

SCHEDULE 1

Amendments etc. of the principal Regulations and the 2007 Regulations

PART 3

Transitional and saving provision

Applications begun before exit day – Chapters 1 and 2 of Part 3 of the principal Regulations - transitional and saving provision

44.—(1) This paragraph applies where—

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

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

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

(3) The provisions of the principal Regulations continue to apply on and after exit day as if not amended by Part 2 of this Schedule, but subject to the modifications specified in sub-paragraph (4), in relation to—

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

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

- (a) the United Kingdom is to be treated as falling within the definition of “relevant European State”;
- (b) regulation 5 is to be read as if—
 - (i) paragraphs (2) and (3) were omitted;
 - (ii) for paragraph (4), there were substituted—

“(4) A competent authority must—

 - (i) act as a point of single contact for their regulated professions; and
 - (ii) provide applicants with all information about the requirements, procedures and formalities they need to complete to gain access to and pursue their regulated professions.”;
 - (iii) for paragraph (5), there were substituted—

“(5) A competent authority must fully cooperate with the assistance centre and provide all relevant information about individual cases to the assistance centre on

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request, and subject to data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018.”;

(iv) paragraphs (7) and (9) were omitted;

(v) in paragraph (10), for “regulations 21 and” there were substituted “regulation”;

(vi) after paragraph (11), there were inserted—

“(12) If the applicant does not provide any certified copies requested under paragraph (6) before the expiry of the time limit for the competent authority to notify the applicant of its decision under regulation 42(2), the competent authority may refuse the application.”.

(c) regulation 39 is to be read as if for “require” in paragraphs (1) and (3), there were substituted “request”;

(d) regulation 41 is to be ignored;

(e) regulation 42(5) is to be ignored;

(f) Parts 4 and 5 are to be ignored;

(g) in regulation 66—

(i) paragraph (1) is to be read as if for “must” there were substituted “may”;

(ii) paragraph (3) is to be read as if for the words from “rules” to the end, there were substituted “legislation within the meaning of section 3(9) of the Data Protection Act 2018”;

(h) regulation 67 is to be ignored, save to the extent that paragraph 46 of this Schedule applies;

(i) regulation 68, so far as it relates to an appeal under regulation 67, is to be ignored, save to the extent that paragraph 46 of this Schedule applies.

(5) In this paragraph, “applicant” has the same meaning as in regulation 8(4) of the principal Regulations—

(a) before amendment made by Part 2; and

(b) with the omission of the words “including Part 4”.