

## SCHEDULE 1

Amendments etc. of the principal Regulations and the 2007 Regulations

### PART 2

Amendments of the principal Regulations coming into force on exit day

5. The principal Regulations are amended as follows.

6. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the following definitions—

“adaptation period”

“another relevant European State”;

“aptitude test”;

“Commission”;

“common training framework”;

“common training test”;

“compensation measures”;

“designated competent authority”;

“[Directive 2002/58/EC](#)”;

“[Directive 2006/123/EC](#)”;

“enactment”;

“European Professional Card”;

“the GDPR”;

“host State”;

“IMI”;

“Implementing Regulation 2015”

“lifelong learning”;

“manager of an undertaking”;

“missing document”;

“overriding reasons of general interest”;

“professional experience”;

“professional rules”;

“relevant body”;

“sectoral professions”;

“third country”;

“UK applicant”;

(ii) in the definition of “applicant”, for “regulation 8(3) and (4)” substitute “regulation 8(4)”;

(iii) in the definition of “assistance centre”, omit the words from “and to issue a European Professional Card” to the end;

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- (iv) in the definition of “competent authority”—
    - (aa) in paragraph (a), for “(4)” substitute “(3)”;
    - (bb) in paragraph (b), for “another” substitute “a”;
  - (v) in the definition of “home State”, omit “or in which they lawfully practised”;
  - (vi) in the definition of “holder”, after “competent authority of” insert “the United Kingdom or”;
  - (vii) in the definition of “practice”, omit “in a relevant European State”;
  - (viii) for the definition of “relevant European State”, substitute—
 

““relevant European State” means an EEA State or Switzerland;”;
  - (b) omit paragraphs (2), (3) and (6).
7. For regulation 3 (application) substitute—
- “3. These Regulations do not apply in relation to—
- (a) any profession regulated under—
    - (i) the Medical Act 1983<sup>(1)</sup>;
    - (ii) the Dentists Act 1984<sup>(2)</sup>;
    - (iii) the Opticians Act 1989<sup>(3)</sup>;
    - (iv) the Osteopaths Act 1993<sup>(4)</sup>;
    - (v) the Chiropractors Act 1994<sup>(5)</sup>;
    - (vi) Part 3 of the Regulation of Care (Scotland) Act 2001<sup>(6)</sup>;
    - (vii) Part 4 of the Regulation and Inspection of Social Care (Wales) Act 2016<sup>(7)</sup>;
    - (viii) Part 2 of the Children and Social Work Act 2017<sup>(8)</sup>;
    - (ix) the Nursing and Midwifery Order 2001<sup>(9)</sup>;
    - (x) the Health and Social Work Professions Order 2001<sup>(10)</sup>;
    - (xi) Health and Personal Social Services Act (Northern Ireland) 2001<sup>(11)</sup>;
    - (xii) the Pharmacy Order 2010<sup>(12)</sup>;
    - (xiii) the Health and Personal Social Services Act (Northern Ireland) 2001<sup>(13)</sup>;
  - (b) the profession of architect;
  - (c) the profession of veterinary surgeon;
  - (d) the profession of farrier in England, Wales and Scotland;
  - (e) the profession of statutory auditor as defined in section 1210 of the Companies Act 2006<sup>(14)</sup>;

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(1) 1983 c. 54.

(2) 1984 c. 24.

(3) 1989 c. 44.

(4) 1993 c. 21.

(5) 1994 c. 17.

(6) 2001 asp 8.

(7) 2016 anaw 2.

(8) 2017 c. 16.

(9) S.I. 2002/253.

(10) S.I. 2002/254. The S.I. was re-named by section 213(4) of the Health and Social Care Act 2012 (c. 7).

(11) 2001 c.3.

(12) S.I. 2010/231.

(13) 2001 c. 3.

(14) 2006 c.46. Section 1210 was amended by S.I. 2008/565, 1950, 2012/1809, 2013/3115, 2017/516, 1164.

- (f) the profession of notary appointed by an official act of government;
  - (g) any regulated profession in relation to which, immediately before exit day—
    - (i) specific arrangements directly related to the recognition of professional qualifications were made in any EU Regulation, EU Directive, EU decision or EU tertiary legislation; and
    - (ii) the effect of those arrangements excluded the application of the Directive.”.
- 8. In regulation 4 (competent authorities)—
  - (a) in paragraph (1)—
    - (i) for “any of Parts 1 to 3” substitute “Parts 1 and 2”;
    - (ii) for “the Directive” substitute “these Regulations”;
  - (b) in paragraph (2), for “the Directive”, substitute “these Regulations”;
  - (c) omit paragraphs (3) and (4);
  - (d) in paragraph (5)—
    - (i) for “another” substitute “a”;
    - (ii) in sub-paragraph (a), omit “attestation of competence,”;
    - (iii) omit sub-paragraph (b), but not the “or” following it;
    - (iv) omit the words from “or (as the case may be)” to the end.
- 9. In regulation 5 (functions of competent authorities in the United Kingdom)—
  - (a) omit paragraphs (2) and (3);
  - (b) for paragraph (4), substitute—

“(4) A competent authority must—

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

“(5) A competent authority must fully cooperate with the assistance centre and provide all relevant information about individual cases to the assistance centre on request, and subject to data protection legislation within the meaning of section 3(9) of the Data Protection Act 2018.”(15);
  - (d) omit paragraphs (7) and (9);
  - (e) in paragraph (10), for “regulations 21 and” substitute “regulation”;
  - (f) after paragraph (11), insert—

“(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.”.
- 10. In regulation 6(2), omit “or the issue of a European Professional Card”.
- 11. In regulation 7—
  - (a) in paragraph (1)—

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(15) 2018 c.12.

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- (i) after “request” insert “by an applicant”;
  - (ii) in sub-paragraph (a), for “another” substitute “a”;
- (b) after paragraph (4), insert—
  - “(5) In this regulation, “third country” means a country other than a relevant European State.”.
- 12.** In regulation 8 (regulated profession, regulated education and training and applicants)—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (a)(i), for “any of Parts 1, 3 and 4” substitute “Part 1”;
    - (ii) in paragraph (b), for “another” substitute “a”;
  - (b) in paragraph (2)—
    - (i) after “of a profession in” insert “the United Kingdom or”;
    - (ii) after “provisions of” insert “the United Kingdom or, as the case may be,”;
    - (iii) after “competent authority in” insert “the United Kingdom or, as the case may be”;
  - (c) omit paragraph (3);
  - (d) in paragraph (4)—
    - (i) in the opening words, omit “, 2” and “, including Part 4,”;
    - (ii) in sub-paragraph (a)—
      - (aa) for “wishes” substitute “applies for authorisation”;
      - (bb) omit “on a permanent basis”;
    - (iii) at the end of that sub-paragraph, insert “and”;
    - (iv) omit sub-paragraph (b);
    - (v) in sub-paragraph (c), omit “or a third country,”;
    - (vi) omit sub-paragraph (d), and the “and” immediately before that sub-paragraph.
- 13.** In regulation 9 (professional qualifications and evidence of formal qualifications)—
  - (a) in paragraph (1), omit “, subject to paragraph 12(2)”;
  - (b) omit paragraph (1)(b) and (c);
  - (c) in paragraph (2)(a), insert “the United Kingdom or” after “authority in” and “mainly in”;
  - (d) omit paragraph (2)(b) and the “or” before that paragraph.
- 14.** Omit regulations 10 (partial access) and 11 (procedure applicable to partial access applications).
- 15.** Omit Part 2: (regulations 12 to 26: freedom to provide services on a temporary and occasional basis).
- 16.** For the heading to Part 3 (freedom of establishment), substitute “Applications for Authorisation”.
- 17.** In regulation 27 (levels of qualification), omit paragraph (a).
- 18.** Omit regulation 28 (equal treatment of qualifications).
- 19.** In regulation 29 (conditions for recognition)—
  - (a) for paragraph (1) substitute—
    - “(1) If access to, or pursuit of, a regulated profession in the United Kingdom is contingent on possession of specific qualifications, a competent authority must permit

access to, and pursuit of, that profession to an applicant, where that applicant possesses evidence of formal qualifications required by a relevant European State, where the profession is regulated, in order to gain access to and pursue the same profession in that relevant European State.”;

(b) after paragraph (1), insert—

“(1A) The requirement on the competent authority in paragraph (1) does not apply where—

(a) the training the applicant has received covers substantially different matters than those covered by the evidence of formal qualifications required for the regulated profession in the United Kingdom; or

(b) the regulated profession in the United Kingdom—

(i) comprises one or more regulated professional activities which do not exist in the profession in the applicant’s home State; and

(ii) the specific training which is required by the regulated profession covers substantially different matters from those covered by the applicant’s attestation of competence or evidence of formal qualifications; or

(c) the level of the professional qualifications of the applicant is lower than the level of the specific professional qualifications required to access and pursue the regulated profession in the United Kingdom;

(1B) In paragraph (1A), “substantially different matters” means matters of which knowledge, skills and competences acquired are essential for pursuing the profession and with regard to which the training received by the applicant shows significant differences in terms of duration or content from the training required in the United Kingdom.”;

(c) in paragraph (2)—

(i) omit “Attestations of competence or”;

(ii) in sub-paragraph (a), for “another” substitute “a”;

(iii) omit sub-paragraph (b);

(d) for paragraph (3), substitute—

“(3) Nothing in paragraphs (1) or (1A) prevents a competent authority from exercising any other powers it may have to permit an applicant to access and pursue a regulated profession.”;

(e) omit paragraphs (4) and (5).

**20.** Omit regulations 30 (compensation measures – adaptation periods and aptitude tests) to 37.

**21.** For the heading to Chapter 4 (common provisions on establishment), substitute “General Provisions”.

**22.** In regulation 38 (documentation and formalities)—

(a) for paragraph (1), substitute—

“(1) When considering an application for authorisation to pursue a regulated profession, the competent authority may require any information or documentation necessary to enable the competent authority to assess the application, including—

(a) evidence of formal qualifications, and any information necessary to determine the level and content of those qualifications;

(b) information concerning the applicant’s training to the extent necessary to determine the existence of potential substantial differences to the training requirements in the United Kingdom;

- (c) the applicant's fitness to practice and professional or financial standing; and
  - (d) the applicant's insurance cover.”;
- (b) omit paragraph (2).
- 23.** In regulation 39—
  - (a) in paragraph (1)—
    - (i) for “require”, substitute “request”;
    - (ii) omit “attestations and” and “other”;
  - (b) in paragraph (3), for “require”, substitute “request”;
  - (c) after paragraph (3) insert—
 

“(4) Where a competent authority of another relevant European State does not provide the confirmation required or the verification sought by a competent authority under this regulation before the expiry of the time limit for notifying the applicant of its decision under regulation 42(2), the competent authority may refuse the application.”.
- 24.** Omit regulations 40 and 41.
- 25.** In regulation 42 (decisions of competent authorities)—
  - (a) in paragraph (1), for “to establish himself” substitute “for authorisation to practise”
  - (b) in paragraph (2), for sub-paragraphs (a) and (b), substitute “within four months”;
  - (c) omit paragraph (5).
- 26.** In regulation 43 (use of professional titles), omit paragraph (4).
- 27.** Omit Part 4: (regulations 44 to 63: European Professional Card).
- 28.** Omit Part 5: (regulations 64 and 65: automatic recognition on the basis of common training principles).
- 29.** In regulation 66 (exchange of information)—
  - (a) in paragraph (1), for the words from “must exchange” to “other”, substitute “may exchange information with competent authorities of”;
  - (b) in paragraph (2)—
    - (i) for “home State” substitute “United Kingdom”;
    - (ii) for “another” substitute “a”;
  - (c) in paragraph (3), for the words from “rules” to the end, substitute “legislation within the meaning of section 3(9) of the Data Protection Act 2018”.
- 30.** Omit regulation 67 (alert mechanism).
- 31.** In regulation 68 (appeals)—
  - (a) in paragraph (1), for the words “any one of regulations 6(1), 10, 13(2), 42(2) or under Part 4” substitute “either regulation 6(1) or 42(2)”;
  - (b) omit paragraph (2);
  - (c) in paragraph (3), omit “or (2)”;
  - (d) in paragraph (4), for “regulation 6(1), 10, 13(2), 42(2), 62 or 63” substitute “regulation 6(1) or 42(2)”;
  - (e) for paragraph (5), substitute—
 

“(5) In paragraph (3), “enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning given by subsection (1) of section 21 of the Interpretation Act 1978, except that the definition of that term in that subsection shall have effect as if “Act” included Northern Ireland legislation, and
  - (b) an enactment contained in an Act of the Scottish Parliament or in an instrument made under such an Act.”;
- 32.** In regulation 69 (use of academic titles), in paragraph (1), for “regulations 18 and” substitute “regulation”.
- 33.** In regulation 70 (assistance centre)—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (a), omit—
      - (aa) “and the assistance centres of other relevant European States”; and
      - (bb) “where appropriate the availability and functioning of the European Professional Card”;
    - (ii) for sub-paragraph (b), substitute—
      - “(b) on receipt of an enquiry, assist applicants in exercising the rights conferred on them by these Regulations, in co-operation where appropriate, with points of single contact and competent authorities in the United Kingdom.”;
  - (b) in paragraph (2), for “Commission”, in both places it appears, substitute “Secretary of State”.
- 34.** In regulation 71 (information from competent authorities)—
  - (a) in paragraph (1), for “the Directive”, substitute “these Regulations”;
  - (b) in paragraph (2), omit the words from “, including the types of decisions” to the end.
- 35.** In regulation 72 (review), omit paragraph (2).
- 36.** In regulation 78 (transitional and saving provision), omit paragraphs (1) and (3).
- 37.** In Schedule 1 (regulated professions) —
  - (a) in Part 1, omit the following entries in column 1 (profession) and their corresponding entries (if applicable) in column 2 (competent authority)—
    - (i) Chiropractor;
    - (ii) Dental Hygienist;
    - (iii) Dental Therapist
    - (iv) Clinical Dental Technician;
    - (v) Dental Nurse;
    - (vi) Dental Technician;
    - (vii) Orthodontic Therapist;
    - (viii) Arts Therapist;
    - (ix) Biomedical Scientist;
    - (x) Chiropodist and Podiatrist;
    - (xi) Clinical Scientist;
    - (xii) Dietitian;

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- (xiii) Hearing Aid Dispenser;
- (xiv) Occupational Therapist;
- (xv) Operating Department Practitioner;
- (xvi) Orthoptist;
- (xvii) Paramedic;
- (xviii) Physiotherapist;
- (xix) Prosthetist and Orthotist;
- (xx) Radiographer;
- (xxi) Practitioner psychologist (a registered psychologist, clinical psychologist, counselling psychologist, educational psychologist, forensic psychologist, health psychologist, occupational psychologist or sport and exercise psychologist);
- (xxii) Social Worker in England;
- (xxiii) Social Worker in Northern Ireland;
- (xxiv) Social Worker in Scotland;
- (xxv) Social Worker in Wales;
- (xxvi) Social Care Manager in Wales;
- (xxvii) Speech and Language Therapist;
- (xxviii) Nurse (other than a nurse admitted to Sub-Part 1 of the nurses' part of the register maintained by the Nursing and Midwifery Council whose field of practice is adult nursing);
- (xxix) Nursing Associate in England;
- (xxx) Optometrist (Ophthalmic Optician);
- (xxxi) Dispensing Optician;
- (xxxii) Osteopath;
- (xxxiii) Pharmacy Technician in Great Britain;
- (b) omit Parts 3 and 4.

**38.** Omit Schedules 2, 3, and 4.

**39.** In Schedule 5 (appeal bodies), in the first column, omit the following entries in column 1 (profession) and their corresponding entries in column 2 (body, court or person)—

- (a) Social Worker in Northern Ireland;
- (b) Social Worker in Wales.