

SCHEDULES

SCHEDULE 7

Chiropractors

PART 2

Savings and transitional provision

Pending applications

14.—(1) Where an application for entry in, or restoration to, the register kept under the 1994 Act is received before [^{F1}IP completion day], any provision made by or under that Act continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 1 of this Schedule.

(2) Where section 14(10) of the 1994 Act continues to apply by virtue of sub-paragraph (1), the reference in that subsection to EU or Community law is to be read as a reference to Part 3 of the General Systems Regulations (and the section is accordingly to be read with the omission of subsection (11)).

Textual Amendments

- F1** Words in Sch. 7 para. 14(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), **15(2)**

Commencement Information

- I1** Sch. 7 para. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

[^{F2}Swiss chiropractors qualifying outside the United Kingdom: saving of old law

14A.—(1) Where a registration application is received from a Swiss chiropractor before the end of the Swiss recognition period, any provision made by or under the 1994 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 that Act and the 2002 Rules 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 1994 Act (other than sections 5A, 6(1), (2), (4A), (5) and (6), 8(8), 17(2A) to (2D), 29(1)(ba), 29A (other than subsection (2)(c)) and 37(2));
- (b) the 2002 Rules (other than rules 2(2A), 3(4)(a) and 6(2)).

(3) The modifications to the 1994 Act are—

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)

- (a) in section 14(10), in both places where it occurs, “EU law” is to be read as a reference to Part 3 of the General Systems Regulations (and the section is accordingly to be read with the omission of subsection (11));
- (b) section 43 is to be read as if, 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)”.
- (4) The modifications to the 2002 Rules mentioned in sub-paragraph (1) are—
- (a) rules 5(3), 6(1A) and 11(1) are to be read as if for each reference to “an exempt person” there were substituted “a Swiss chiropractor”;
- (b) rule 6(1A)(b)(ii) is to be read as if for “a relevant European State” there were substituted “a competent authority in Switzerland pursuant to Article 2(2) of the Directive”;
- (c) rule 11 is to be read as if for paragraph (6) there were substituted—
- “(6) In paragraphs (2) to (5), the “attesting State” in relation to A, is Switzerland.”.
- (5) In this paragraph—
- “the 2002 Rules” means the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002;
- “registration application” means an application for entry in the register maintained under the 1994 Act;
- “Swiss chiropractor” means a qualifying applicant who had not, before IP completion day, made a registration application.]

Textual Amendments

- F2** Sch. 7 para. 14A 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), **15(3)**

Commencement Information

- I2** Sch. 7 para. 14A 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 chiropractors: saving of old law for up to ^{F3}five years]

15.—(1) Where—

- (a) a person had, immediately before ^{F4}IP completion 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 chiropractor (and section 5A(3) of the 1994 Act accordingly applied to the person), and
- (b) the person continues to have that benefit on or after ^{F5}IP completion day],

any provision made by or under the 1994 Act 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 chiropractors from relevant European states ^{F6}(but subject, in the case of a relevant applicant, to the modifications to the 1994 Act specified in sub-paragraph (4)).

^{F7}(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a chiropractor for a period not exceeding 90 days in total in any calendar year.]

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)

- (2) Sub-paragraph (1) ceases to apply in relation to a visiting chiropractor—
- (a) if the chiropractor is registered as required by section 5A(3) of the 1994 Act, when his or her name is removed under section 5A(6) of the Act;
 - (b) otherwise, when the chiropractor's entitlement ceases by reason of the operation of section 5A(5) of the Act.

[^{F8}(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting chiropractor.

(2B) But a Swiss visiting chiropractor's entitlement does not continue (or further continue) under section 5A of the 1994 Act on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting chiropractor” means a visiting chiropractor who—

- (a) is a national of the United Kingdom or is 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 the chiropractor profession, 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 chiropractors from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting chiropractors</i>
The 1994 Act	section 5A section 6(1), (2), (4A), (5) and (6) section 8(8) section 17(2A) to (2D) section 29(1)(ba) section 29A (other than subsection (2)(c)) section 37(2) [^{F9} section 43]
General Chiropractic Council (Registration) Rules 1999	rules 2(2A), 3(4)(a) and 6(2)

[^{F10}(4) The modifications to the 1994 Act mentioned in sub-paragraph (1) are—

- (a) section 5A(1) is to be read as if for the words from “an exempt” to the end there were substituted “a relevant applicant (within the meaning given in regulation 1A of the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019) (“V”) who is lawfully established as a chiropractor in Switzerland (“State A”);
- (b) section 17(2D) is to be read as if for the words from “the relevant” to “chiropractor” there were substituted “Switzerland”.]

Textual Amendments

F3 Words in Sch. 7 para. 15 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), **15(4)(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)

- F4** Words in Sch. 7 para. 15(1)(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), **15(4)(b)(i)**
- F5** Words in Sch. 7 para. 15(1)(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), **15(4)(b)(i)**
- F6** Words in Sch. 7 para. 15(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), **15(4)(b)(ii)**
- F7** Sch. 7 para. 15(1A) 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), **15(4)(c)**
- F8** Sch. 7 para. 15(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), **15(4)(d)**
- F9** Words in Sch. 7 para. 15 table 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), **15(4)(f)**
- F10** Sch. 7 para. 15(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), **15(4)(e)**

Commencement Information

- I3** Sch. 7 para. 15 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

16.—(1) Where an alert has been sent by the General Chiropractic Council before [F11IP completion day] under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, the decision to send the alert continues to be appealable for the purposes of section 29A of the 1994 Act (subject to the provisions of that Act) despite the repeal of section 29A(2)(c).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in section 29A(3) of the 1994 Act, to—

- (a) dismiss the appeal, or
- (b) allow the appeal ^{F12}...,

and to make such order as to costs (or, in Scotland, expenses) as the court (or sheriff) thinks fit.

Textual Amendments

- F11** Words in Sch. 7 para. 16(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), **15(5)**
- F12** Words in Sch. 7 para. 16(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(8)**

Commencement Information

- I4** Sch. 7 para. 16 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

17. Where a provision continues to apply by virtue of this Part, it is to be read as if—
- (a) in section 43 of the 1994 Act—
 - (i) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [F13IP completion day], by virtue of section 2(1) of the European Communities Act 1972;”;
 - (ii) in the definition of “exempt person”—
 - (aa) for paragraphs (a) to (c) there were substituted—
 - “(a) a person who, immediately before [F14IP completion day], was a national of a relevant European State,
 - (b) a person who, immediately before [F14IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of chiropractic by virtue of an enforceable EU right, or
 - (c) a person who, immediately before [F14IP 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 chiropractic, no less favourably than a national of a relevant European State;”;
 - (bb) in the words after paragraph (c), for “is not” there were substituted “ was not, immediately before [F14IP completion day]”;
 - (iii) in the definition of “General Systems Regulations” [F15(other than in that definition as it is saved by paragraph 14A)], at the end there were inserted—
 - “(a) in relation to anything done before [F16IP completion day], as they had effect at that time;
 - (b) otherwise, as (and only to the extent that) they have effect, on or after [F16IP completion day], in relation to an entitlement which arose before [F16IP completion day] or arises as a result of something done before [F16IP completion day];”;
 - (b) in the General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules 2002—
 - (i) in rule 2, in the definition of “the Directive”, for “as amended from time to time” there were substituted “as it had effect immediately before [F17IP completion day]”;
 - (ii) in rules 11(1) and 12, the references to the Directive applying or not applying to a case were references to the case falling within or outside the Directive;
 - (c) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

Textual Amendments

- F13** Words in Sch. 7 para. 17(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), **15(6)(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)

- F14** Words in Sch. 7 para. 17(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), **15(6)(a)**
- F15** Words in Sch. 7 para. 17(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), **15(6)(b)**
- F16** Words in Sch. 7 para. 17(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), **15(6)(a)**
- F17** Words in Sch. 7 para. 17(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), **15(6)(a)**

Commencement Information

- I5** Sch. 7 para. 17 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.