

## SCHEDULES

### SCHEDULE 11

#### Social workers in England

### PART 2

#### Savings and transitional provision

##### **Pending applications**

**11.** Where an application for registration, or renewal or restoration of registration, in the register kept under the 2018 Regulations is received before exit day, any provision made by or under the 2018 Regulations continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

##### **Visiting social work professionals: saving of old law for up to one year**

**12.—(1)** Where—

(a) a person had, immediately before exit day, the benefit of regulation 12 of the European Union (Recognition of Professional Qualifications) Regulations 2015 in respect of the provision by that person of services as a social worker (and regulation 18(2) of the 2018 Regulations accordingly applied to the person), and

(b) the person continues to have that benefit on or after exit day,

any provision made by or under the 2018 Regulations continues to apply in relation to the provision of those services by that person without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting social work professionals from relevant European states.

(2) Sub-paragraph (1) ceases to apply in relation to a visiting social work professional—

(a) if the professional is registered as required by regulation 18(2) of the 2018 Regulations, when his or her name is removed under regulation 18(5) of those Regulations;

(b) otherwise, when the professional's entitlement ceases by reason of the operation of regulation 18(5) of those Regulations.

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting social work professionals from relevant European states” is to the following provisions of the 2018 Regulations—

(a) regulation 2(1), (2) and (3);

(b) regulation 9(1)(c);

(c) regulation 10(5);

(d) regulation 18;

(e) regulation 19(1)(i).

### **Interpretation of saved provisions**

13. Where a provision continues to apply by virtue of this Part, it is to be read as if—
- (a) in regulation 2 of the 2018 Regulations—
    - (i) in paragraph (1), there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before exit day, by virtue of section 2(1) of the European Communities Act 1972;”;
    - (ii) in paragraph (2), for sub-paragraphs (a) to (c) there were substituted—
      - “(a) a person who, immediately before exit day, was a national of a relevant European State,
      - (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the social work profession by virtue of an enforceable EU right, or
      - (c) a person who, immediately before exit day, was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the social work profession, no less favourably than a national of a relevant European State.”;
    - (iii) in paragraph (3), for “is not” there were substituted “was not, immediately before exit day”;
  - (b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted;
  - (c) any reference to the European Union (Recognition of Professional Qualifications) Regulations 2007 or the European Union (Recognition of Professional Qualifications) Regulations 2015 were—
    - (i) in relation to anything done before exit day, to those Regulations as they had effect at that time;
    - (ii) otherwise, to those Regulations as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day.