

This Statutory Instrument has been printed to correct errors in S.I. 2019/593 as amended by S.I. 2020/1394 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2022 No. 82

EXITING THE EUROPEAN UNION

HEALTH CARE AND ASSOCIATED PROFESSIONS

PROFESSIONAL QUALIFICATIONS

The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022

<i>Sift requirements satisfied</i>	<i>18th January 2022</i>
<i>Made - - - -</i>	<i>26th January 2022</i>
<i>Laid before Parliament</i>	<i>27th January 2022</i>
<i>Coming into force</i>	<i>24th February 2022</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a) (“the 2018 Act”) and section 12(1) and (3) of the European Union (Withdrawal Agreement) Act 2020(b) (“the 2020 Act”).

The requirements of paragraph 3(2) of Schedule 7 to the 2018 Act and paragraph 3(2) of Schedule 4 to the 2020 Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2022.

(2) These Regulations come into force on the twenty-eighth day after the day on which they are laid before Parliament.

(3) Amendments made by these Regulations have the same extent as the provisions amended.

(a) 2018 c. 16 as amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1); section 8 of the 2018 Act amended by section 27 of the 2020 Act, paragraph 21 of Schedule 7 to the 2018 Act amended by section 41(4) and paragraph 53(2)(a) and (b) of Schedule 5(2) to the 2020 Act.

(b) 2020 c. 1.

Amendments to the General Medical Council (Form and Content of the Registers) Regulations 2015

2.—(1) The General Medical Council (Form and Content of the Registers) Regulations 2015(a) are amended as follows.

(2) In regulation 2 (interpretation), for the entry beginning with “the Principal List” substitute—

“the Principal List”, “the emergency powers doctors list” and “the visiting overseas doctors list” mean respectively the lists of those names established in accordance with section 30(1) of the Act;”.

(3) In regulation 4 (the form and keeping of the registers), for paragraph (d) substitute “persons who are registered in the visiting overseas doctors list;”.

(4) In regulation 5, omit paragraph (f).

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

3.—(1) The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In Schedule 1 (Medical Practitioners)—

(a) in paragraph 66(1) (General Practitioner Register and Specialist Register), after “the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010” insert “(except for provisions listed in sub paragraph (3))”;

(b) after paragraph 66(2) insert—

“(3) The provisions listed in this paragraph are the following provisions listed in the table in Schedule 4A (Directive 2005/36: Functions of the General Council Under Section 49B(3))(c) to the Medical Act 1983—

(a) Article 50(3b);

(b) Article 56(2) in respect of the words “and through the IMI”;

(c) Articles 56(2a), 56a(1) and 56a(2);

(d) Article 56a(3) in respect of the words “by way of an alert through the IMI;”;

(e) Article 56a(5), (6) and (7).”.

(c) in paragraph 67(2)(b) omit the words from “and direct” to the end.

(3) In Schedule 2 (Pharmacists and Pharmacy Technicians)—

(a) in paragraph 44B(2)(a), for “and 66(2)” substitute “66(2) and 71”;

(b) in paragraph 49(2)(b) (IMI alerts) omit the words from “and direct” to “European Commission”.

(4) In Schedule 3 (Dentists and Dental Care Professionals) —

(a) in the words inserted by paragraph 37(4)(c)(v) for “pharmacy” substitute “dental”;

(b) in paragraph 39(2)(b) (IMI alerts) omit the words from “and direct” to “European Commission”.

(5) In Schedule 4 (Nurses, Midwives and Nursing Associates), paragraph 33(2)(b) (IMI alerts) omit the words from “and direct” to “European Commission”.

(6) In Schedule 5 (Opticians), for paragraph 27(2) (IMI alerts) substitute—

(a) Regulations made by the General Medical Council in exercise of powers conferred by section 31(1) and (2) of the Medical Act 1983 (c. 54).

(b) S.I. 2019/593 as amended by S.I. 2020/1394.

(c) Schedule 4A has been repealed by S.I. 2019/593 with saving provisions.

“(2) In disposing of such an appeal, the powers of the relevant court continue to be those set out in section 23G(8)(a) of the 1989 Act (as it had effect before the coming into force of these Regulations), but as if the words “that the alert be withdrawn or amended” were omitted.”.

(7) In Schedule 6 (Osteopaths), paragraph 17(2)(b) (IMI alerts) omit the words from “and direct” to “European Commission”.

(8) In Schedule 7 (Chiropractors), paragraph 16(2)(b) (IMI alerts) omit the words from “and direct” to “European Commission”.

(9) In Schedule 8 (Health Professionals), paragraph 24(2)(b) (IMI alerts) omit the words from “and direct” to “European Commission”.

(10) In Schedule 9 (Social Workers in Scotland) for paragraph 15(3)(b) (IMI alerts) substitute—
“(b) if the sheriff considers that the alert should not have been sent, to allow the appeal.”.

(11) In Schedule 10 (Social Care Workers in Northern Ireland), paragraph 15(2)(b) (IMI alerts) omit the words from “and direct” to the end.

Amendment to the National Health Service (Performers Lists) (England) Regulations 2013

4. In regulation 34(4) (additional grounds for refusal) of the National Health Service (Performers List) (England) Regulations 2013(b), after “section 15(1)(b)(c)” insert “ or section 15(2ZA)1”.

Signed by authority of the Secretary of State for Health and Social Care

Edward Argar
Minister of State
Department of Health and Social Care

26th January 2022

(a) 23G(8) inserted by S.I. 2016/1030.

(b) S.I. 2013/335 as amended by S.I. 2019/593.

(c) 15(1)(b)(c) repealed by S.I. 2019/593 with saving provisions made in Schedule 3, part 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in part in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c), (d) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations are made in order to correct errors in the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593) (“the Healthcare Qualifications Regulations 2019”) and to amend the National Health Service (Performers List) (England) Regulations 2013 (S.I. 2013/335) (the ‘Performers List Regulations’).

Regulation 2 makes amendments to the General Medical Council (Form and Content of the Registers) Regulations 2015 to remove defunct references to European medical practitioners which were not removed due to an error in the Healthcare Qualifications Regulations 2019.

Regulations 3 removes provisions relating to UK alerts that were held on the European Union’s Internal Market Information System database from the Healthcare Qualifications Regulations 2019 as the UK no longer has access to the database as of IP Completion day and all UK alerts have been removed from the database.

Regulation 4 amends the Performers List Regulations to exempt applicants holding EU qualifications from undertaking the foundation training required as part of registration on the Dental Performers List.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An explanatory memorandum has been published alongside this instrument at www.legislation.gov.uk.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2022/82>

ISBN 978-0-34-823161-8



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