

SCHEDULES

SCHEDULE 5

Opticians

PART 2

Savings and transitional provision

Interpretation of saved provisions

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

(a) in section 36(1) of the 1989 Act—

(i) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [^{F1}IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;

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

“(a) a person who, immediately before [^{F2}IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [^{F2}IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession by virtue of an enforceable EU right, or

(c) a person who, immediately before [^{F2}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, no less favourably than a national of a relevant European State;”;

(iii) in the definition of “General Systems Regulations” [^{F3}(other than in that definition as it is saved by paragraph 25A)], at the end there were inserted—

“(a) in relation to anything done before [^{F4}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 [^{F4}IP completion day], in relation to an entitlement which arose before [^{F4}IP completion day] or arises as a result of something done before [^{F4}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.

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, Paragraph 28. (See end of Document for details)

Textual Amendments

- F1** Words in Sch. 5 para. 28(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), **13(6)(a)**
- F2** Words in Sch. 5 para. 28(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), **13(6)(a)**
- F3** Words in Sch. 5 para. 28(a)(iii) 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), **13(6)(b)**
- F4** Words in Sch. 5 para. 28(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), **13(6)(a)**

Commencement Information

- I1** Sch. 5 para. 28 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, Paragraph 28.