
STATUTORY INSTRUMENTS

2007 No. 3101

**The European Qualifications (Health and
Social Care Professions) Regulations 2007**

PART 22

OTHER HEALTH PROFESSIONS: OTHER LEGISLATION

Amendment of the Health Professions Council (Registration and Fees) Rules 2003

279.—(1) The Health Professions Council (Registration and Fees) Rules 2003⁽¹⁾ are amended as follows.

(2) In rule 2 (interpretation)—

(a) before the definition of “Committee” insert—

““attesting State”, in relation to an application, is—

(a) the relevant European State in which the applicant obtained his qualification in the profession to which his application relates; or

(b) (if different) the relevant European State from which the applicant comes to the United Kingdom;”;

(b) for the definition of “competent authority” substitute—

““competent authority”, in relation to an application, means any authority or body of a relevant European State designated by that State for the purposes of Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications⁽²⁾, as competent to—

(a) receive or issue evidence of qualifications or other information or documents,
or

(b) receive applications and take the decisions referred to in that Directive, in connection with the practice of the profession to which the applicant’s application relates;; and”;

(c) omit the definition of “home relevant State”.

(3) After rule 2 insert—

“Application to visiting health professionals from relevant European States

2A. These Rules shall not apply in relation to visiting health professionals from relevant European States or in respect of a person’s registration in exercise of entitlement under article 13A of the Order, except for rules 3 (the register), 9 (amendments to register), 11A (continuing professional development) and 12 (application for removal from the register).”.

⁽¹⁾ Scheduled to [S.I. 2003/1572](#); relevant amendments were made to rule 4 by [S.I. 2005/1625](#).

⁽²⁾ OJ No. L255, 30.09.2005, p.22, as amended by Council Directive [2006/100/EC](#) of 20th November 2006, OJ No. L363 of 20.12.2006, p.141.

- (4) In rule 4 (applications for registration)—
- (a) in paragraph (2)—
 - (i) in sub-paragraph (b), for “paragraphs (4)” substitute “paragraphs (3)”, and
 - (ii) in sub-paragraph (c)(ii), for “home relevant State” substitute “attesting State”;
 - (b) for paragraphs (3) and (4) substitute—
 - “(3) Where an applicant (“A”) is relying on article 12(1)(b) of the Order—
 - (a) he may provide, in place of the character reference referred to in paragraph (2) (a), a certificate of good character—
 - (i) to which either paragraph (3A) or (3B) applies, and
 - (ii) issued within the three months preceding the date of A’s application; and
 - (b) he shall provide, in place of the health reference referred to in paragraph (2)(b), a certificate of good health—
 - (i) to which either paragraph (4) or (4A) applies, and
 - (ii) issued within the three months preceding the date of A’s application.
 - (3A) This paragraph applies to a certificate which—
 - (a) attests to A’s good character or good repute; and
 - (b) is issued by a competent authority in A’s attesting State.
 - (3B) If no such certificate is issued by a competent authority in A’s attesting State, this paragraph applies to a certificate—
 - (a) attesting to the authenticity of a declaration on oath made by A—
 - (i) before a competent judicial or administrative authority, notary or qualified professional body of A’s attesting State, and
 - (ii) attesting to A’s good character; and
 - (b) issued by the authority, notary or body referred to in sub-paragraph (a)(i).
- In this paragraph, “declaration on oath” includes a solemn declaration.
- (4) This paragraph applies to a certificate which—
 - (a) attests to A’s good physical and mental health; and
 - (b) is required of a person who wishes to practise the profession to which A’s application relates in A’s attesting State.
 - (4A) If no such certificate is required of persons who wish to practise the profession to which A’s application relates in A’s attesting State, this paragraph applies to a certificate which—
 - (a) attests to A’s good physical and mental health; and
 - (b) is issued by a competent authority in A’s attesting State.”; and
 - (c) in paragraph (5), omit “or (4)”.
- (5) In rule 5 (other conditions of registration)—
- (a) in paragraph (1)(a), for “or (3)” substitute “, (3A) or (3B)”; and
 - (b) in paragraph (2)(a), after “(4)” insert “, (4A)”.
- (6) In rule 7 (knowledge of the English language), omit “EEA national exercising an enforceable Community right or”.

