

## SCHEDULES

### SCHEDULE 6

#### Osteopaths

### PART 2

#### Savings and transitional provision

##### Pending applications

**15.**—(1) Where an application for entry in, or restoration to, the register kept under the 1993 Act is received before [<sup>F1</sup>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 1993 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. 6 para. 15(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), **14(2)**

##### Commencement Information

- I1** Sch. 6 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\(2\)](#)

##### [<sup>F2</sup>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 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;

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- (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 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;
- “the Recognition Rules” means the General Osteopathic Council (Recognition of Qualifications) Rules 2000;
- “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.]

#### Textual Amendments

**F2** Sch. 6 para. 15A 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), **14(3)**

#### Commencement Information

**I2** Sch. 6 para. 15A 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 osteopaths: saving of old law for up to <sup>F3</sup>five years]

**16.**—(1) Where—

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(a) a person had, immediately before [<sup>F4</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 an osteopath (and section 5A(3) of the 1993 Act accordingly applied to the person), and

(b) the person continues to have that benefit on or after [<sup>F5</sup>IP completion day],

any provision made by or under the 1993 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 osteopaths from relevant European states [<sup>F6</sup>(but subject, in the case of a relevant applicant, to the modifications to the 1993 Act specified in sub-paragraph (4))].

[<sup>F7</sup>(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.]

(2) Sub-paragraph (1) ceases to apply in relation to a visiting osteopath—

(a) if the osteopath is registered as required by section 5A(3) of the 1993 Act, when the osteopath's name is removed under section 5A(6) of the Act;

(b) otherwise, when the osteopath's entitlement ceases by reason of the operation of section 5A(5) of the Act.

[<sup>F8</sup>(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

(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.]

(3) The reference in sub-paragraph (1) to "the provisions relating to visiting osteopaths from relevant European states" is to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting osteopaths</i>
The 1993 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) section 41
General Osteopathic Council (Registration) Rules 1998	rules 3(1) and (3) and 7(2)(a)

[<sup>F9</sup>(4) The modifications to the 1993 Act mentioned in sub-paragraph (1) are—

(a) section 5A(1) 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

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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) is to be read as if for the words from “the relevant” to “osteopath” there were substituted “Switzerland”.]

#### Textual Amendments

- F3** Words in Sch. 6 para. 16 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\(2\), 14\(4\)\(a\)](#)
- F4** Words in Sch. 6 para. 16(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\(2\), 14\(4\)\(b\)\(i\)](#)
- F5** Words in Sch. 6 para. 16(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\(2\), 14\(4\)\(b\)\(i\)](#)
- F6** Words in Sch. 6 para. 16(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\(2\), 14\(4\)\(b\)\(ii\)](#)
- F7** Sch. 6 para. 16(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\(2\), 14\(4\)\(c\)](#)
- F8** Sch. 6 para. 16(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\(2\), 14\(4\)\(d\)](#)
- F9** Sch. 6 para. 16(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\(2\), 14\(4\)\(e\)](#)

#### Commencement Information

- I3** Sch. 6 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\(2\)](#)

#### IMI alerts

17.—(1) Where an alert has been sent by the General Osteopathic Council before [F10IP 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 1993 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 1993 Act, to—

- (a) dismiss the appeal, or  
(b) allow the appeal <sup>F11</sup> ...,

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

### Textual Amendments

- F10** Words in Sch. 6 para. 17(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), **14(5)**
- F11** Words in Sch. 6 para. 17(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(7)**

### Commencement Information

- I4** Sch. 6 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\(2\)](#)

### Interpretation of saved provisions

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

(a) in section 41 of the 1993 Act—

(i) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before [<sup>F12</sup>IP 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 [<sup>F13</sup>IP completion day], was a national of a relevant European State,

(b) a person who, immediately before [<sup>F13</sup>IP completion day], was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the profession of osteopathy by virtue of an enforceable EU right, or

(c) a person who, immediately before [<sup>F13</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 the profession of osteopathy, no less favourably than a national of a relevant European State;”;

(bb) in the words after paragraph (c), for “is not” substitute “was not, immediately before [<sup>F13</sup>IP completion day]”;

(iii) in the definition of “General Systems Regulations” [<sup>F14</sup>(other than in that definition as it is saved by paragraph 15A)], at the end there were inserted—

“(a) in relation to anything done before [<sup>F15</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>F15</sup>IP completion day], in relation to an entitlement which arose before [<sup>F15</sup>IP completion day] or arises as a result of something done before [<sup>F15</sup>IP completion day];”;

(b) in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” 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, PART 2.* (See end of Document for details)

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### Textual Amendments

- F12** Words in Sch. 6 para. 18(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), **14(6)(a)**
- F13** Words in Sch. 6 para. 18(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), **14(6)(a)**
- F14** Words in Sch. 6 para. 18(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), **14(6)(b)**
- F15** Words in Sch. 6 para. 18(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), **14(6)(a)**
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### Commencement Information

- I5** Sch. 6 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\(2\)](#)

**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.