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## STATUTORY INSTRUMENTS

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# 2016 No. 1030

## The European Qualifications (Health and Social Care Professions) Regulations 2016

### PART 8

#### OTHER HEALTH PROFESSIONS

##### CHAPTER 1

##### AMENDMENT OF THE HEALTH AND SOCIAL WORK PROFESSIONS ORDER 2001

#### Introductory

**146.** The Health and Social Work Professions Order 2001 <sup>M1</sup> is amended in accordance with this Chapter.

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#### Marginal Citations

**M1** [S.I. 2002/254](#), the title of which was substituted by section 213 of the Health and Social Care Act 2012.

#### Amendment of article 12

**147.**—(1) Article 12 (approved qualifications) <sup>M2</sup> is amended as follows.

(2) After paragraph (1)(b), insert—

“(ba) he is an exempt person and has a right to practise in the United Kingdom by virtue of holding a European professional card in accordance with regulations 56 to 61 of the General Systems Regulations;”.

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#### Marginal Citations

**M2** [Article 12](#) was amended by [S.I. 2007/3101](#). There are other amendments but these are not relevant to these Regulations.

#### Amendment of article 13A

**148.**—(1) Article 13A (visiting health or social work professions from a relevant European State) <sup>M3</sup> is amended as follows.

(2) For paragraph (2), substitute—

“(2) Paragraph (3) applies if—

- (a) V has the benefit of regulation 12 of the General Systems Regulations in connection with the provision by V of relevant services in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of relevant services); or
  - (b) V has a right to practise in the United Kingdom on a temporary and occasional basis by virtue of holding a European professional card in accordance with regulations 51 to 55 of those Regulations.”.
- (3) In paragraph (5)—
- (a) for “17” substitute “ 24 ”;
  - (b) for “8” substitute “ 12 ”.

#### Marginal Citations

**M3** [Article 13A](#) was inserted by [S.I. 2007/3101](#).

#### Amendment of article 38

**149.**—(1) Article 38 (appeals) <sup>M4</sup> is amended as follows.

(2) In paragraph (1A), after sub-paragraph (b), insert—

- “(c) a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person;
- (d) a decision of the Council to revoke, or not to issue, extend or vary a European professional card under Part 4 of the General Systems Regulations;
- (e) a failure by the Council to make a decision in relation to a European professional card within the time limit under regulation 51(1) or 56(1) of the General Systems Regulations.”.

(3) In paragraph (3)(b), after “against” insert “ or, in the case of an appeal from a decision falling within paragraph (1A)(c), direct that the alert be withdrawn or amended ”.

(4) In paragraph (3)(c), after “against” insert “ , or the failure to make a decision falling within paragraph (1A)(e), ”.

#### Marginal Citations

**M4** [Article 38](#) was amended by [S.I. 2007/3101](#). There are other amendments but these are not relevant to these Regulations.

#### Insertion of article 49

**150.** After article 48 (supplementary and transitional provisions and extent), insert—

##### “Review

**49.** By 1st November 2021, and subsequently at intervals not exceeding 5 years from that date, in accordance with section 30 of the Small Business, Enterprise and Employment Act 2015, the Secretary of State must—

- (a) carry out a review of the amendments made to this Order by the European Qualifications (Health and Social Care Professions) Regulations 2016;

- (b) set out the conclusions of the review in a report; and
- (c) publish the report.”.

### **Amendment of Schedule 3**

**151.**—(1) Schedule 3 (interpretation) <sup>M5</sup> is amended as follows.

(2) In paragraph 1—

- (a) for the definition of “General Systems Regulations”, substitute—

““General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015;”;

- (b) in the appropriate place, insert—

““European professional card” has the meaning given in Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications, as amended from time to time;”.

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#### **Marginal Citations**

**M5** [Schedule 3](#) was amended by [S.I. 2007/3101](#). There are other amendments but these are not relevant to these Regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) Regulations 2016, CHAPTER 1.