
STATUTORY INSTRUMENTS

2020 No. 1394

The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020

PART 2

Amendments to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019

Amendments to Part 2 of Schedule 6 (osteopaths)

- 14.**—(1) Part 2 of Schedule 6 is amended as follows.
- (2) In paragraph 15(1), for “exit day” substitute “IP completion day”.
- (3) After paragraph 15, insert—

“Swiss osteopaths qualifying outside the United Kingdom: saving of old law

15A.—(1) Where a registration application is received from a Swiss osteopath before the end of the Swiss recognition period, any provision made by or under the 1993 Act⁽¹⁾ 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 1993 Act, the Fees Rules and the Recognition Rules specified in sub-paragraphs (3) to (5)).

(2) The reference in sub-paragraph (1) to “the establishment provisions” is a reference to the provisions of the following enactments (other than the provisions listed in the table following paragraph 16(3))—

- (a) the 1993 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 Fees Rules;
- (c) the Recognition Rules.
- (3) The modifications to the 1993 Act mentioned in sub-paragraph (1) are—
- (a) in section 14—
- (i) in subsection (10), the reference to “EU law”, and
- (ii) in subsection (10)(b), the reference to “Community law”,
- are 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 41 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

⁽¹⁾ “The 1993 Act” is defined in paragraph 1 of Schedule 6 to [S.I. 2019/593](#).

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 modification to the Fees Rules mentioned in sub-paragraph (1) is that rule 6(2)(b) is to be read as if for “or other European Economic Area State” there were substituted, “, Switzerland”.

(5) The modification to the Recognition Rules mentioned in sub-paragraph (1) is that rule 4(2) is to be read as if—

- (a) in the words before sub-paragraph (a), for “an exempt person” there were substituted “a Swiss osteopath (within the meaning given in paragraph 15A(6) of Schedule 6 to the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019)”;
- (b) in sub-paragraph (b)(ii), for “a relevant European State, other than the United Kingdom,” there were substituted “a competent authority in Switzerland, pursuant to Article 2(2) of the Directive”.

(6) In this paragraph—

“the Fees Rules” means the General Osteopathic Council (Application for Registration and Fees) Rules 2000(2);

“the Recognition Rules” means the General Osteopathic Council (Recognition of Qualifications) Rules 2000(3);

“registration application” means an application for entry in the register maintained under the 1993 Act;

“Swiss osteopath” means a qualifying applicant who had not, before IP completion day, made a registration application.”.

(4) In paragraph 16—

(a) in the heading, for “one year” substitute “five years”;

(b) in sub-paragraph (1)—

(i) in paragraphs (a) and (b), in each place it occurs, for “exit day” substitute “IP completion day”;

(ii) in the words following paragraph (b), after “states” insert “(but subject, in the case of a relevant applicant, to the modifications to the 1993 Act specified in sub-paragraph (4))”;

(c) after sub-paragraph (1), insert—

“(1A) But a relevant applicant in relation to whom sub-paragraph (1) applies may only provide services as an osteopath for a period not exceeding 90 days in total in any calendar year.”;

(d) after sub-paragraph (2), insert—

“(2A) Sub-paragraph (2) does not apply in the case of a Swiss visiting osteopath.

(2B) But a Swiss visiting osteopath’s entitlement does not continue (or further continue) under section 5A of the 1993 Act on or after the end of the visiting practitioner transitional period.

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

(a) is a national of the United Kingdom or is a Swiss national, or

(2) As set out in the Schedule to the General Osteopathic Council (Application for Registration and Fees) Rules Order of Council 2000 (S.I. 2000/1038). Relevant amending instrument is S.I. 2007/3101.

(3) As set out in the Schedule to the General Osteopathic Council (Recognition of Qualifications) Rules Order of Council 2000 (S.I. 2000/1281). Relevant amending instrument is S.I. 2007/3101.

- (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 osteopath profession, no less favourably than a national of the United Kingdom or Switzerland.”;
- (e) after sub-paragraph (3), insert—
 - “(4) The modifications to the 1993 Act mentioned in sub-paragraph (1) are—
 - (a) section 5A(1)(4) is to be read as if for the words from “an exempt person” 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 an osteopath in Switzerland (“State A”);
 - (b) section 17(2D)(5) is to be read as if for the words from “the relevant” to “osteopath” there were substituted “Switzerland”.”.
- (5) In paragraph 17(1), for “exit day” substitute “IP completion day”.
- (6) In paragraph 18—
 - (a) in sub-paragraphs (a)(i), (ii) and (iii), in each place it occurs, for “exit day” substitute “IP completion day”;
 - (b) in sub-paragraph (a)(iii), after ““General Systems Regulations”” insert “(other than in that definition as it is saved by paragraph 15A)”.

(4) Section 5A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#). Subsection (2D) was inserted by [S.I. 2007/3101](#).

(5) Subsection (2D) was inserted by [S.I. 2007/3101](#).