(130) “The 2001 Act” is defined in paragraph 1 of Schedule 9 to [S.I. 2019/593](#).

(131) Section 46A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(132) Section 77 was substituted by [S.S.I 2011/211](#). Relevant amending instruments are [S.I. 2011/1043](#), [S.S.I 2013/177](#) and [S.I. 2016/1030](#).



(7) After paragraph 15, insert—

**“Applications from Swiss social workers: saving of old law**

**16.**—(1) This paragraph applies where a registration application is received from a Swiss social worker before the end of the Swiss recognition period.

(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), after IP completion day, subject to the modifications specified in paragraph 17—

- (a) section 46B(a),
- (b) section 51(1)(b), and
- (c) in section 77, the definition of “the General Systems Regulations”.

(3) For the purposes of this paragraph, a “Swiss social worker” is a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under section 46A of the 2001 Act).

(4) In this paragraph “registration application” means an application for registration in a part of the register maintained under Part 3 of the 2001 Act.

**Interpretation of provisions saved by paragraph 16**

**17.** The modifications of the 2001 Act mentioned in paragraph 16 are as follows—

- (a) section 46B(a)(**133**) is to have effect as if the reference to “an exempt person” were a reference to “a Swiss social worker within the meaning given in paragraph 16 of this Part of this Schedule”;
- (b) section 77 has effect as if, at the end of the definition of “the General Systems Regulations”, there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”.

**Amendments to Part 2 of Schedule 10 (social care workers in Northern Ireland)**

**18.**—(1) Part 2 of Schedule 10 is amended as follows.

(2) In paragraph 13, for “exit day” substitute “IP completion day”.

(3) In paragraph 14—

- (a) in the heading, for “one year” substitute “five years”;
- (b) in sub-paragraph (1)—
  - (i) in paragraphs (a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;
  - (ii) in the words following paragraph (b), after “states”, insert “(but subject, in the case of a relevant applicant, to the modifications to the 2001 Act(**134**) specified in sub-paragraph (4))”;
- (c) after sub-paragraph (1), insert—

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

(134) “The 2001 Act” is defined in paragraph 1 of Schedule 10 to [S.I.2019/593](#).

“(1A) Where sub-paragraph (1) applies in relation to a visiting social worker who is a relevant applicant, that visiting social worker may only provide services as a social worker for a period not exceeding 90 days in total in any calendar year.”;

(d) after sub-paragraph (3), insert—

“(4) The modifications to the 2001 Act mentioned in sub-paragraph (1) are—

(a) section 5A(**135**) is to be read as if, in subsection (1), for the words from “an exempt person” to the end there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (“V”) who is lawfully established as a social worker in Switzerland”;

(b) section 12(**136**) is to be read as if, in subsection (2D), for the words from “the relevant” to the end there were substituted “Switzerland”.

(5) Sub-paragraph (3) does not apply in the case of a Swiss visiting social care worker.

(6) But a Swiss visiting social care worker’s entitlement does not continue (or further continue) under section 5A of the 2001 Act on or after the end of the visiting practitioner transitional period.

(7) In this paragraph, “Swiss visiting social care worker” means a visiting social care worker who—

(a) is a national of the United Kingdom or is a Swiss national, or

(b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of social care work, no less favourably than a national of the United Kingdom or Switzerland.”.

(4) In paragraph 15(1), for “exit day” substitute “IP completion day”.

(5) In paragraph 16—

(a) in the words before sub-paragraph (a), for “this Part” substitute “paragraph 13, 14 or 15”;

(b) in sub-paragraph (a)(i), (ii) and (iii), in each place it occurs, for “exit day” substitute “IP completion day”;

(c) in sub-paragraph (a)(ii)(aa), for “chiropractic” substitute “social work”.

(6) After paragraph 16, insert—

**“Swiss social care workers: saving of old law**

**17.—**(1) Where a registration application is received from a Swiss social care worker before the end of the Swiss recognition period, any provision made by or under the 2001 Act continues to apply in relation to the application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the provisions mentioned in sub-paragraph (3) (but subject to the modifications specified in sub-paragraph (4)).

(2) For the purposes of this paragraph, a “Swiss social care worker” is a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration in the visiting European part of the register).

(3) The provisions of the 2001 Act(**137**) mentioned in sub-paragraph (1) are—

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

(**136**) Subsection (2D) was substituted by [S.I. 2007/3101](#).

(**137**) Section 2(5) was substituted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#). In section 3, subsection (1) (c) was inserted, and subsection (2A)(c) was substituted, by [S.I. 2007/3101](#). In section 11, subsection (A1) was inserted by

- (a) section 2(5);
  - (b) section 3 other than subsections (1)(c) and (2A)(c);
  - (c) section 11.
- (4) The modifications to the 2001 Act mentioned in sub-paragraph (1) are—
- (a) section 2(5) is to be read as if at the end there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning of regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (b) section 11(A1) is to be read as if for the reference to an exempt person there were substituted a reference to a Swiss social care worker within the meaning given in paragraph 17 of this Part of this Schedule.”.

### Amendments to Schedule 11 (social workers in England)

#### 19. In Schedule 11—

- (a) for paragraph 4 substitute—

“4. In paragraph (8) of regulation 8 (the registrar and the register), for “a relevant European State other than the United Kingdom” substitute “Iceland, Lichtenstein, Norway or Switzerland”.”;
- (b) for paragraph 11 substitute—

“11. The 2018 Regulations and any rules made under the 2018 Regulations continue to apply without the amendments made by Part 1 of this Schedule in relation to the following applications made before IP completion day (including any appeal arising from them)—

  - (a) an application made under regulations 10(1), 13(1) or 15(1) of the 2018 Regulations (applications for registration, renewal or restoration);
  - (b) an application made under regulations 9(1), 10(4) or 33(1) of the Health Professions Order 2001(**138**) (applications for registration, renewal, readmission or restoration) and treated as an application under the 2018 Regulations by virtue of Part 2 of the Children and Social Work Act 2017 (Transitional and Savings Provisions) (Social Workers) Regulations 2019(**139**).”;
- (c) in paragraph 12—
  - (i) in the heading, for “one year” substitute “five years”;
  - (ii) in sub-paragraph (1)—
    - (aa) in paragraphs (a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;
    - (bb) after “European states” insert “(but subject, in the case of a relevant applicant, to the modification to the 2018 Regulations specified in sub-paragraph (1A))”;
  - (iii) after sub-paragraph (1), insert—

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[S.I. 2007/3101](#) and relevant amendments were made by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016.

(138) [S.I. 2002/254](#), as amended by [S.I. 2018/893](#). The Order was re-named by section 213(4) and (6) of the Health and Social Care Act 2012 (c. 7), and by paragraphs 45 and 46 of Schedule 5 to the Children and Social Work Act 2017. There are other amending instruments but none is relevant.

(139) [S.I. 2019/1140](#).

“(1A) The modification to the 2018 Regulations mentioned in sub-paragraph (1) is that regulation 18 is to be read as if for paragraph (1) there were substituted—

“(1) This regulation applies to a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“EP”) who is lawfully established, in Switzerland (“State A”), as a social worker.”.

(1B) A relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a social worker in England for a period not exceeding 90 days in total in any calendar year.”.

(iv) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting social worker.

(2B) But a Swiss visiting social worker’s entitlement does not continue (or further continue) under regulation 18 of the 2018 Regulations on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting social worker” means a visiting social worker who—

- (a) is a national of the United Kingdom or is a Swiss national, or
- (b) is a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of the profession of social work, no less favourably than a national of the United Kingdom or Switzerland.”;

(d) after paragraph 12 insert—

**“Recognition of professional social work qualifications**

**12A.**—(1) Where a qualifying application is received before the end of the Swiss recognition period, the provisions of the 2018 Regulations continue to apply in relation to that application (including any appeal arising from it) without the amendments that Part 1 of this Schedule makes to the provisions of those Regulations mentioned in sub-paragraph (3).

(2) In this paragraph “qualifying application” means an application from a qualifying applicant to be registered as a social worker in accordance with the 2018 Regulations.

(3) The provisions of the 2018 Regulations are—

- (a) regulation 2;
- (b) regulation 8(8);
- (c) regulation 11(4), (5) and (8);
- (d) regulation 19(1)(e) and (i);
- (e) paragraphs 1(b) and 2 of Schedule 1.”;

(e) in paragraph 13—

- (i) in sub-paragraphs (a)(i), (ii) and (iii) and (c)(i) and (ii), in each place it occurs, for “exit day” substitute “IP completion day”;
- (ii) in sub-paragraph (c), for “Union” in the first place it occurs substitute “Communities”.

## PART 3

### Amendments to the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019

#### **Amendments to the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019**

**20.**—(1) The European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019(**140**) are amended as follows.

(2) After regulation 1 insert—

#### **“Interpretation: general**

**1A.** In these Regulations—

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

“the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015, as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning of regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019);

“the Council” means the Council of the Pharmaceutical Society of Northern Ireland;

“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 an existing contract,
- (b) who began providing, or begins to provide, the services mentioned 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 the United Kingdom or Switzerland 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;

“same profession” means the profession for which the applicant is qualified in the applicant’s home State if the activities covered are comparable;

“third country” has the same meaning as in regulation 2(1) of the 2007 Regulations.”.

(3) After regulation 2 insert—

**“Administrative cooperation under the EEA EFTA citizens’ rights agreement**

**2A.**—(1) Where an individual has, before IP completion day, made an application falling under Article 26 of the EEA EFTA citizens’ rights agreement to a competent authority in Iceland, Norway or Liechtenstein for recognition of a professional qualification awarded or recognised by a competent authority in Northern Ireland, the Council must—

- (a) co-operate with the competent authority or assistance centre in Iceland, Norway or Liechtenstein, or with the individual (as the case may be), in accordance with—
  - (i) Schedule 2D to the Pharmacy (Northern Ireland) Order 1976(141), as it had effect immediately before IP completion day;
  - (ii) regulation 5(2) to (5) of the 2015 Regulations;
- (b) provide information to the competent authority in Iceland, Liechtenstein or Norway 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.

(2) The Council must process information for the purposes of paragraph (1) in accordance with data protection legislation within the meaning of section 3(9) (terms relating to the processing of personal data) of the Data Protection Act 2018.

(3) In this regulation, “EEA EFTA citizens’ rights agreement” means the Agreement signed at London on 2 April 2019 between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland on arrangements regarding citizens’ rights following the withdrawal of the United Kingdom from the European Union and the EEA Agreement.

**Equal treatment and administrative co-operation under the Swiss citizen’s rights agreement**

**2B.**—(1) In dealing with a relevant applicant who provides services in the United Kingdom pursuant to paragraph 30 of the Schedule in relation to any matter, the Council must treat that person no less favourably than it would treat a native applicant (within the meaning given in regulation 2 of the 2007 Regulations) providing services in Northern Ireland in relation to that matter.

(2) Where an individual is providing services as a pharmacist on a temporary and occasional basis in Switzerland pursuant to Article 23 of the Swiss citizens’ rights agreement, the Council must co-operate with and provide the 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 paragraph 3 of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976, as it applied immediately before IP completion day, or regulation 5(2), (3) and (4) of the 2007 Regulations (as the case may be).

(3) Where an individual has made or makes an application falling within Article 31(1) or 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 Council must—

- (a) co-operate with the Swiss competent authority or contact point in Switzerland, or the individual (as the case may be), in accordance with Schedule 2D to the Pharmacy

(Northern Ireland) Order 1976, as it applied immediately before IP completion day, or regulation 5(2), (5) and (6) of the 2007 Regulations (as the case may be), and

- (b) provide information to the competent authority in Switzerland 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.

(4) The Council must process information for the purposes of paragraphs (2) and (3) in accordance with data protection legislation within the meaning given in section 3(9) (terms relating to the processing of personal data) of the Data Protection Act 2018.

(5) In this paragraph, “competent authority”, in relation to Switzerland, has the meaning given in regulation 2(1) of the 2015 Regulations, as it had effect immediately before IP completion day.”

- (4) In regulation 3(1)(a), for “exit day” substitute “IP completion day”.
- (5) In Part 1 of the Schedule, in paragraph 8, for “exit day” substitute “IP completion day”.
- (6) In Part 2 of the Schedule, in paragraph 25, after “of” insert “the”.
- (7) In Part 3 of the Schedule—
  - (a) in paragraph 29, for “exit day” substitute “IP completion day”;
  - (b) after paragraph 29, insert—

#### **“Swiss pharmacists: saving of old law**

**29A.**—(1) Where an application for registration in the register mentioned in Article 6(1)(a) of the 1976 Order is received from a Swiss pharmacist before the end of the period of four years beginning with the day immediately after IP completion day, any provision made by or under the 1976 Order<sup>(142)</sup> (except for the provision contained in Schedule 2C to the Order) continues to apply in relation to the application without the amendments Parts 1 and 2 of this Schedule make to the provisions mentioned in sub-paragraph (3) (but subject to the modifications to the 1976 Order and the Registration Regulations specified in sub-paragraphs (4) and (5)).

(2) For the purposes of this paragraph, “Swiss pharmacist” means a qualifying applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) who had not, before IP completion day, made an application in the register mentioned in Article 6(1) (a) of the 1976 Order.

- (3) The provisions mentioned in sub-paragraph (1) are—
  - (a) in the 1976 Order<sup>(143)</sup>—
    - (i) in Article 2(2), the definitions of “competent authorities”, “the Directive”, “General Systems Regulations”, and “relevant European State”,
    - (ii) Article 8,
    - (iii) Article 8A,
    - (iv) Article 8AA,
    - (v) Article 8C,

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<sup>(142)</sup> “The 1976 Order” is defined in paragraph 1 of the Schedule.

<sup>(143)</sup> Relevant amendments are made to Article 8 by [S.R. 2008/192](#), [S.I. 2015/806](#) and [S.I. 2016/1030](#). Article 8A was inserted by [S.R. 1987/457](#). Article 8AA was inserted by [S.I. 2015/806](#). Article 8C was inserted by [S.I. 2016/1030](#). Relevant amendments to Article 11 were made by [S.R. 2008/192](#). Article 11ZA was inserted by [S.I. 2015/806](#). In Article 14, paragraph (2A) was inserted by [S.R. 1987/457](#) and relevant amendments were made to it by [S.R. 2008/192](#). Schedule 2A was inserted by [S.R. 2008/192](#).

- (vi) Article 11,
- (vii) Article 11ZA,
- (viii) Article 14(2A),
- (ix) Schedule 2A;
- (b) Article 63AA(3)(c) of the Health and Personal Social Services (Northern Ireland) Order 1972(**144**);
- (c) the European Qualifications (Pharmacy) Regulations (Northern Ireland) 2008(**145**);
- (d) the Registration Regulations 2008.
- (4) The modifications to the 1976 Order mentioned in sub-paragraph (1) are—
  - (a) Article 2(2) is to have effect as if at the end of the definition of “General Systems Regulations” there were inserted “as (and only to the extent that) they have effect, after IP completion day, in relation to an entitlement which arises in relation to a relevant qualification (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (b) Article 8(2)(c) is to have effect as if, in the words before paragraph (i), the reference to an exempt person were a reference to a Swiss pharmacist within the meaning given in this paragraph of this Schedule;
  - (c) Article 8AA(7) is to have effect as if the reference to an exempt person were a reference to a Swiss pharmacist within the meaning given in this paragraph of this Schedule;
- (5) The modifications to the Registration Regulations mentioned in sub-paragraph (1) are that regulation 2 is to have effect as if—
  - (a) in paragraph (1) for “an exempt person” there were substituted “a Swiss pharmacist (within the meaning given in paragraph 29A of the Schedule to the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019)”;
  - (b) for paragraph (2), there were substituted—
    - “(2) Proof that E is a national of the United Kingdom or Switzerland or (where E is not a national of the United Kingdom or Switzerland) proof of the enforceable EU right by virtue of which E is a Swiss pharmacist.”;
  - (c) any reference in paragraphs (3) to (6) to “E’s attesting State” were a reference to Switzerland.
- (6) In this paragraph, “the Registration Regulations” means the Registration of Pharmaceutical Chemists (Exempt Persons) Regulations (Northern Ireland) 2008(**146**).”;
  - (c) in paragraph 30—
    - (i) in the heading, for “one year” substitute “five years”;
    - (ii) in sub-paragraph (1), in the words following paragraph (b), after “States” insert “(but subject, in the case of a Swiss visiting practitioner, to the modifications to the 1976 Order specified in sub-paragraph (4))”;
    - (iii) in sub-paragraphs (1) and (2), for “exit day” substitute “IP completion day”;

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(144) S.I. 1972/1265 (N.I. 14). Article 63AA was inserted by the Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 c. 2 (N.I.).

(145) S.R. 2008/192.

(146) S.R. 2008/193.



(iv) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting practitioner.

(2B) But a Swiss visiting practitioner’s entitlement does not continue (or further continue) under paragraph 7 of Schedule 2B to the 1976 Order after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of the period mentioned in paragraph 8(1) or (2) of that Schedule).

(2C) In this paragraph—

“Swiss visiting practitioner” means a visiting practitioner who is—

- (a) a national of the United Kingdom,
- (b) a national of Switzerland, or
- (a) a third country national, who was, immediately before IP completion day, by virtue of an enforceable EU right entitled to be treated, for the purposes of access to and pursuit of a particular profession, no less favourably than a national of either of those states;

“visiting practitioner transitional period” means—

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

(v) after sub-paragraph (3), insert—

“(4) The modifications to the 1976 Order(147) mentioned in sub-paragraph (1) are—

- (a) Article 2(2) is to be read as if, in the definition of “competent authorities” for “a relevant European State” there were substituted “Switzerland”;
- (b) Article 4A(14) is to be read as if for the words from “the relevant” to the end there were substituted “Switzerland”;
- (c) Schedule 2B is to be read as if—

(i) for paragraph 1, there were substituted—

“1. This Schedule applies to a Swiss visiting practitioner (within the meaning given in paragraph 30(2C) of the Schedule to the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2019) who is lawfully established as a pharmacist in Switzerland.”;

(ii) in paragraph 2—

(aa) before sub-paragraph (a), there were inserted—

“(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;”;

(bb) in sub-paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;

(cc) in sub-paragraph (b), for the words from “the relevant” to the end, there were substituted “Switzerland”;

(dd) in sub-paragraph (c), after “basis” there were inserted—

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(147) Article 4A was inserted by S.R 2012/308. Schedule 2B was inserted by S.R. 2008/192.

“—

- (i) on the basis of one or more existing contracts, and
- (ii) for a period not exceeding 90 days in total in any calendar year.”;

(iii) in paragraph 5(2)—

(aa) in paragraph (b), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;

(bb) in paragraph (c), for the words from “a relevant European State” to the end, there were substituted “the United Kingdom or Switzerland, proof of the enforceable EU right by virtue of which the practitioner is a Swiss visiting practitioner”;

(iv) in paragraph 7(6), after paragraph (a), there were inserted—

“(aa) contains details of the existing contract or contracts on the basis of which the occasional pharmacy services will continue to be provided;”, and

(v) in paragraph 8(5), after paragraph (a), there were inserted—

“(aa) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional pharmacy services, is terminated or otherwise expires; or”.”;

(d) in paragraphs 31(1) and (3), 32(1), 33(1) and (2)(c), 34(1) and 35(a), in each place it occurs, for “exit day” substitute “IP completion day”.

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

Date

*Name*  
Parliamentary Under Secretary of State  
Department of Health and Social Care

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”), in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union (and in particular, the deficiencies under section 8(2)(c), (d) and (e), and section 8(3)(a) of that Act). Part 2 of the Regulations contains amendments to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593) (“the 2019 Regulations”) and Part 3 contains amendments to the European Qualifications (Pharmacists) (Amendment etc.) (EU Exit) Regulations (S.I. 2019/585) (“the 2019 NI Regulations”). The amendments made under the 2018 Act fix some minor and technical drafting errors that were made in the 2019 Regulations and the 2019 NI Regulations, and change “exit day” references to “IP completion day”.

The amendments made to the 2019 Regulations and the 2019 NI Regulations using section 2(2) of the European Communities Act 1972 make provision regarding the recognition of professional qualifications for health and social care professionals for the purposes of the Swiss citizens’ rights agreement and the EEA EFTA citizens’ rights agreement (the EEA EFTA citizens’ rights agreement is the Agreement signed at London on 2 April 2019 between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland on arrangements regarding citizens’ rights following the withdrawal of the United Kingdom from the European Union and the EEA Agreement).

The amendments made to the 2019 Regulations and the 2019 NI Regulations under the European Union (Withdrawal Agreement) Act 2020 (c. 1) implement the Swiss citizens’ rights agreement and the EEA EFTA citizens’ rights agreement.

Amendments have also been made to the 2019 Regulations under the Children and Social Work Act 2017 (c. 16) to remove obsolete references to social work and social workers, in relation to the Health and Care Professions Council’s previous responsibility to regulate that profession in England. This responsibility transferred to Social Work England on 1 December 2019.

The 2019 Regulations are amended to introduce saving provisions for decisions made before IP completion day (regulation 4) and for administrative cooperation in relation to the health and social care professions covered in those regulations (regulation 5). The 2019 Regulations are also modified to extend rights to provide professional services and for the recognition of professional qualifications for medical practitioners (regulations 8 and 9), pharmacists and pharmacy technicians (regulation 10), dentists and dental care professionals (regulation 11), nurses, midwives and nursing associates (regulation 12), opticians (regulation 13), osteopaths (regulation 14), chiropractors (regulation 15), health professionals (regulation 16), social workers in Scotland (regulation 17), social care workers in Northern Ireland (regulation 18) and social workers in England (regulation 19).

In Part 3, the 2019 NI Regulations are amended to make provision in relation to pharmacists in Northern Ireland (regulation 20).

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. An Explanatory Memorandum has been published alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).