

## SCHEDULES

### SCHEDULE 2

Pharmacists and pharmacy technicians

### PART 2

Savings and transitional provision

#### Pending applications

**44.** Where an application for entry in, or restoration to, a part of the register kept under the 2010 Order is received before [<sup>F1</sup>IP completion day], any provision made by or under that Order (except for provision contained in Schedule 2A to the Order) continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

#### Textual Amendments

- F1** Words in Sch. 2 para. 44 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), **10(3)**

#### Commencement Information

- II** Sch. 2 para. 44 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### [<sup>F2</sup>Swiss pharmacists qualifying outside the United Kingdom: saving of old law

**44A.—(1)** Where an application for registration in Part 1 of the Register is received from a qualifying Swiss applicant before the end of the Swiss recognition period, any provision made by an instrument amended by Part 1 of this Schedule 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 2010 Order and the General Pharmaceutical Council (Registration) Rules 2010 specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 2010 Order, other than articles 19(2)(d) and (e), 32(11), 33, 33A, 36(3), 39(1)(c) and (e), 66(2) and 71, and Schedule 2A;
- (b) the Approved European Pharmacy Qualifications Order of Council 2007;
- (c) the General Pharmaceutical Council (Registration) Rules 2010;
- (d) the Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010.

(3) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—

- (a) article 3(1) is to be read as if—

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- (i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for “as amended from time to time” there were substituted “as it had effect immediately before IP completion day”;
- (ii) in the definition of “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 given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (iii) there were inserted at the appropriate place—
  - ““qualifying Swiss applicant” has the meaning given in paragraph 44A(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
- (iv) for the definition of “third country”, there were substituted—
  - ““third country” has the same meaning as in regulation 2(1) of the 2007 Regulations.”;
- (b) article 20(4) is to be read as if, for sub-paragraph (a), there were substituted—
  - “(a) is a qualifying Swiss applicant who has qualified as a pharmacist in a relevant European State;”;
- (c) article 21 is to be read as if—
  - (i) in paragraph (1), in sub-paragraphs (b) and (c), for “an exempt person”, there were substituted “a qualifying Swiss applicant”;
  - (ii) in paragraph (1), in sub-paragraph (d)—
    - (aa) in the words before paragraph (i), “subject to paragraph (2)” were omitted;
    - (bb) in paragraph (ii)(aa), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (cc) in paragraph (ii)(bb), “whether or not P is an exempt person” were omitted;
  - (iii) paragraphs (2), and (4)(b) were omitted, and the “and” at the end of paragraph (4) (a) were omitted;
  - (iv) in paragraph (5)—
    - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (bb) in sub-paragraph (a), for “another relevant European State” there were substituted “a competent authority in Switzerland, pursuant to Article 2(2) of the Directive”;
- (d) in article 23—
  - (i) paragraph (1)(c) is to be read as if—
    - (aa) paragraph (iii) were omitted;
    - (bb) in paragraph (iv), in the words before sub-paragraph (aa) and in sub-paragraph (bb), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (cc) in paragraph (iv)(aa) and (bb), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
    - (dd) in paragraph (vi), for “an exempt person” there were substituted “a qualifying Swiss applicant”, and for “a relevant European State” there were substituted “Switzerland”;

- (ii) paragraph (4) is to be read as if for “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (iii) paragraph (9) is to be read as if for the words from “in relation” to the end, there were substituted “in relation to a qualifying Swiss applicant, means Switzerland”;
  - (e) article 23A(7) is to be read as if for “an exempt person” there were substituted “a qualifying Swiss applicant”;
  - (f) article 36(1) is to be read as if for “Subject to paragraph (3), the” there were substituted “The”.
- (4) The modifications to the General Pharmaceutical Council (Registration) Rules 2010 mentioned in sub-paragraph (1) are—
- (a) rule 2 is to be read as if after the definition of “prescribed fee”, there were inserted—  
““qualifying Swiss applicant” has the meaning given in paragraph 44A(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
  - (b) rule 10 is to be read as if—
    - (i) in paragraph (3)(e)—
      - (aa) in the words before paragraph (i), for “an exempt person within the meaning given in article 3(1) of the Order” there were substituted “a qualifying Swiss applicant”;
      - (bb) in paragraphs (i) and (ii), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
      - (cc) in paragraph (ii), for “Community right by virtue of which the applicant is an exempt person” there were substituted “enforceable EU right by virtue of which the applicant is a qualifying Swiss applicant”;
    - (ii) in paragraph (3)(f), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
    - (iii) in paragraph (3)(h), in the words before paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (iv) in paragraph (3)(i), in the words before paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
    - (v) in paragraph (3)(j), in paragraphs (i) and (ii), for “an exempt person”, in each place it occurs, there were substituted “a qualifying Swiss applicant”;
    - (vi) in paragraph (3)(k)—
      - (aa) in paragraph (i), for “an exempt person” there were substituted “a qualifying Swiss applicant”;
      - (bb) in paragraph (ii), “, whether or not the applicant is an exempt person,” were omitted;
    - (vii) paragraph (3ZA) were omitted;
    - (viii) in paragraph (12), for the definition of “attesting State” there were substituted—  
““attesting State” means Switzerland;”.
- (5) For the purposes of this paragraph—  
“qualifying Swiss applicant” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application for registration under Schedule 2 to the 2010 Order);

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“the Register” has the meaning given in article 3(1) of the 2010 Order, as it had effect immediately before IP completion day.]

#### Textual Amendments

**F2** Sch. 2 paras. 44A, 44B 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), **10(4)**

#### Commencement Information

**I2** Sch. 2 para. 44A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

### [<sup>F2</sup>Swiss pharmacy technicians qualifying outside the United Kingdom: saving of old law

**44B.**—(1) Where an application for registration in Part 2 of the Register is received from a Swiss pharmacy technician before the end of the Swiss recognition period, any provision made by an instrument amended by Part 1 of this Schedule 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 2010 Order and the General Pharmaceutical Council (Registration) Rules 2010 specified in sub-paragraphs (3) and (4)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments—

- (a) the 2010 Order, other than articles 19(2)(d) and (e), 32(11), 33, 36(1) and (3), 39(1)(c) and (e), [<sup>F3</sup>66(2) and 71];
- (b) the General Pharmaceutical Council (Registration) Rules 2010.

(3) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—

- (a) article 3(1) is to be read as if—
  - (i) in the definitions of “the Directive” and “[Directive 2002/58/EC](#)”, for “as amended from time to time” there were substituted “as it had effect immediately before IP completion day”;
  - (ii) in the definition of “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 given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
  - (iii) there were inserted at the appropriate place—
 

““Swiss pharmacy technician” has the meaning given in paragraph 44B(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
  - (iv) for the definition of “third country”, there were substituted—
 

““third country” has the same meaning as in regulation 2(1) of the 2007 Regulations.”;

(b) article 22 is to be read as if—

- (i) in paragraph (1)(b), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
- (ii) in paragraph (1)(c)—

- (aa) in paragraph (ii)(aa), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (bb) in paragraph (ii)(bb), “whether or not T is an exempt person,” were omitted;
  - (iii) in paragraph (2)—
    - (aa) in the words before sub-paragraph (a), for “exempt person” there were substituted “Swiss pharmacy technician”;
    - (bb) in sub-paragraph (b), after “the Directive” there were inserted “as they had effect immediately before IP completion day”;
  - (iv) in paragraph (3)—
    - (aa) in the words before sub-paragraph (a) for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (bb) in sub-paragraph (a), for “another relevant European State” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”;
  - (c) article 23(1) is to be read as if in sub-paragraph (c)—
    - (i) paragraph (iii) were omitted;
    - (ii) in paragraph (iv)—
      - (aa) in the words before sub-paragraph (aa) and in sub-paragraph (bb), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
      - (aa) in sub-paragraphs (aa) and (bb), for “a relevant European State” there were substituted “the United Kingdom or Switzerland”;
    - (iii) in paragraph (vi)—
      - (aa) for “an exempt person” there were substituted “a Swiss pharmacy technician”;
      - (bb) for “a relevant European State” there were substituted “Switzerland”;
  - (d) article 23(4) is to be read as if for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (e) article 23(9) is to be read as if for the words from “in relation” to the end, there were substituted “in relation to a Swiss pharmacy technician, means Switzerland”;
  - (f) article 23A(7) is to be read as if for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (g) article 36(1) is to be read as if for “Subject to paragraph (3), the” there were substituted “The”.
- (4) The modifications to the General Pharmaceutical Council (Registration) Rules 2010 mentioned in sub-paragraph (1) are—
- (a) rule 2 is to be read as if after the definition of “prescribed fee” there were inserted—

““Swiss pharmacy technician” has the meaning given in paragraph 44B(5) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019;”;
  - (b) rule 10 is to be read as if—
    - (i) in paragraph (3)(e)—
      - (aa) in the words before paragraph (i), for “an exempt person within the meaning given in article 3(1) of the Order” there were substituted “a Swiss pharmacy technician”;

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- (bb) in paragraphs (i) and (ii), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
  - (cc) in paragraph (ii), for “Community right by virtue of which the applicant is an exempt person” there were substituted “enforceable EU right by virtue of which the applicant is a Swiss pharmacy technician”;
  - (ii) in paragraph (3)(f), for “a relevant European State”, in each place it occurs, there were substituted “the United Kingdom or Switzerland”;
  - (iii) in paragraph (3)(h), in the words before paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (iv) in paragraph (3)(i), in the words before paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (v) in paragraph (3)(j), in paragraphs (i) and (ii), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
  - (vi) in paragraph (3)(k)—
    - (aa) in paragraph (i), for “an exempt person” there were substituted “a Swiss pharmacy technician”;
    - (bb) in paragraph (ii) “, whether or not the applicant is an exempt person,” were omitted;
  - (vii) paragraph (3ZA) were omitted;
  - (viii) in paragraph (12), for the definition of “attesting State” there were substituted—
    - ““attesting State” means Switzerland;”.
- (5) For the purposes of this paragraph—
- “the Register” has the meaning given in article 3(1) of the 2010 Order, as it had effect immediately before IP completion day;
  - “Swiss pharmacy technician” means a qualifying applicant who had not, before IP completion day, made a registration application.]

#### Textual Amendments

- F2** Sch. 2 paras. 44A, 44B 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), **10(4)**
- F3** Words in Sch. 2 para. 44B(2)(a) substituted (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(3)(a)**

#### Commencement Information

- I3** Sch. 2 para. 44B 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 pharmacists and pharmacy technicians: saving of old law for up to [<sup>F4</sup>five years]

- 45.—(1) Where, immediately before [<sup>F5</sup>IP completion day]—
- (a) a visiting pharmacist or pharmacy technician was entitled under paragraph 3, 6, 11 or 14 of Schedule 2 to the 2010 Order to provide occasional pharmacy services, or

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- (b) the Registrar was in receipt of the required documents (within the meaning of paragraph 4 or 12 of that Schedule) from a pharmacist or pharmacy technician seeking to acquire that entitlement,

any provision made by an Act or instrument amended by Part 1 of this Schedule continues to apply in relation to the pharmacist or technician without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting practitioners from relevant European States [<sup>F6</sup>(but subject, in the case of a Swiss visiting practitioner, to the modifications to the 2010 Order specified in sub-paragraph (4))].

(2) But a visiting practitioner's entitlement does not continue (or further continue) under paragraph 6 or 14 of Schedule 2 to the 2010 Order on or after [<sup>F7</sup>IP completion day] (and, accordingly, the entitlement lapses at the end of—

- (a) in the case of a pharmacist, the period mentioned in paragraph 7(1) or (2) of that Schedule;
- (b) in the case of a pharmacy technician, the period mentioned in paragraph 15(1) or (2) of that Schedule).

[<sup>F8</sup>(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 6 or 14 of Schedule 2 to the 2010 Order after the end of the visiting practitioner transitional period (and, accordingly, the entitlement lapses at the end of—

- (a) in the case of a pharmacist, the period mentioned in paragraph 7(1) or (2) of that Schedule;
- (b) in the case of a pharmacy technician, the period mentioned in paragraph 15(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 Switzerland, or
- (b) a third country national, who was, immediately before IP completion day, entitled by virtue of an enforceable EU right to be treated, for the purposes of access to and pursuit of the profession of pharmacist or pharmacy technician, no less favourably than a national of the United Kingdom or Switzerland.]

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

<i>Instrument</i>	<i>Provision relating to visiting practitioners</i>
The 1968 Act	section 67E section 69(1ZA) section 71(7) section 78(5) and (5A)
The 2010 Order	in article 3(1), the definitions of “competent authority”, “exempt person”, “General Systems Regulations”, “registered pharmacist” and “registered pharmacy technician” article 19(2)(d) and (e) article 29(3)(a) article 32(11) article 33

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	article 36(3)
	article 37(5)
	article 38(2) and (4)
	article 39(1)(c), (e), (i) and (l)
	article 43(5)(c), (8)(b) and (9)
	Schedule 2
Medicines for Human Use (Clinical Trials) Regulations 2004	regulation 2(1)
National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009	regulation 2(1)
General Pharmaceutical Council (Registration) Rules 2010	rule 18(1)(a) and (5)(a)(i) rule 19(1), (4)(a) and (5)(b) rule 20(3)(a)
General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011	rule 5(2)(b) and (3) rule 6(f)(ii) rule 8(1) rule 9(5) rule 11(1)(a)
Human Medicines Regulations 2012	regulation 8(1)
National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013	regulation 2(1)

[<sup>F9</sup>(4) The modifications to the 2010 Order mentioned in sub-paragraph (1) are—

- (a) article 3(1) is to be read as if in the definition of “competent authority” for “a relevant European State” there were substituted “Switzerland”;
- (b) article 43(9) is to be read as if, for the words from “the relevant” to the end, there were substituted “Switzerland”;
- (c) Part 1 of Schedule 2 is to be read as if—
  - (i) for paragraph 1(1), there were substituted—
    - “(1) This Part of this Schedule applies to a Swiss visiting practitioner who is lawfully established as a pharmacist in Switzerland.”;
  - (ii) in paragraph 1(2)—
    - (aa) before paragraph (a), there were inserted—
      - “(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;
      - (zb) “Swiss visiting practitioner” has the meaning given in paragraph 45(2C) of Schedule 2 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;



- (bb) in paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;
- (cc) in paragraph (b), for the words from “the relevant” to the end, there were substituted “Switzerland”;
- (dd) 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.”;
- (iii) in paragraph 4(2)—
  - (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”;
- (iv) in paragraph 6—
  - (aa) sub-paragraphs (3) and (4) were omitted;
  - (bb) in sub-paragraph (6), after paragraph (a), there were inserted—
    - “(aa) contains details of the existing contract or contracts on the basis of which the occasional pharmacy 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.”;
- (v) paragraph 7(7) is to be read as if, for paragraph (b), there were substituted—
  - “(b) (i) immediately before the time when the supervision or, as the case may be, removal takes effect, the practitioner is entitled under this Part to provide occasional pharmacy services, or
  - (ii) the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional pharmacy services, is terminated or otherwise expires.”;
- (d) Part 2 of Schedule 2 is to be read as if—
  - (i) in paragraph 9(1), for the words from “an exempt person” to the end, there were substituted “a Swiss visiting practitioner who is lawfully established as a pharmacy technician in Switzerland”;
  - (ii) in paragraph 9(2)—
    - (aa) before paragraph (a) there were inserted—
      - “(za) an “existing contract” means a written contract which was concluded, and performance of which started, before IP completion day;
      - (zb) “Swiss visiting practitioner” has the meaning given in paragraph 45(2C) of Schedule 2 to the European Qualifications (Health and

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Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;

- (bb) in paragraph (a), for “an exempt person” there were substituted “a Swiss visiting practitioner”;
- (cc) in paragraph (b), for the words from “the relevant” to the end, there were substituted “Switzerland”;
- (dd) 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.”;
- (iii) in paragraph 12(2)—
  - (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”;
- (iv) in paragraph 14—
  - (aa) sub-paragraphs (3) and (4) were omitted;
  - (bb) in sub-paragraph (6), after paragraph (a), there were inserted—
    - “(aa) contains details of the existing contract or contracts on the basis of which the occasional pharmacy 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.”;
- (v) in paragraph 15(6), after paragraph (a), there were inserted—
  - “(aa) ceases to have a valid contract to provide occasional pharmacy services, because the existing contract, or last of the existing contracts, on the basis of which the visiting practitioner was providing occasional pharmacy services, is terminated or otherwise expires; or”.]

#### Textual Amendments

- F4** Words in Sch. 2 para. 45 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\(2\), 10\(5\)\(a\)](#)
- F5** Words in Sch. 2 para. 45(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\(2\), 10\(6\)](#)
- F6** Words in Sch. 2 para. 45(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\(2\), 10\(5\)\(b\)](#)

**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.* (See end of Document for details)

- F7** Words in Sch. 2 para. 45(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), **10(6)**
- F8** Sch. 2 para. 45(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), **10(5)(c)**
- F9** Sch. 2 para. 45(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), **10(5)(d)**

#### Commencement Information

- I4** Sch. 2 para. 45 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)

### European Professional Card

- 46.**—(1) Sub-paragraph (2) applies where, immediately before [<sup>F10</sup>IP completion day]—
- (a) a person held a valid European professional card for establishment as a pharmacist in Great Britain, or
  - (b) the General Pharmaceutical Council was in receipt of a person's application for such a card, the application having been transmitted to it under Article 4d(1) of the Directive.
- (2) For the purposes of registration in the register kept under the 2010 Order, the person is not required to resubmit any document or evidence held by the Council which is derived from the person's IMI file and which does not appear to the Council to have become invalid.
- (3) In this paragraph—
- (a) “the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), as it had effect immediately before [<sup>F11</sup>IP completion day];
  - (b) “IMI file” has the meaning given by article 3 of the 2010 Order as it had effect immediately before [<sup>F12</sup>IP completion day].

#### Textual Amendments

- F10** Words in Sch. 2 para. 46(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), **10(6)**
- F11** Words in Sch. 2 para. 46(3)(a) 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), **10(6)**
- F12** Words in Sch. 2 para. 46(3)(b) 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), **10(6)**

#### Commencement Information

- I5** Sch. 2 para. 46 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)

- 47.**—(1) Where, immediately before [<sup>F13</sup>IP completion day], a person was entitled as mentioned in paragraph 15(2) of Schedule 2A to the 2010 Order, any provision made by or under that Order

**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. (See end of Document for details)

continues to apply in relation to the person without the amendments made by Part 1 of this Schedule to the provisions relating to the provision of occasional pharmacy services by holders of a European professional card.

(2) For the purposes of paragraph 15(4)(a) of Schedule 2A to the 2010 Order as it continues to apply by virtue of sub-paragraph (1)—

- (a) a European professional card that was transmitted as mentioned in paragraph 15(1)(a) of that Schedule is to be treated as becoming invalid on the expiry of the period of 18 months beginning on the day on which it was transmitted;
- (b) a European professional card that was issued as mentioned in paragraph 15(1)(b) of that Schedule is to be treated as becoming invalid on the expiry of the period of 12 months beginning with the day on which it was issued.

(3) The reference in sub-paragraph (1) to “the provisions relating to the provision of occasional pharmacy services by holders of a European professional card” is to the provisions listed in the following table.

<i>Instrument</i>	<i>Provision relating to visiting practitioners</i>
The 1968 Act	section 67E section 69(1ZA) section 71(7) section 78(5) and (5A)
The 2010 Order	in article 3(1), the definitions of “competent authority”, “European professional card”, “General Systems Regulations”, “IMI”, “IMI file” and “registered pharmacist” article 19(2)(d) article 29(3)(a) article 33A article 36(3) article 37(5) article 38(2) and (4) article 39(1)(c), (i) and (l) article 43(5)(c), (8)(b) and (9) in Schedule 2A, paragraphs 2 (except the definitions of “automatically recognised pharmacist”, “EPC holder” and “missing document”), 15 and 16
Medicines for Human Use (Clinical Trials) Regulations 2004	regulation 2(1)
National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009	regulation 2(1)
General Pharmaceutical Council (Registration) Rules 2010	rule 18(1)(a) and (5)(a)(i) rule 19(1), (4)(a) and (5)(b) rule 20(3)(a)

General Pharmaceutical Council (Continuing Professional Development and Consequential Amendments) Rules 2011	rule 5(2)(b) and (3) rule 8(1) rule 9(5) rule 11(1)(a)
Human Medicines Regulations 2012	regulation 8(1)
National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013	regulation 2(1)

#### Textual Amendments

**F13** Words in Sch. 2 para. 47(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), **10(6)**

#### Commencement Information

**I6** Sch. 2 para. 47 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**48.—(1)** A decision within article 39(1)(u) of the 2010 Order taken before [<sup>F14</sup>IP completion day], or a failure within article 39(1A) of that Order arising before [<sup>F14</sup>IP completion day], continues to be appealable for the purposes of article 40 of that Order (subject to the provisions of the Order) despite the revocation of article 39(1)(u) and (1A).

(2) In disposing of such an appeal (or a further appeal under article 41 of the 2010 Order), the powers of the Appeal Committee (or the relevant court) are, instead of those set out in article 40(7) (or 41(4)) of the 2010 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and—
  - (i) direct the Council to take such steps as the Committee (or the relevant court) thinks fit to draw the findings of the Committee (or court) to the attention of the European Commission;
  - (ii) direct that the person in respect of whom the decision was taken (or the failure arose) is to be treated, for the purposes of paragraph 45(1)(a), as a person who held a valid European professional card for establishment in Great Britain immediately before [<sup>F15</sup>IP completion day],

and, in the case of an appeal under article 41, to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

#### Textual Amendments

**F14** Words in Sch. 2 para. 48(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), **10(6)**

**F15** Words in Sch. 2 para. 48(2)(b)(ii) 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), **10(6)**

**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. (See end of Document for details)

#### Commencement Information

- I7** Sch. 2 para. 48 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

**49.—(1)** Where an alert has been sent by the General Pharmaceutical Council before [<sup>F16</sup>IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (as they had effect before [<sup>F16</sup>IP completion day]), the decision to send the alert continues to be appealable for the purposes of article 40 of the 2010 Order (subject to the provisions of that Order) despite the revocation of article 39(1)(t).

(2) In disposing of such an appeal (or a further appeal under article 41 of the 2010 Order), the powers of the Appeal Committee (or the relevant court) are, instead of those set out in article 40(7) (or 41(4)) of the 2010 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F17</sup> ...,

and, in the case of an appeal under article 41, to make such order as to costs (or, in Scotland, expenses) as the court thinks fit.

#### Textual Amendments

- F16** Words in Sch. 2 para. 49(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)**, **10(6)**
- F17** Words in Sch. 2 para. 49(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(3)(b)**

#### Commencement Information

- I8** Sch. 2 para. 49 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)**

#### Interpretation of saved provisions

**50.** Where a provision continues to apply by virtue of this Part, it is to be read as if—

- (a) in article 3(1) of the 2010 Order—

- (i) there were substituted for the definition of “the Directive”—

““the Directive” means Directive **2005/36/EC** of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [<sup>F18</sup>IP completion day];”;

- (ii) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F19</sup>IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

(iii) in the definition of “exempt person”, for paragraphs (a) to (c) there were substituted—

- “(a) a person who, immediately before [<sup>F20</sup>IP completion day], was a national of a relevant European State,
- (b) a person who, immediately before [<sup>F20</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of pharmacist or pharmacy technician by virtue of an enforceable EU right, or
- (c) a person who, immediately before [<sup>F20</sup>IP completion 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 profession of pharmacist or pharmacy technician, no less favourably than a national of a relevant European State;”;

(iv) in the definition of “General Systems Regulations” [<sup>F21</sup>(other than that definition as it continues to apply by virtue of paragraph 44A or 44B of this Part)], [<sup>F22</sup>at the end] there were inserted—

- “(a) in relation to anything done before [<sup>F23</sup>IP completion day], as they had effect at that time;
- (b) otherwise, as (and only to the extent that) they have effect, on or after [<sup>F23</sup>IP completion day], in relation to an entitlement which arose before [<sup>F23</sup>IP completion day] or arises as a result of something done before [<sup>F23</sup>IP completion day];”;

(b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

### Textual Amendments

- F18** Words in Sch. 2 para. 50(a)(i) 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), [10\(7\)\(a\)](#)
- F19** Words in Sch. 2 para. 50(a)(ii) 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), [10\(7\)\(a\)](#)
- F20** Words in Sch. 2 para. 50(a)(iii) 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), [10\(7\)\(a\)](#)
- F21** Words in Sch. 2 para. 50(a)(iv) 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), [10\(7\)\(b\)\(i\)](#)
- F22** Words in Sch. 2 para. 50(a)(iv) 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), [10\(7\)\(b\)\(ii\)](#)
- F23** Words in Sch. 2 para. 50(a)(iv) 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), [10\(7\)\(a\)](#)

**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. (See end of Document for details)

**Commencement Information**

- 19** Sch. 2 para. 50 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)**



**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.