
STATUTORY INSTRUMENTS

2019 No. 593

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

[^{F1}Equal treatment and administrative co-operation under the Swiss citizens' rights agreement

12B.—(1) In dealing with a relevant applicant who provides services in the United Kingdom pursuant to a relevant savings provision in relation to any matter, the competent authority must treat that person no less favourably than it would treat a native applicant (within the meaning given in regulation 2 of the 2007 Regulations) providing those services in the United Kingdom in relation to that matter.

(2) Where an individual is providing services on a temporary and occasional basis in Switzerland pursuant to Article 23 of the Swiss citizens' rights agreement, the appropriate competent authority in the United Kingdom must co-operate with and provide the appropriate competent authority in Switzerland with any information relevant to the legality of the individual's establishment and good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature, in accordance with the practice information provision.

(3) Where an individual has made or makes an application falling within Articles 31(1) or 32(1) or (5) of the Swiss citizens' rights agreement to a competent authority in Switzerland for recognition of a professional qualification awarded or recognised by a competent authority in the United Kingdom, the appropriate competent authority in the United Kingdom must—

- (a) co-operate with the competent authority or contact point in Switzerland or the individual (as the case may be), in accordance with the general cooperation provision, and
- (b) provide information to the competent authority in Switzerland regarding disciplinary action or criminal sanctions taken, or any other serious, specific circumstances which are likely to have consequences for the pursuit of professional activities by that individual.

(4) A competent authority in the United Kingdom must process information for the purposes of paragraphs (2) and (3) in accordance with data protection legislation within the meaning given in section 3(9) (terms relating to the processing of personal data) of the Data Protection Act 2018.

(5) In this regulation—

“the general cooperation provision”, in relation to a competent authority in the United Kingdom, means—

- (a) to the extent it applies to the competent authority, regulation 5(2) to (7) (functions of competent authorities in the United Kingdom) of the 2007 Regulations, and
- (b) where any of the following Schedules applied to the competent authority immediately before IP completion day, that Schedule as it had effect in relation to the competent authority immediately before IP completion day—
 - (i) Schedule 4A (Directive 2005/36: functions of the General Medical Council) to the Medical Act 1983;
 - (ii) Schedule 4ZA (Directive 2005/36: functions of the General Dental Council) to the Dentists Act 1984;

- (iii) Schedule 3 (Directive 2005/36: functions of the Nursing and Midwifery Council) to the Nursing and Midwifery Order 2001;
- (iv) Schedule 3 (the Directive: designation of competent authority etc) to the Pharmacy Order 2010;

“the practice information provision”, in relation to a competent authority, means any of the following provisions which apply to the competent authority—

- (a) section 35B(2) of the Medical Act 1983;
- (b) section 33C(3) of the Dentists Act 1984;
- (c) section 13C(3) of the Opticians Act 1989;
- (d) article 22(10) of the Nursing and Midwifery Order 2001;
- (e) article 22(10) of the Health Professions Order 2001;
- (f) regulation 5(2), (3) and (4) of the 2007 Regulations;
- (g) article 50 of the Pharmacy Order 2010;
- (h) regulations 25(1)(c) and 26(5)(b)(v) of the Social Workers Regulations 2018;

“relevant savings provision” means any of the following provisions of these Regulations—

- (a) paragraph 68 (visiting medical practitioners: saving of old law for up to five years) of Schedule 1;
- (b) paragraph 45 (visiting pharmacists and pharmacy technicians: saving of old law for up to five years) of Schedule 2;
- (c) paragraph 37 or 38 (visiting dentists or dental care professionals: saving of old law for up to five years) of Schedule 3;
- (d) paragraph 28 or 29 (visiting nurses, midwives and nursing associates: saving of old law for up to one year) of Schedule 4;
- (e) paragraph 26 (visiting opticians: saving of old law for up to five years) of Schedule 5;
- (f) paragraph 16 (visiting osteopaths: saving of old law for up to five years) of Schedule 6;
- (g) paragraph 15 (visiting chiropractors: saving of old law for up to five years) of Schedule 7;
- (h) paragraph 20 (visiting health professionals: saving of old law for up to five years) of Schedule 8;
- (i) paragraph 13 (visiting social workers in Scotland: saving of old law for up to five years) of Schedule 9;
- (j) paragraph 14 (visiting social work professionals in Northern Ireland: saving of old law for up to five years) of Schedule 10;
- (k) paragraph 12 (visiting social work professionals in England: saving of old law for up to five years) of Schedule 11.]

Textual Amendments

- F1** Regs. 12B, 12C 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), 5
-

Commencement Information

- I1** Reg. 12B 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, Section 12B.