SCHEDULES

SCHEDULE 1

Medical Practitioners

PART 2

Savings and transitional provision

General Practitioner Register and Specialist Register

66.—(1) Where an application for inclusion in the General Practitioner Register kept under section 34C of the Medical Act 1983 or the Specialist Register kept under section 34D of that Act is received before **[**[F1]IP completion day**]**, provisions of that Act, the Postgraduate Medical Education and Training Order of Council 2010 and the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 **[**[F2](except for provisions listed in sub paragraph (3))**]** continue to apply in relation to the application (including any appeal arising from it) without the amendments made to those enactments by Part 1 of this Schedule.

(2) Where a provision continues to apply by virtue of paragraph (1), it is to be read as if, in any reference to a relevant European State other than the United Kingdom, the words "other than the United Kingdom" were omitted.

[[F3](3) The provisions listed in this paragraph are the following provisions listed in the table in Schedule 4A (Directive 2005/36: Functions of the General Council Under Section 49B(3)) to the Medical Act 1983—

(a) Article 50(3b);

(b) Article 56(2) in respect of the words "and through the IMI";

(c) Articles 56(2a), 56a(1) and 56a(2);

(d) Article 56a(3) in respect of the words "by way of an alert through the IMI,";

(e) Article 56a(5), (6) and (7).**]**

Textual Amendments

F1 Words in Sch. 1 para. 66(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(2)**

F2 Words in Sch. 1 para. 66(1) inserted (24.2.2022) by The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022 (S.I. 2022/82), regs. 1(2), **3(2)(a)**

F3 Sch. 1 para. 66(3) inserted (24.2.2022) by The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022 (S.I. 2022/82), regs. 1(2), **3(2)(b)**

Commencement Information

I1 Sch. 1 para. 66 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

IMI alerts

67.—(1) Where an alert has been sent by the General Medical Council before **[**[F4]IP completion day**]** under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015 as they then had effect, the decision to send the alert continues to be appealable for the purposes of section 40 of the Medical Act 1983 (subject to the provisions of that Act) despite the repeal of section 40(1B).

(2) In disposing of such an appeal, the powers of the court (or the sheriff) are, instead of those set out in section 40(8) of the Medical Act 1983—

(a) to dismiss the appeal, or

(b) to allow the appeal [F5]....

Textual Amendments

F4 Words in Sch. 1 para. 67(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(2)**

F5 Words in Sch. 1 para. 67(2)(b) omitted (24.2.2022) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022 (S.I. 2022/82), regs. 1(2), **3(2)(c)**

Commencement Information

I2 Sch. 1 para. 67 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

[[F6]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);

(b) the National Health Service Pension Scheme Regulations 2008;

(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;

(e) the National Health Service (General Medical Services Contracts) Regulations 2015;

(f) the National Health Service (Personal Medical Services Agreements) Regulations 2015.

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

(a) section 3 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) 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 is to be read as if—

(i) in subsection (1)—

(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 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 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 is to be read as if—

(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 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) 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)—

(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 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, 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;

"the 2010 Order" means the Postgraduate Medical Education and Training Order of Council 2010;

"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.**]**

Textual Amendments

F6 Sch. 1 para. 67A inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(3)**

Commencement Information

I3 Sch. 1 para. 67A in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Visiting medical practitioners: saving of old law for up to [F7five years]

68.—(1) Where, immediately before **[**F8IP completion day**]**—

(a) a visiting practitioner was entitled under paragraph 4 (entitlement to provide occasional medical services: first year) M1 or 7 (entitlement to provide occasional medical services after first year: renewals) of Schedule 2A to the Medical Act 1983 to provide occasional medical services, or

(b) the Registrar was in receipt of the required documents (within the meaning of paragraph 5 (first provisions of services: required documents) of that Schedule) from a visiting practitioner seeking to acquire that entitlement,

any provision made by or under that Act continues to apply in relation to the visiting practitioner without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting medical practitioners from relevant European States **[**F9(but subject to the modifications to Schedule 2A to that Act specified in sub-paragraph (4))**]**.

(2) But a visiting practitioner's entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the Medical Act 1983 on or after **[**F10IP completion day**]** (and, accordingly, the entitlement lapses at end of the period mentioned in paragraph 8(1) or (2) (duration of entitlement to provide occasional medical services) of that Schedule).

[F11(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.**]**

(3) The reference in sub-paragraph (1) to "the provisions relating to visiting medical practitioners from relevant European States" are to the provisions listed in the following table.

Act or instrument	*Provision relating to visiting medical practitioners*
Medical Act 1983	section 2(2)((d)
	section 18
	section 30(1)(d)

	section 32(5)
	section 44B(1) and (2)
	section 44C(11)
	in section 55(1), the definition of "fully registered person"
	Schedule 1, paragraph 10
	Schedule 2A
	[[F12]Schedule 3, paragraph 7**]**
	Schedule 3A, paragraphs 1 and 2(1)(q)
Postgraduate Medical Education and Training Order of Council 2010	article 3(1)(c) and (2)
	article 7(1)(c) and (2)
General Medical Council (Form and Content of the Registers) Regulations No 2 2010	regulation 2
	regulation 4(d)
	regulation 5(f)
General Medical Council (Licence to Practise and Revalidation) Regulations 2012	regulation 3(1)
	regulation 4(2)(f)
	regulation 6(2)

[[F13](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) 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.";

(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,".**]**

Textual Amendments

F7 Words in Sch. 1 para. 68 heading substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(4)(a)**

F8 Words in Sch. 1 para. 68(1) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(4)(c)**

F9 Words in Sch. 1 para. 68(1) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(4)(b)**

F10 Words in Sch. 1 para. 68(2) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(4)(c)**

F11 Sch. 1 para. 68(2A)-(2C) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(4)(d)**

F12 Words in Sch. 1 para. 68(3) table inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(4)(e)**

F13 Sch. 1 para. 68(4) inserted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **9(4)(f)**

Commencement Information

I4 Sch. 1 para. 68 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Marginal Citations

M1 Relevant amending instrument is S.I. 2016/1030.

Changes to legislation:
There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 2.