

## SCHEDULES

### SCHEDULE 8

Regulation 9

#### Health <sup>F1</sup>... professionals

##### Textual Amendments

- F1** Words in Sch. 8 title omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(2)**

## PART 1

### Amendments to legislation

#### Interpretation

1. In this Schedule, “the 2001 Order” means the Health <sup>F2</sup>... Professions Order 2001 <sup>M1</sup>.

##### Textual Amendments

- F2** Words in Sch. 8 para. 1 omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(3)**

##### Commencement Information

- II** Sch. 8 para. 1 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** [S.I. 2002/254](#).

#### Health <sup>F3</sup>... Professions Order 2001

2. The 2001 Order is amended as follows.

##### Textual Amendments

- F3** Words in Sch. 8 para. 2 heading omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(4)**

**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, SCHEDULE 8. (See end of Document for details)

**Commencement Information**

**I2** Sch. 8 para. 2 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)**

3. In article 6 (health and social work professions register) <sup>M2</sup>, omit paragraph (3)(aa).

**Commencement Information**

**I3** Sch. 8 para. 3 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**

**M2** Paragraph (3)(aa) was inserted by **S.I. 2007/3101**, and was amended by section 215(5) of the **Health and Social Care Act 2012 (c. 7)**.

4. In article 7 (register: supplemental provision) <sup>M3</sup>, omit paragraph (4).

**Commencement Information**

**I4** Sch. 8 para. 4 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**

**M3** Paragraph (4) was inserted by **S.I. 2007/3101**, and was amended by section 215(5) of the **Health and Social Care Act 2012**.

5. In article 8 (access to register) <sup>M4</sup>, omit paragraph (5).

**Commencement Information**

**I5** Sch. 8 para. 5 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**

**M4** Relevant amending instrument is **S.I. 2007/3101**.

6. In article 9 (registration) <sup>M5</sup>—

- (a) in paragraph (1), for “Subject to paragraph (8), a” substitute “ A ”;
- (b) in paragraph (5), for “specified in the General Systems Regulations” substitute “ of three months beginning with the day on which the application is received ”;
- (c) omit paragraph (8).

**Commencement Information**

**I6** Sch. 8 para. 6 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, SCHEDULE 8. (See end of Document for details)

#### Marginal Citations

**M5** Paragraph (8) was inserted by, and paragraphs (1) and (5) were amended by [S.I. 2007/3101](#). Relevant amendments are made by section 215(5) of the Health and Social Care Act 2012, [S.I. 2014/1887](#).

7. In article 10 (renewal and readmission) <sup>M6</sup>—
- (a) in paragraph (1), for “Subject to paragraph (6), where” substitute “ Where ”;
  - (b) omit paragraph (6).

#### Commencement Information

**I7** Sch. 8 para. 7 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

**M6** Paragraph (6) was inserted by, and paragraph (1) was amended by, [S.I. 2007/3101](#). Paragraph (6) was also amended by section 215(6) of the Health and Social Care Act 2012.

8. In article 11A (indemnity arrangements) <sup>M7</sup>, omit paragraph (12).

#### Commencement Information

**I8** Sch. 8 para. 8 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

**M7** Article 11A was inserted by [S.I. 2014/1887](#).

9. In article 12 (approved qualifications) <sup>M8</sup>—
- (a) in paragraph (1)—
    - (i) at the end of sub-paragraph (a), insert “ or ”;
    - (ii) omit sub-paragraphs (b) and (ba);
    - (iii) in sub-paragraph (c)(iii), omit “(except where he is an exempt person)”;
  - (b) omit paragraph (1A).

#### Commencement Information

**I9** Sch. 8 para. 9 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

**M8** Paragraph (1)(b) and (c)(iii) was substituted, and paragraph (1A) was inserted, by [S.I. 2007/3101](#). Paragraph (1)(ba) was inserted by [S.I. 2016/1030](#). Relevant amendments are made by section 215(7) of the Health and Social Care Act 2012.

10. Omit article 13A (visiting professionals from relevant European states) <sup>M9</sup>.

**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, SCHEDULE 8. (See end of Document for details)

**Commencement Information**

**I10** Sch. 8 para. 10 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**

**M9** Article 13A was inserted by S.I. 2007/3101. Relevant amendments made by section 215(5) of the Health and Social Care Act 2012, S.I. 2016/1030.

11. In article 19 (post-registration training) <sup>M10</sup>, omit paragraphs (2A) to (2D).

**Commencement Information**

**I11** Sch. 8 para. 11 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**

**M10** Paragraphs 2A to 2D were inserted by S.I. 2007/3101. Paragraph 2A was amended by section 215(10) of the Health and Social Care Act 2012.

12. In article 37 (registration appeals) <sup>M11</sup>, omit paragraph (1)(aa).

**Commencement Information**

**I12** Sch. 8 para. 12 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**

**M11** Paragraph (1)(aa) was inserted by S.I. 2007/3101 and was amended by section 215(5) of the Health and Social Care Act 2012.

13. In article 38 (other appeals) <sup>M12</sup>—

- (a) in paragraph (1)(b), for “mentioned in paragraph (1A)” substitute “under article 37”;
- (b) omit paragraph (1A);
- (c) in paragraph (3)—
  - (i) in sub-paragraph (b), omit the words from “or, in the case” to the end;
  - (ii) in sub-paragraph (c), omit from “, or the failure” to “(1A)(e)”.

**Commencement Information**

**I13** Sch. 8 para. 13 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**

**M12** Paragraph (1A) was inserted by S.I. 2007/3101. Relevant amending instruments are S.I. 2004/2033, 2007/3101, 2014/1887, 2016/1030.

14. Omit article 49 (review) <sup>M13</sup>.

**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, SCHEDULE 8. (See end of Document for details)

#### Commencement Information

**I14** Sch. 8 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)

#### Marginal Citations

**M13** Article 49 was inserted by S.I. 2016/1030.

15. In Schedule 3 (interpretation) <sup>M14</sup>, omit the definitions of “European professional card”, “exempt person”, “General Systems Regulations”, “national”, “relevant European State” and “visiting health <sup>F4</sup>... professional from a relevant European State”.

#### Textual Amendments

**F4** Words in Sch. 8 para. 15 omitted (31.12.2020 immediately before IP completion day) by virtue of The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), 16(5)

#### Commencement Information

**I15** Sch. 8 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)

#### Marginal Citations

**M14** Relevant amending instruments are S.I. 2003/3148, 2007/3101, 2011/1043, 2016/1030 and other relevant amendments made by section 215(13) of the Health and Social Care Act 2012.

### Health Professions (Parts of and Entries in the Register) Order of Council 2003

16. In the Health Professions (Parts of and Entries in the Register) Order of Council 2003 <sup>M15</sup>, omit article 7.

#### Commencement Information

**I16** Sch. 8 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)

#### Marginal Citations

**M15** S.I. 2003/1571. Article 7 was inserted by S.I. 2007/3101.

### Health and Care Professions Council (Registration and Fees) Rules 2003

17. In the Health and Care Professions Council (Registration and Fees) Rules 2003 <sup>M16</sup>—
- in rule 2 (interpretation), omit the definitions of “attesting State” and “competent authority”;
  - omit rule 2A;
  - in rule 4 (registration applications), in paragraph (4)(a), omit paragraphs (ii) and (ia) (but not the final “or”);
  - in rule 7 (knowledge of English), omit “who is not an exempt person”;

**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, SCHEDULE 8. (See end of Document for details)

(e) in rule 17 (scrutiny fees), in paragraph (2), omit “(b) or”.

#### Commencement Information

**I17** Sch. 8 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)**

#### Marginal Citations

**M16** As set out in the Schedule to the [Health Professions Council \(Registration and Fees\) Rules Order of Council 2003 \(S.I. 2003/1572\)](#). Relevant amending instruments are [S.I. 2007/1280](#), [3101](#), [2012/1479](#), [2015/1337](#), [2016/693](#), [1030](#).

### Health Professions Council (Registration Appeals) Rules 2003

**18.** In the Health Professions Council (Registration Appeals) Rules 2003<sup>M17</sup>, in rule 4 (period for appealing), in paragraph (b), for the words from “specified” to the end substitute “ of three months referred to in article 9(5) of the Order ”.

#### Commencement Information

**I18** Sch. 8 para. 18 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

**M17** As set out in the Schedule to the [Health Professions Council \(Registration Appeals\) Rules Order of Council 2003 \(S.I. 2003/1579\)](#).

## PART 2

### Savings and transitional provision

#### Pending applications

**19.—**(1) Where a relevant application is received before [F5IP completion day], any provision made by or under the 2001 Order (except for article 12(1)(ba) of 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.

(2) In sub-paragraph (1), “relevant application” means an application for—

- (a) admission to a part of the register kept under the 2001 Order,
- (b) renewal of registration in that register,
- (c) readmission to that register following lapse of registration, or
- (d) restoration to that register following striking-off.

#### Textual Amendments

**F5** Words in Sch. 8 para. 19(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)**, **16(6)**

#### Commencement Information

**I19** Sch. 8 para. 19 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>F6</sup>Swiss health professionals qualifying outside the United Kingdom: saving of old law

**19A.**—(1) Where a registration application is received from a Swiss health professional before the end of the Swiss recognition period, any provision made by or under the 2001 Order 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 2001 Order and the Registration 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 (other than the articles and rule listed in the table following paragraph 20(3))—

- (a) the 2001 Order;
- (b) the Registration Rules;
- (c) the Health Professions Council (Registration Appeals) Rules 2003.

(3) The modifications to the 2001 Order mentioned in sub-paragraph (1) are that the Order is to be read as if—

- (a) in article 8(5)—
  - (i) for “another relevant European State” there were substituted “Switzerland”;
  - (ii) for “are amended from time to time” there were substituted “had effect immediately before IP completion day”;
- (b) in article 12—
  - (i) in paragraph (1)—
    - (aa) in sub-paragraphs (b) and (c)(iii) for “an exempt person” there were substituted “a Swiss health professional”;
    - (bb) sub-paragraph (ba) were omitted;
  - (ii) in paragraph (1A)—
    - (aa) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss health professional”;
    - (bb) in sub-paragraph (a)(ii), for “a relevant European State, other than the United Kingdom” there were substituted “Switzerland, in accordance with its national rules as permitted by Article 2(2) of [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”;
- (c) in article 38—
  - (i) in paragraph (1A), sub-paragraphs (c) to (e) were omitted;
  - (ii) in paragraph (3)—
    - (aa) in sub-paragraph (b), the words from “or, in the case” to the end were omitted;
    - (bb) in sub-paragraph (c), the words from “, or the failure” to “(1A)(e),” were omitted;
- (d) article 49 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, SCHEDULE 8. (See end of Document for details)

- (e) in Schedule 3—
- (i) 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)”;
- (ii) there were inserted, at the appropriate place—
- ““Swiss health professional” has the meaning given in paragraph 19A(5) of Schedule 8 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.”;
- (4) The modifications to the Registration Rules mentioned in sub-paragraph (1) are—
- (a) rule 2 is to be read as if—
- (i) for the definition of “attesting State”, there were substituted—
- ““attesting State”, in relation to an application, is Switzerland.”;
- (ii) in the definition of “competent authority”, for “a relevant European State” there were substituted “Switzerland”;
- (b) rule 7 is to be read as if for “an exempt person” there were substituted “a Swiss health professional (within the meaning given in paragraph 19A(5) of Schedule 8 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (c) Schedule 1 to the Registration Rules is to be read as if after paragraph (d), there were inserted—
- “(dza) where that person is not a national of the United Kingdom or of Switzerland, proof of the enforceable EU right by virtue of which the person is a Swiss health professional.”.
- (5) In this paragraph—
- “registration application” means an application for admission to the register maintained under the 2001 Order;
- “the Registration Rules” means the Health and Care Professions Council (Registration and Fees) Rules 2003;
- “relevant professions” has the meaning given in Schedule 3 to the 2001 Order;
- “Swiss health professional” means a qualifying applicant who had not, before IP completion day, made a registration application (other than an application under article 13A of the 2001 Order).]

#### Textual Amendments

**F6** Sch. 8 para. 19A 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), **16(7)**

#### Commencement Information

**I20** Sch. 8 para. 19A 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 health <sup>F7</sup>... professionals: saving of old law for up to [<sup>F8</sup>five years]

20.—(1) Where—

- (a) a person had, immediately before [<sup>F9</sup>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 member of one of the relevant professions (and article 13A(3) of the 2001 Order accordingly applied to the person), and
- (b) the person continues to have that benefit on or after [<sup>F10</sup>IP completion day],

any provision made by or under the 2001 Order 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 health <sup>F11</sup>... professionals from relevant European states [<sup>F12</sup>(but subject, in the case of a relevant applicant, to the modifications to the 2001 Order specified in sub-paragraph (4))].

[<sup>F13</sup>(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as a member of one of the relevant professions for a period not exceeding 90 days in total in any calendar year.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting health <sup>F14</sup>... professional—

- (a) if the professional is registered as required by article 13A(3) of the 2001 Order, when his or her name is removed under article 13A(6) of the Order;
- (b) otherwise, when the professional's entitlement ceases by reason of the operation of article 13A(5) of the Order.

[<sup>F15</sup>(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting health professional.

(2B) But a Swiss visiting health professional's entitlement does not continue (or further continue) under article 13A of the 2001 Order on or after the end of the visiting practitioner transitional period.

(2C) In this paragraph, “Swiss visiting health professional” means a visiting health professional 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 a relevant profession, no less favourably than a national of the United Kingdom or Switzerland.]

(3) In sub-paragraph (1)—

- (a) “relevant professions” has the meaning given by Schedule 3 to the 2001 Order;
- (b) the reference to “the provisions relating to visiting health <sup>F16</sup>... professionals from relevant European states” is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting professionals</i>
The 2001 Order	article 6(3)(aa)
	article 7(4)
	article 9(1) and (8)
	article 10(1) and (6)
	article 11A(12)
	article 13A (except paragraph (2)(b))
	article 19(2A) to (2D)

**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, SCHEDULE 8. (See end of Document for details)

article 37(1)(aa)

article 38 (so far as relating to article 37(1)(aa))

in Schedule 3, the definitions of “exempt person”, “the General Systems Regulations”, “national”, “relevant European State” and “visiting health

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... professional from a relevant European State”

Health Professions (Parts of and Entries in the article 7  
Register) Order of Council 2003

Health and Care Professions Council rule 2A  
(Registration and Fees) Rules 2003

[<sup>F18</sup>(4) The modifications to the 2001 Order mentioned in sub-paragraph (1) are—

(a) article 13A is to be read as if for paragraph (1) there were substituted—

“(1) This article applies to 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, in Switzerland (“State A”), as a member of one of the relevant professions (“the established profession”).”;

(b) article 19(2D) is to be read as if for the words from “the relevant” to the end there were substituted “Switzerland”.]

#### Textual Amendments

- F7** Words in Sch. 8 para. 20 heading omitted (31.12.2020 immediately before IP completion day) by virtue of The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **16(8)(a)(i)**
- F8** Words in Sch. 8 para. 20 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), **16(8)(a)(ii)**
- F9** Words in Sch. 8 para. 20(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), **16(8)(b)(i)**
- F10** Words in Sch. 8 para. 20(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), **16(8)(b)(i)**
- F11** Words in Sch. 8 para. 20(1) omitted (31.12.2020 immediately before IP completion day) by virtue of The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **16(8)(b)(ii)(aa)**
- F12** Words in Sch. 8 para. 20(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), **16(8)(b)(ii)(bb)**
- F13** Sch. 8 para. 20(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), **16(8)(c)**
- F14** Words in Sch. 8 para. 20(2) omitted (31.12.2020 immediately before IP completion day) by virtue of The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), **16(8)(d)**

**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, SCHEDULE 8. (See end of Document for details)

- F15** Sch. 8 para. 20(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), **16(8)(e)**
- F16** Words in Sch. 8 para. 20(3)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(f)(i)**
- F17** Words in Sch. 8 para. 20(3) table omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(8)(f)(ii)**
- F18** Sch. 8 para. 20(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), **16(8)(g)**

#### Commencement Information

- I21** Sch. 8 para. 20 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

- 21.—(1) Sub-paragraph (2) applies where, immediately before [<sup>F19</sup>IP completion day]—
- (a) a person held a valid European professional card <sup>F20</sup>... as a physiotherapist in the United Kingdom, or
  - (b) the Health and Care Professions 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 as a physiotherapist, 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) Where, immediately before [<sup>F21</sup>IP completion day], a person fell within article 12(1)(ba) of the 2001 Order by virtue of holding a European professional card <sup>F22</sup>... as a physiotherapist in the United Kingdom, the person is to continue to be regarded as having an approved qualification for the purposes of registration as a physiotherapist despite the revocation of article 12(1)(ba).
- (4) 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>F23</sup>IP completion day];
  - (b) “IMI file” has the meaning given by Schedule 4 to the 2001 Order as it had effect immediately before [<sup>F24</sup>IP completion day];
  - (c) “registration as a physiotherapist” means registration as such in the register maintained under article 5 of the 2001 Order.

#### Textual Amendments

- F19** Words in Sch. 8 para. 21(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), **16(9)(b)**
- F20** Words in Sch. 8 para. 21(1)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(9)(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, SCHEDULE 8. (See end of Document for details)

- F21** Words in Sch. 8 para. 21(3) 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), **16(9)(b)**
- F22** Words in Sch. 8 para. 21(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(9)(a)**
- F23** Words in Sch. 8 para. 21(4)(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), **16(9)(b)**
- F24** Words in Sch. 8 para. 21(4)(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), **16(9)(b)**

#### Commencement Information

- I22** Sch. 8 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

22.—(1) Where, immediately before [<sup>F25</sup>IP completion day], a person was entitled as mentioned in article 13A(2)(b) of the 2001 Order, any provision made by or under that Order 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 health <sup>F26</sup>... services by holders of a European professional card.

(2) But the person's entitlement ceases on the expiry of the period of 18 months beginning with the day on which the person's European professional card was issued, and the person may accordingly be removed from the register maintained under article 5 of the 2001 Order.

(3) The reference in sub-paragraph (1) to “the provisions relating to the provision of occasional health <sup>F27</sup>... services by holders of a European professional card” is to the provisions listed in the table in paragraph 20(3), but as if—

- (a) in the entry for article 13A of the 2001 Order, for “(except paragraph (2)(b))” there were substituted “(except paragraphs (2)(a), (5) and (6))”;
- (b) in the entry for Schedule 3 to the 2001 Order, there were added the definition of “European professional card”.

(4) The definition of “European professional card” in Schedule 3 to the 2001 Order, as it continues to have effect by virtue of sub-paragraph (3)(b), is to be read as if for “as amended from time to time” there were substituted “as it had effect immediately before [<sup>F28</sup>IP completion day]”.

#### Textual Amendments

- F25** Words in Sch. 8 para. 22(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), **16(10)(b)**
- F26** Words in Sch. 8 para. 22(1) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(10)(a)**
- F27** Words in Sch. 8 para. 22(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **16(10)(a)**
- F28** Words in Sch. 8 para. 22(4) 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), **16(10)(b)**

#### Commencement Information

**I23** Sch. 8 para. 22 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)**

**23.—(1)** A decision within article 38(1A)(d) of the 2001 Order taken before [<sup>F29</sup>IP completion day], or a failure within article 38(1A)(e) of that Order arising before [<sup>F29</sup>IP completion day], continues to be appealable for the purposes of article 38(1)(b) of that Order (subject to the provisions of that Order) despite the revocation of article 38(1A).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in article 38(3) of the 2001 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal and—
  - (i) direct the Council to take such steps as the court or sheriff thinks fit to draw the findings of the court or sheriff 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 21(1) or (3), as a person who held a valid European professional card <sup>F30</sup>... as a physiotherapist in the United Kingdom immediately before [<sup>F31</sup>IP completion day],

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

#### Textual Amendments

**F29** Words in Sch. 8 para. 23(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), 16(11)(b)**

**F30** Words in Sch. 8 para. 23(2)(b)(ii) omitted (31.12.2020 immediately before IP completion day) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), **regs. 1(2), 16(11)(a)**

**F31** Words in Sch. 8 para. 23(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), 16(11)(b)**

#### Commencement Information

**I24** Sch. 8 para. 23 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

**24.—(1)** Where an alert has been sent by the Health and Care Professions Council before [<sup>F32</sup>IP 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 article 38(1)(b) of the 2001 Order (subject to the provisions of that Order) despite the revocation of article 38(1A)(c).

(2) In disposing of such an appeal, the powers of the court or sheriff are, instead of those set out in article 38(3) of the 2001 Order, to—

- (a) dismiss the appeal, or
- (b) allow the appeal <sup>F33</sup>...

**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, SCHEDULE 8. (See end of Document for details)

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

#### Textual Amendments

- F32** Words in Sch. 8 para. 24(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), **16(12)**
- F33** Words in Sch. 8 para. 24(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(9)**

#### Commencement Information

- I25** Sch. 8 para. 24 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

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

- (a) in Schedule 3 to the 2001 Order, in paragraph (1)—
- (i) there were inserted at the appropriate place—
- ““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F34</sup>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 [<sup>F34</sup>IP completion day], was a national of a relevant European State,
- (b) a person who, immediately before [<sup>F34</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, a relevant profession by virtue of an enforceable EU right, or
- (c) a person who, immediately before [<sup>F34</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 a relevant profession, no less favourably than a national of a relevant European State;”;
- (iii) in the definition of “General Systems Regulations” [<sup>F35</sup>(other than in that definition as it is saved by paragraph 19A)], at the end there were inserted—
- “(a) in relation to anything done before [<sup>F34</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>F34</sup>IP completion day], in relation to an entitlement which arose before [<sup>F34</sup>IP completion day] or arises as a result of something done before [<sup>F34</sup>IP completion day];”;
- (iv) in the definition of “national”, for “is not” there were substituted “was not, immediately before [<sup>F34</sup>IP completion day]”;
- (b) in rule 2 of the Health and Care Professions Council (Registration and Fees) Rules 2003, in the definition of “competent authority”, after “professional qualifications” there were inserted “ (as it had effect immediately before [<sup>F36</sup>IP completion day]) ”;

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

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#### Textual Amendments

- F34** Words in Sch. 8 para. 25(a)(i)-(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), **16(13)(a)**
- F35** Words in Sch. 8 para. 25(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), **16(13)(b)**
- F36** Words in Sch. 8 para. 25(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), **16(13)(a)**
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#### Commencement Information

- I26** Sch. 8 para. 25 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, SCHEDULE 8.