
STATUTORY INSTRUMENTS

2015 No. 000

HEALTH AND SOCIAL ASSOCIATED PROFESSIONS

**The European Qualifications (Health and Social Care
Professions) Regulations 2015**

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The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to measures relating to access to, the training for, the pursuit of, and the award of qualifications in the professions of dentistry, medicine, midwifery, nursing and pharmacy and their specialities^(b), in relation to measures relating to access to, the training for, the pursuit of, and the award of qualifications in the profession of social worker^(c), and in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations^(d).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears expedient to the Secretary of State for certain references to provisions of European Union instruments to be construed as references to those provisions as amended from time to time.

PART 1
PRELIMINARY MATTERS

Citation and commencement

1. These Regulations may be cited as the European Qualifications (Health and Social Care Professions) Regulations 2015 and come into force on XXXX 2016.

Extent

2. The extent of any amendment made by these Regulations is the same as that of the enactment amended.

(a) 1972 c.68, section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
(b) S.I. 1995/3207.
(c) S.I. 2003/2901.
(d) S.I. 2002/248.

PART 2
MEDICAL PRACTITIONERS
CHAPTER 1
AMENDMENT OF THE MEDICAL ACT 1983

Introductory

3. The Medical Act 1983(a) is amended in accordance with this Chapter.

Insertion of section 10B

4. After section 10A, insert—

“Professional traineeships carried out in other relevant European States, etc.

10B.—(1) If an acceptable programme for provisionally registered doctors includes a requirement to carry out a professional traineeship in the United Kingdom, a professional traineeship of an equivalent standard that has been carried out in another relevant European State is treated as meeting that requirement.

(2) The General Council must publish guidelines on the organisation and recognition of professional traineeships carried out in relevant European States and third countries (including, in particular, guidelines on the role of the supervisor of the professional traineeship).”.

Amendment of section 14

5. In section 14 (alternative requirements as to experience in certain cases)(b), at the end insert—

“(4) Subsection (5) applies if—

- (a) a person within subsection (2)(b) makes an application under subsection (1),
- (b) the person has carried out a professional traineeship in a third country.

(5) The General Council must have regard to the professional traineeship in exercising its functions under subsection (1).”.

Amendment of section 14A

6. In section 14A (full registration of EEA nationals etc without certain acquired rights certificates)(c)—

- (a) in subsection (1)(a), for “3(9)(a)” substitute “3(8)(a)”;
- (b) in subsection (1)(b)—
 - (i) for “20 to 26” substitute “27 to 34”;
 - (ii) for “3(4)” substitute “3(5)”.

Amendment of section 19A

7. In section 19A (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom)(d)—

(a) c. 54.
(b) To be inserted.
(c) To be inserted.
(d) To be inserted.

- (a) in paragraph (a), for “3(9)(e)” substitute “3(8)(e)”;
- (b) in paragraph (b)—
 - (i) for “20 to 26” substitute “27 to 34”;
 - (ii) for “3(4)” substitute “3(5)”.

Amendment of section 40

8. In section 40 (appeals)—

- (a) after subsection (1A) insert—

“(1B) A decision of the General Council under regulation 67 of the General Systems Regulations to send an alert about a person is also an appealable decision for the purposes of this section.”;
- (b) in subsection (4A)—
 - (i) after “(1A)” insert “or (1B)”;
 - (ii) after “served” insert “on the person”;
- (c) after subsection (8) insert(a)—

“(8A) On an appeal under subsection (4A) against a decision falling within subsection (1B), the court (or the sheriff) may—

 - (a) dismiss the appeal; or
 - (b) allow the appeal and—
 - (i) direct that the alert be withdrawn or amended accordingly; and
 - (ii) require the General Council to notify the appropriate competent authorities of the successful appeal,

and may make such order for costs (or, in Scotland, expenses) as it (or the sheriff) thinks fit.”.

Amendment of section 55

9. In section 55 (interpretation)—

- (a) in subsection (1), for the definition of “the General Systems Regulations” substitute—

““the General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015(b) (S.I. 2016/XXXX);”;
- (b) in the appropriate places insert—

““Directive 95/46/EC” means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;”;

““Directive 2002/58/EC” means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;”;

““IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;”;

““professional traineeship” means a period of professional practice, carried out under supervision, that—

(a) To be inserted.
 (b) To be inserted.

- (a) constitutes a condition for access to the medical profession, or a specialty within that profession, in the country in which it is carried out; and
 - (b) takes place during or after completion of a course of education leading to an educational qualification pursued for the purpose of entry to that profession or specialty;”;
- ““third country” means a country other than a relevant European State;”.

Amendment of Schedule 2A

10.—(1) Schedule 2A (visiting medical practitioners from relevant European States)(a) is amended as follows.

(2) In paragraph 4(b)—

- (a) for “3(9)(a), (c) or (e)” substitute “3(8)(a), (c) or (e)”;
- (b) for “14 to 16” substitute “19 to 23”.

(3) In paragraph 5—

- (a) in sub-paragraph (2)(a)—
 - (i) in sub-paragraph (i), omit the “and” at the end;
 - (ii) in sub-paragraph (ii), at the end insert “and”;
 - (iii) after sub-paragraph (ii), insert—
 - “(iii) states that the practitioner has the necessary knowledge of English.”;
- (b) in sub-paragraph (2)(d), omit the “and” at the end;
- (c) in sub-paragraph (2)(e)(ii), at the end insert “; and”;
- (d) after sub-paragraph (2)(e), insert—
 - “(f) a written declaration confirming that the practitioner—
 - (i) is not subject to a temporary or final suspension preventing the practitioner from practising as a medical practitioner; and
 - (ii) has never been convicted of a criminal offence.”;
- (e) in sub-paragraph (3), after “(2)(a)” insert “or (f)”.

(4) In paragraph 6(3)—

- (a) for “3(9)(a), (c) or (e)” substitute “3(8)(a), (c) or (e)”;
- (b) for “14 to 16” substitute “19 to 23”.

Amendment of Schedule 4A

11.—(1) Schedule 4A (Directive: 2005/36: Functions of the Council under section 49B(3)) is amended as follows.

(2) Before the entry relating to article 7(2)(b) insert—

“Article 4f	Considering, on a case by case basis, applications for partial access to the medical profession in accordance with regulations 10 and 11 of the General Systems Regulations.”.
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(3) in the entry relating to article 8(1)—

- (a) for “Receiving”, substitute “In the event of justified doubts, receiving”; and
- (b) after paragraph (c), insert—
 - “Receiving information from, or providing information to, other competent authorities in relation to a person’s training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.”.

(a) To be inserted.

- (4) After the entry relating to article 50(3) insert—
- “Article 50(3a) In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the medical profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant’s professional activities.
- Article 50(3b) Ensuring that the exchange of information under article 50 with other competent authorities takes place through the IMI.
- Article 53 Ensuring that any language controls imposed on a medical practitioner are compliant with article 53 of the Directive.
- Article 55a When considering an application for registration as a fully registered practitioner, ensuring that in respect of professional traineeships—
- (a) traineeships undertaken in a relevant European State are recognised in accordance with published guidelines;
- (b) traineeships undertaken in a third country are taken into account.”.
- (5) In the entry relating to article 56(2), after paragraph (c), insert—
- “Ensuring that the processing of personal data for the purposes of the exchange of information under article 56(2) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.”.
- (6) After the entry relating to article 56(2), insert—
- “Article 56(2a) Ensuring that the exchange of information carried out under article 56(2) takes place through the IMI.
- Article 56a (1) and (2) Informing all other competent authorities, by way of an alert through the IMI, about a medical practitioner whose professional activities have been restricted or prohibited, even temporarily, within three days from the date of adoption of the decision; ensuring the information provided is limited to the information referred to in article 56a(2).
- Article 56a(3) Informing other competent authorities, by way of an alert through the IMI, about the identity of professionals who have been found to have used falsified evidence of professional qualifications, within three days from the date of the finding.
- Article 56a(4) Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.
- Article 56a(5) Informing all other competent authorities through the IMI without delay when—
- (a) a prohibition or a restriction referred to in article 56a(1) has expired;
- (b) there is a change to the prohibition or restriction period notified under article 56a(2).
- Article 56a(6) Notifying the medical practitioner, in respect of whom an alert is sent under article 56a(1) or (3), in writing at the same time as the alert is sent, that the practitioner—
- (a) is the subject of an alert sent under article 56a(1) or (3);
- (b) has the right to appeal the decision and to apply for rectification of the decision;
- (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.
- Informing competent authorities, where applicable, that an alert is subject to appeal proceedings by the practitioner.
- Article 56a(7) Ensuring that an alert made under article 56a(1) is deleted from the IMI within three days of—
- (a) the date of adoption of the revoking decision; or

Article 57a(1)	(b) the expiry of the prohibition or restriction referred to in that article. Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications of a medical practitioner may be easily completed by the applicant remotely and by electronic means.”.
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CHAPTER 2

AMENDMENT OF THE POSTGRADUATE MEDICAL EDUCATION AND TRAINING ORDER OF COUNCIL 2010

Introductory

12. The Postgraduate Medical Education and Training Order of Council 2010(a) is amended in accordance with this Chapter.

Amendment of article 5

13. In article 5 (general systems general practitioners eligible for entry in the general practitioner register)—

- (a) in paragraph (a), for “3(9)(e)” substitute “3(8)(e)”;
- (b) in paragraph (b)—
 - (i) for “20 to 26” substitute “27 to 34”;
 - (ii) for “3(4)” substitute “3(5)”.

Amendment of article 9

14. In article 9 (general systems specialists eligible for entry in the specialist register)—

- (a) in paragraph (a), for “3(9)(a), (c) or (e)” substitute “3(8)(a), (c) or (e)”;
- (b) in paragraph (b)—
 - (i) for “20 to 26” substitute “27 to 34”;
 - (ii) for “3(4)” substitute “3(5)”.

Amendment of article 10

15. In article 10 (recognised specialist qualifications granted outside the United Kingdom)—

- (a) in paragraph (1)(f)(iii), omit the “and” at the end;
- (b) in paragraph (1)(g)(iii), at the end insert “; and”;
- (c) after paragraph (1)(g) (after the table), insert—
 - “(h) a specialist qualification listed in Annex V, points 5.1.2 and 5.1.3 of the Directive—
 - (i) which was awarded in Italy to doctors who started their specialist training after 31 December 1983 and before 1 January 1991 (even if the training concerned did not satisfy all the training requirements of article 25 of the Directive);
 - (ii) which was awarded in a recognised specialty; and
 - (iii) where evidence of the qualification is accompanied by a certificate of a competent authority in Italy stating that the holder has effectively and lawfully been engaged, in Italy, in the activities of a medical specialist in that specialty

(a) S.I. 2010/473.

for at least seven consecutive years during the ten years preceding the date of the certificate.”.

Insertion of article 12

16. After article 11, insert—

“Partial Exemption

12.—(1) The Registrar may exempt a person from a requirement to complete part (“the relevant part”) of a specialist training course in the United Kingdom if the conditions in paragraph (2) are satisfied.

(2) The conditions are that—

- (a) the person has already completed the equivalent of the relevant part in another specialist training course whilst obtaining a professional qualification in a relevant European State; and
- (b) the relevant part does not equate to more than half of the minimum duration of the specialist training course in respect of which the exemption is to apply.

(3) In this article, “specialist training course” means a course listed in Annex V, point 5.1.3 of the Directive.”.

PART 3

PHARMACISTS AND PHARMACY TECHNICIANS

CHAPTER 1

AMENDMENT OF THE PHARMACY ORDER 2010

Introductory

17. The Pharmacy Order 2010(a) is amended in accordance with this Chapter.

Amendment of article 3

18. In article 3(1) (interpretation)—

- (a) for the definition of “General Systems Regulations” substitute—

““General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015;”;

- (b) in the appropriate places insert—

““Directive 95/46/EC” means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;”;

““Directive 2002/58/EC” means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;”;

““European professional card” has the meaning given in the Directive;”;

(a) S.I. 2010/231.

““IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;”;

““IMI file” means a secure personal account in the IMI that is created in relation to an applicant for a European professional card by means of an online tool provided by the European Commission;”;

““professional traineeship” means a period of professional practice, carried out under supervision, that—

- (a) constitutes a condition for access to the profession of pharmacist or pharmacy technician in the country in which it is carried out; and
- (b) takes place during or after completion of a course of education leading to an educational qualification pursued for the purpose of entry to that profession;”;

““third country” means a country other than a relevant European State;”.

Amendment of article 21

19. In article 21 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists)—

- (a) in paragraph (1)(c)(i), for “3(9)(a) or (e)” substitute “3(8)(a) or (e)”;
- (b) in paragraph (1)(c)(ii)—
 - (i) for “20 to 26” substitute “27 to 34”;
 - (ii) for “3(4)” substitute “3(5)”.

Amendment of article 23

20. In article 23 (form, manner and content of applications for entry or for renewal of an entry in the register: pharmacists and pharmacy technicians)—

- (a) in paragraph (1)(c)(iv)(bb), omit the “and” at the end;
- (b) after paragraph (1)(c)(v), insert—
 - “(vi) if the applicant is an exempt person, in the event of justified doubts, confirmation from the competent authority of a relevant European State that the applicant is not suspended or prohibited from practising as a pharmacist or pharmacy technician as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant’s professional activities; and”.

Amendment of article 28

21. In article 28 (registrants’ duties with regard to their entries)—

- (a) in paragraph (1), omit “Part 1 or 2 of”;
- (b) in paragraph (2), for “Part 1 or, as the case may be, Part 2” substitute “the relevant Part”;
- (c) in paragraph (3)—
 - (i) omit “entered in Part 1 or 2 of the Register”;
 - (ii) for “that part” substitute “the relevant Part”.

Amendment of article 30

22. In article 30 (fitness to practise matters before entry or renewal of an entry)—

- (a) in paragraph (1)—
 - (i) omit “Part 1 or 2 of”;
 - (ii) for “that part”, in both places where the words occur, substitute “the relevant Part”;

- (b) in paragraph (4), omit “Part 1 or 2 of”;
- (c) in paragraph (5), omit “Part 1 or 2 of”.

Insertion of article 33A

23. After article 33 insert—

“European professional card

33A.—(1) Schedule 2A (Directive 2005/36/EC: European professional card) has effect.

(2) The Council may charge such reasonable fees as it may determine to cover the costs of discharging the duties under Schedule 2A.

(3) Fees charged under paragraph (2)—

- (a) must be proportionate to the costs incurred by the Council in discharging the duties described in paragraph (2); and
- (b) must not be set at such a level as to deter persons from applying for European professional cards.”.

Amendment of article 39

24. In article 39 (appealable decisions)—

- (a) in paragraph (1)(r), omit the “and” at the end;
- (b) in paragraph (1)(s), at the end insert “; and”;
- (c) after paragraph (1)(s), insert—
 - “(t) a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person;
 - (u) a decision of the Council, under Schedule 2A, or under Part 4 of the General Systems Regulations, to revoke, or not to issue or extend, a European professional card, or a failure by the Council to make a decision in relation to a European professional card within the time limits set out in those provisions.”.

Amendment of article 40

25. In article 40(7)(b) (powers of Appeals Committee on appeal), after “against” insert “or, in the case of an appeal under article 39(1)(t) (decision to send an alert about a person), direct that the alert be withdrawn or amended accordingly”.

Amendment of article 41

26. In article 41(4)(b) (powers of relevant court on appeal from Appeals Committee), after “against” insert “or, in the case of an appeal under article 39(1)(t) (decision to send an alert about a person), direct that the alert be withdrawn or amended accordingly”.

Insertion of article 42A

27. After article 42 (education, training and acquisition of experience) insert—

“Professional traineeships carried out in other relevant European States, etc.

42A.—(1) If a prospective registrant is required to carry out a professional traineeship in the United Kingdom in order to be appropriately qualified under article 21 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacists) or article 22 (pre-entry requirements in respect of qualifications and additional education, training or experience: pharmacy technicians), a professional traineeship of an

equivalent standard that has been carried out in another relevant European State is treated as meeting that requirement.

(2) Paragraph (3) applies if—

- (a) a person applies to the Council to be entered in the Register as a pharmacist or as a pharmacy technician; and
- (b) the person has carried out a professional traineeship in a third country.

(3) The Registrar must have regard to the professional traineeship when considering whether the person satisfies any requirement under article 21 or 22 for entry on the Register which includes a requirement for prospective registrants to carry out a professional traineeship.

(4) The Council must publish guidelines on the organisation and recognition of professional traineeships carried out in relevant European States and third countries (including, in particular, guidelines on the role of the supervisor of the professional traineeship).”.

Amendment of article 67

28. In article 67 (The Directive: designation of competent authority etc), for paragraphs (4) to (6) substitute—

“(4) The Secretary of State may give directions to the Council as to matters of administration in connection with the functions of the Council specified in Schedule 3.

(5) The Council must comply with a direction given under paragraph (4).

(6) In Schedule 3—

“non-UK pharmacy qualification” means evidence of formal qualifications in pharmacy (listed in Annex V, point 5.6.2. of the Directive) awarded to a person by a competent authority of a relevant European State other than the United Kingdom;

“GB pharmacy qualification” means evidence of formal qualifications in pharmacy (listed in Annex V, point 5.6.2. of the Directive) awarded to a person by the Council.”.

Amendment of Schedule 2

29.—(1) Schedule 2 (visiting practitioners from relevant European States) is amended as follows.

(2) For paragraph 1(1), substitute—

(1) This Part of this Schedule applies to a person who—

- (a) is an exempt person who is lawfully established as a pharmacist in a relevant European State other than the United Kingdom; and
- (b) is not a person to whom Part 5 of Schedule 2A (European professional card for the provision of occasional pharmacy services in Great Britain, etc.) or Part 5 of Schedule 2C of the Pharmacy (Northern Ireland) Order 1976 (European professional card for the provision of occasional pharmacy services in Northern Ireland, etc.) applies.”.

(3) In paragraph 3(b)—

- (a) for “3(9)(a) or (e)” substitute “3(8)(a) or (e)”;
- (b) for “14 to 16” substitute “19 to 23”.

(4) In paragraph 4—

- (a) in sub-paragraph (2)(a)—
 - (i) in sub-paragraph (i), omit the “and” at the end;
 - (ii) in sub-paragraph (ii)—
 - (aa) for “arrangement” substitute “or insurance arrangements”;

- (bb) at the end, insert “and”;
 - (iii) after sub-paragraph (ii), insert—
 - “(iii) states that the practitioner has the necessary knowledge of English;”;
 - (b) in sub-paragraph (2)(d), omit the “and” at the end;
 - (c) in sub-paragraph (2)(e)(ii), at the end, insert “; and”;
 - (d) after sub-paragraph (2)(e), insert—
 - “(f) a written declaration confirming that the practitioner—
 - (i) is not subject to a temporary or final suspension preventing the practitioner from practising as a pharmacist; and
 - (ii) has never been convicted of a criminal offence.”;
 - (e) in sub-paragraph (3), after “(2)(a)” insert “or (f)”.
- (5) After paragraph 4, insert—

“First provision of services: visiting practitioners from Northern Ireland

4A.—(1) The Registrar must treat a visiting practitioner who—

- (a) applies to be entered in Part 4 of the Register as a visiting practitioner; and
- (b) is entered in the register of visiting practitioners for Northern Ireland;

as complying with the requirements of paragraph 4.

(2) The Registrar may require the visiting practitioner to provide additional information concerning his or her professional qualifications as a result of differences in the way that the profession is regulated in different parts of the United Kingdom;

(3) Sub-paragraph (1) does not apply if the Registrar has required the visiting practitioner to provide information under sub-paragraph (2) and the visiting practitioner has not done so.”.

- (6) In paragraph 5(2)—
 - (a) for “3(9)(a) or (e)” substitute “3(8)(a) or (e);
 - (b) for “14 to 16” substitute “19 to 23”.
- (7) In paragraph 7(6), after “home State” insert “or host State”.
- (8) In paragraph 8(1)(a), for “the establishment of a visiting practitioner in the practitioner’s home State” substitute “in the visiting practitioner’s home State, the practitioner”.
- (9) In paragraph 11, for “8” substitute “12”.
- (10) In paragraph 12—
 - (a) in sub-paragraph (2)(a)—
 - (i) in sub-paragraph (i), omit the “and” at the end;
 - (ii) in sub-paragraph (ii)—
 - (aa) for “arrangement” substitute “or insurance arrangements”;
 - (bb) at the end, insert “and”;
 - (iii) after sub-paragraph (ii), insert—
 - “(iii) states that the practitioner has the necessary knowledge of English;”;
 - (b) in sub-paragraph (2)(d), omit the “and” at the end;
 - (c) in sub-paragraph (2)(f), at the end, insert “; and”;
 - (d) after sub-paragraph (2)(f), insert—
 - “(g) a written declaration confirming that the practitioner—
 - (i) is not subject to a temporary or final suspension preventing the practitioner from practising as a pharmacy technician; and

- (ii) has never been convicted of a criminal offence.”;
- (e) in sub-paragraph (3), after “(2)(a)” insert “or (g)”.
- (11) In paragraph 15(6), after “home State” insert “or host State”.

Insertion of Schedule 2A

30. After Schedule 2 insert—

“SCHEDULE 2A

Article 33A

Directive 2005/36/EC: European professional card

PART 1

General

Application

1.—(1) This Schedule applies to a person who is entitled to have his or her qualifications as a pharmacist recognised automatically under articles 21, 23, 49a or 49b of the Directive.

(2) This Schedule supplements the rights and obligations set out in the Implementing Regulation 2015.

Interpretation

2. In this Schedule—

“disqualifying decision”, in relation to a person (“P”) to whom this Schedule applies, means a decision made by a competent authority or judicial authority in P’s home state or host state that has the effect that—

- (a) P ceases to be registered or otherwise officially recognised as a pharmacist in that state; or
- (b) P is prohibited, permanently or temporarily, from practising as a pharmacist in that state;

“EPC application” means an application for a European professional card by a person to whom this Schedule applies, and references to an “EPC applicant” are to be construed accordingly;

“home state” means the relevant European State nominated as such by an EPC applicant in his or her EPC application, being one of—

- (a) the relevant European State in which the EPC applicant obtained his or her professional qualifications as a pharmacist; or
- (b) a relevant European State in which the EPC applicant has lawfully practised as a pharmacist;

“host state” means the relevant European State in which an EPC applicant seeks to practise as a pharmacist;

“Implementing Regulation 2015” means Commission Implementing Regulation (EU) No 983 of 2015 on the procedure for issuance of the European Professional Card and the application of the Alert Mechanism pursuant to the Directive;

“missing document” means a document which an EPC applicant was required to provide with the EPC application but which the EPC applicant has not provided;

“occasional pharmacy services” has the meaning given in paragraph 1 of Schedule 2 (application and interpretation).

PART 2

General functions of the Council in relation to European professional cards

Council not to request re-submission of valid documents

3. If a person who has already made an EPC application makes another EPC application, the Council may not request re-submission of documents that are contained in the applicant's IMI file which are still valid for the purposes of processing that other EPC application.

Power to revoke a European professional card

4.—(1) The Council may revoke a European professional card issued under this Schedule if it appears to the Council that the holder ("P") of the card is not entitled to hold the card.

(2) P is not entitled to hold the card if, in particular, P is subject to a disqualifying decision.

Duty to give reasons and to notify of right of appeal

5. If the Council refuses to issue or vary, or decides to revoke, a European professional card under this Schedule, the Council must notify the EPC applicant or the holder of the European professional card of the reasons for that decision and of his or her right of appeal under article 39.

Updating the IMI file: disciplinary action or criminal sanctions

6.—(1) This paragraph applies to a person ("P") to whom this Schedule applies—

- (a) who holds a European professional card issued by the Council; or
- (b) who has applied to the Council for a European professional card.

(2) The Council must update P's IMI file in accordance with sub-paragraphs (3) and (4) in a timely manner.

(3) The Council must add to P's IMI file information regarding disciplinary action or criminal sanctions which—

- (a) relate to a prohibition or restriction on P's entitlement to practice as a pharmacist; or
- (b) have consequences for the pursuit of any activities by P (as a pharmacist).

(4) The Council must delete from P's IMI file information regarding disciplinary action or criminal sanctions that is no longer required.

(5) The Council must immediately inform P and the competent authorities of other relevant European States that have access to P's IMI file of any update under this paragraph.

(6) The information that may be added or deleted under this paragraph must be limited to details of—

- (a) P's identity;
- (b) information about the national authority or court which has made the decision on restriction or prohibition;
- (c) the scope of a restriction or prohibition; and
- (d) the period for which a restriction or prohibition applies.

Access to data

7.—(1) Access to the information on the IMI file of a person (“P”) to whom this Schedule applies is limited to the competent authorities of P’s home state and host state, in accordance with Directive 95/46/EC, and P.

(2) The Council must, on request, provide P with information on the content of P’s IMI file.

Processing data

8.—(1) The Council may process personal data included in the IMI file of a person (“P”) who holds a European professional card or who is an EPC applicant for as long as it is needed for the purposes of recognition of P’s professional qualifications and as evidence of the recognition or transmission of the declaration required under Schedule 2.

(2) The Council is the controller within the meaning of article 2(d) of Directive 95/46/EC for the purposes of processing personal data in P’s European professional card or IMI file.

Rectification of the European professional card or the IMI file

9.—(1) A person (“P”) to whom this Schedule applies who holds a European professional card issued by the Council may, at any time, make a written request to the Council to rectify inaccurate or incomplete data in P’s IMI file or to delete or block P’s IMI file if it contains inaccurate or incomplete data.

(2) If the Council is satisfied that the data in P’s IMI file is inaccurate or incomplete, the Council must comply with a request by P under sub-paragraph (1).

(3) The Council must notify P of P’s right under sub-paragraph (1)—

- (a) at the time P’s European professional card is issued; and
- (b) every two years after the card was issued.

(4) A notification under sub-paragraph (3)(b) must be sent to P by means of an automatic reminder sent through the IMI.

(5) The Council must not charge P in relation to the making of a written request under sub-paragraph (1) or complying with, or responding to, such a request.

(6) If—

- (a) P’s European professional card was issued for the purposes of establishment;
- (b) P asks the Council to delete P’s IMI file; and
- (c) P’s host state is the United Kingdom,

the Council must provide P with evidence confirming that the Council recognises P’s professional qualifications.

PART 3

European professional cards for establishment in the United Kingdom or another relevant European State

European professional cards for establishment in a host state other than the United Kingdom

10.—(1) A person (“P”) to whom this Schedule applies may apply to the Council for a European professional card if—

- (a) P’s home state is the United Kingdom;
- (b) P is registered in Part 1 of the Register; and

- (c) P is seeking the card for the purposes of establishment as a pharmacist in a relevant European State other than the United Kingdom.
- (2) P must submit with the EPC application the documents listed in point 1 of Part A of Annex 2 to the Implementing Regulation 2015 (in addition to the information required in accordance with article 4 of the Implementing Regulation 2015 that is relevant to the application).
- (3) Within one week of receipt of the EPC application, the Council must acknowledge receipt of the application and inform P of any missing document.
- (4) The Council must, within one month of the relevant day—
 - (a) verify the authenticity and validity of the documents in P’s IMI file for the purposes of the EPC application;
 - (b) transmit the EPC application to the competent authority of the host state (in order for that competent authority to decide whether to issue the European professional card: see article 4d(2) of the Directive) and, at the same time, inform P of the status of the EPC application.
- (5) In this paragraph, “the relevant day” means—
 - (a) the day which falls one week after the day on which the Council receives the EPC application; or
 - (b) if later, the day on which the last relevant document is received by the Council.
- (6) For the purpose of sub-paragraph (4), “relevant document” means—
 - (a) any missing document; or
 - (b) any document that is requested by the Council in connection with the EPC application before the day mentioned in sub-paragraph (5)(a).

Issue of European professional card for establishment in Great Britain

11.—(1) This paragraph applies to an EPC application made to the competent authority of a relevant European State other than the United Kingdom where the EPC applicant (“P”) is seeking a European professional card for the purposes of establishment as a pharmacist in Great Britain.

(2) The Council may request additional information or a certified copy of a document from the competent authority of the home state if it appears to the Council—

- (a) that P may not be entitled to hold a European professional card; or
- (b) that a document or information supplied by P as part of the EPC application is not, or may not be, valid or correct.

(3) Subject to sub-paragraphs (4) to (7), the Council must issue the European professional card within one month of receipt of the EPC application from the competent authority of the home state.

(4) The Council may extend the period in sub-paragraph (2)—

- (a) by two weeks; and
- (b) if it is necessary to do so, in particular for reasons relating to public health or the safety of recipients (or prospective recipients) of pharmacy services from the EPC applicant, by a further two weeks following expiry of the two week extension under paragraph (a).

(5) The Council must notify P of any extension under sub-paragraph (4) and the reasons for it.

(6) If the Council does not receive the documents or information necessary to determine whether to issue the European professional card, the Council may refuse to issue the card.

(7) If the Council fails to make a decision within the time limits set out in this paragraph—

- (a) P is to be treated as entitled to the European professional card; and
- (b) the Council must issue the card to P through the IMI immediately.

PART 4

European professional cards for the provision of occasional pharmacy services in a relevant European State other than the United Kingdom

Issue of European professional card for the provision of occasional pharmacy services in a host state other than the United Kingdom

12.—(1) A person (“P”) to whom this Schedule applies may apply to the Council for a European professional card if—

- (a) P’s home state is the United Kingdom;
- (b) P is registered in Part 1 of the Register; and
- (b) P is seeking the card for the purposes of providing occasional pharmacy services (which do not fall within article 7(4) of the Directive) in one or more relevant European States other than the United Kingdom.

(2) P must submit with the EPC application the documents listed in point (a) to (c) of Part B of Annex 2 to the Implementing Regulation 2015 (in addition to the information required in accordance with article 4 of the Implementing Regulation 2015 that is relevant to the application).

(3) Within one week of receipt of the EPC application, the Council must acknowledge receipt of the application and inform P of any missing document.

(4) The Council must, within three weeks of the relevant day—

- (a) verify the EPC application and supporting documents;
- (b) if the Council has verified the application and supporting documents, issue the European professional card; and
- (c) if the Council issues the card, transmit it to the competent authority of each host State concerned and, at the same time, inform P accordingly.

(5) Unless its period of validity is extended under paragraph 13, a European professional card issued under this paragraph expires 18 months after the date on which it is issued.

(6) In this paragraph, “the relevant day” means—

- (a) the day which falls one week after the day on which the Council receives the EPC application; or
- (b) if later, the day on which the last relevant document is received by the Council.

(7) For the purpose of sub-paragraph (6), “relevant document” means—

- (a) any missing document; or
- (b) any document that is requested by the Council in connection with the EPC application before the day mentioned in sub-paragraph (6)(a).

Variation of a European professional card for the provision of occasional pharmacy services in a host state other than the United Kingdom

13.—(1) This paragraph applies to a person (“P”) who holds a European professional card issued under paragraph 12.

(2) If P wishes to provide relevant pharmacy services after the end of the period of 18 months beginning with the date on which the card was issued, P may apply to the Council for the period of validity of the card to be extended by 18 months or such shorter period as may be specified in the application.

(3) If P wishes to provide relevant pharmacy services in a host State not already specified on the card, P may apply to the Council for the list of host States specified on the card to be supplemented with the addition of such relevant European States as may be specified in the application.

(4) An application under sub-paragraph (2) or (3) must be accompanied by details of any material changes to documentation or information that—

- (a) was, pursuant to the Implementing Regulation 2015, provided to the Council with the EPC application under paragraph 12; and
- (b) is recorded on P's IMI file.

(5) On receipt of an application under sub-paragraph (2) or (3), the Council may—

- (a) accept the application (see sub-paragraph (6)); or
- (b) if it appears to the Council that P is not, or may not be, entitled to hold a European professional card, reject the application and notify P accordingly (see paragraph 5 (duty to give reasons and to notify of right of appeal)).

(6) If the Council accepts the application, the Council must—

- (a) issue an amended European professional card;
- (b) transmit the card to the competent authority of each host State specified on the card; and
- (c) notify P accordingly.

(7) In this paragraph, “relevant pharmacy services” means occasional pharmacy services that are provided in a relevant European State other than the United Kingdom.

PART 5

European professional card for the provision of occasional pharmacy services in Great Britain and conditions in relation to fitness to practise

Application

14. This Part applies to a person (“P”) to whom this Schedule applies who holds of a valid European professional card which shows that P is entitled to provide occasional pharmacy services in Great Britain.

Entitlement to registration in Great Britain

15.—(1) P is entitled to be entered in Part 4 of the Register and the Council must give effect to that entitlement.

(2) If P is not entered in Part 4 of the Register, P is treated as being so entered.

(3) If P's European professional card becomes invalid, the Council may remove P from the register and sub-paragraph (2) ceases to apply.

(4) This paragraph is without prejudice to any other provision of this Order under which the name of a registered pharmacist may be removed from the Register or under which registration of a registered pharmacist may be suspended.

Conditions in relation to fitness to practise

16.—(1) Sub-paragraph (2) applies in relation to P if—

- (a) in P's home State, P is subject to a condition or limitation relating to P's practice as a pharmacist;
- (b) P is entered in Part 4 of the Register; and

(c) for any of the purposes of this Order it falls to be decided whether P’s fitness to practise is or may be impaired on the ground of misconduct.

(2) The matters that may be counted as misconduct include, in particular, any act or omission by P during the course of P’s provision of occasional pharmacy services that is, or would be if the condition or limitation applied in relation to practise as a pharmacist outside P’s home State, a breach of the condition or limitation.”.

Amendment of Schedule 3

31.—(1) Schedule 3 (The Directive: Designation of Competent Authority etc)(a) is amended as follows.

(2) Before the entry relating to article 7(2)(b), insert—

“Article 4a	Ensuring that the holder of a European professional card benefits from all of the rights conferred by articles 4b to 4e of the Directive.
Article 4b	Enabling pharmacists to apply for a European professional card in accordance with Schedule 2A and Part 4 of the General Systems Regulations.
Article 4c	Verifying the application and supporting documents in the IMI file and issuing the European professional card for pharmacists for the temporary and occasional provision of pharmacy services other than those covered by article 7(4) of the Directive.
Article 4d	Verifying the authenticity and validity of the application and supporting documents in the IMI file for the purpose of issuing the European professional card for pharmacists for establishment or for the temporary and occasional provision of pharmacy services under article 7(4) of the Directive.
Article 4e	Updating, in a timely manner, the IMI file of a holder of a European professional card with information about disciplinary actions or criminal sanctions regarding a prohibition or restriction and which have consequences for the pursuit of any professional activities by that person under the Directive.
Article 4f	Considering applications for partial access to the professions of pharmacy and pharmacy technician under regulations 10 and 11 of the General Systems Regulations.”.

(3) After the entry relating to article 7(2)(b), insert—

“Article 7(2a) Requesting information from, and providing information to, other competent authorities in accordance with the declaration provided by the applicant to provide services on a temporary and occasional basis.”

(4) In the entry relating to article 8(1)—

(a) for “Receiving”, substitute “In the event of justified doubts, receiving”;

(b) after paragraph (c), insert—

“Receiving information from, or providing information to, other competent authorities in relation to a person’s training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.”.

(5) After the entry relating to article 50(3) insert—

“Article 50(3a) In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the pharmacy profession as a result of serious professional

(a) To be inserted.

- misconduct or conviction of criminal offences relating to the pursuit of any of the applicant’s professional activities.
- Article 50 (3b) Ensuring that the exchange of information under article 50 with other competent authorities takes place through the IMI.”.
- (6) After the entry relating to article 53, insert—
 “Article 55a When considering an application for registration as a pharmacist or as a pharmacy technician, ensuring that in respect of professional traineeships—
 (a) traineeships undertaken in a relevant European State are recognised in accordance with published guidelines;
 (b) traineeships undertaken in a third country are taken into account.”.
- (7) In the entry relating to article 56(2), after paragraph (c), insert—
 “Ensuring that the processing of personal data for the purposes of the exchange of information under article 56(2) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.”.
- (8) After the entry relating to article 56(2), insert—
 “Article 56(2a) Ensuring that the exchange of information carried out under article 56(2) takes place through the IMI.
- Article 56a (1) and (2) Informing all other competent authorities, by way of an alert through the IMI, about a pharmacist or a pharmacy technician whose professional activities have been restricted or prohibited, even temporarily, within three days from the date of adoption of the decision; ensuring the information provided is limited to the information referred to in article 56a(2).
- Article 56a(3) Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have been found to have used falsified evidence of professional qualifications, within three days from the date of the finding.
- Article 56a(4) Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.
- Article 56a(5) Informing all other competent authorities through the IMI without delay when—
 (a) a prohibition or a restriction referred to in article 56a(1) has expired;
 (b) there is a change to the prohibition or restriction period notified under article 56a(2).
- Article 56a(6) Notifying the pharmacist or pharmacy technician, in respect of whom an alert is sent under article 56a(1) or (3), in writing at the same time as the alert is sent, that the pharmacist or pharmacy technician—
 (a) is the subject of an alert sent under article 56a(1) or (3);
 (b) has the right to appeal the decision and to apply for rectification of the decision;
 (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.
 Informing competent of authorities, where applicable, that an alert is subject to appeal proceedings by the pharmacist or pharmacy technician.
- Article 56a(7) Ensuring that an alert made under article 56a(1) is deleted from the IMI within three days of—
 (a) the date of adoption of the revoking decision; or
 (b) the expiry of the prohibition or restriction referred to in that article.

- Article 57a(1) Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications as a pharmacist or a pharmacy technician may be easily completed by the applicant remotely and by electronic means.”.
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CHAPTER 2

AMENDMENT OF THE GENERAL PHARMACEUTICAL COUNCIL (REGISTRATION RULES) ORDER OF COUNCIL 2010

Introductory

32. The General Pharmaceutical Council (Registration Rules) Order of Council 2010(a) is amended in accordance with this Chapter.

Amendment of rule 10

33. In the Schedule, in rule 10 (entry in the register)—

- (a) in paragraph (3)(h), before “E must also provide”, insert “subject to paragraph (3ZA)”;
- (b) in paragraph (3)(i)(ii) for “23 and 24” substitute “30 and 31”;
- (c) after paragraph (3), insert—

“(3ZA) The requirement to provide a certificate under paragraph (3)(h) does not apply if the applicant holds a valid European professional card (as a pharmacist).”.

CHAPTER 3

AMENDMENT OF THE PHARMACY (NORTHERN IRELAND) ORDER 1976

Introductory

34. The Pharmacy (Northern Ireland) Order 1976(b) is amended in accordance with this Chapter.

Amendment of article 2

35. In article 2(2) (interpretation)—

- (a) for the definition of “General Systems Regulations” substitute—

““General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/XXXX);”;

- (b) in the appropriate places insert—

““Directive 95/46/EC” means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;”;

““Directive 2002/58/EC” means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;”;

““European professional card” has the meaning given in the Directive;”;

““IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;”;

(a) S.I. 2010/1617.

(b) S.I. 1976/1213 (N.I. 22).

““IMI file” means a secure personal account in the IMI that is created in relation to an applicant for a European professional card by means of an online tool provided by the European Commission;”;

““professional traineeship” means a period of professional practice, carried out under supervision, that—

- (a) constitutes a condition for access to the profession of pharmaceutical chemist in the country in which it is carried out; and
- (b) takes place during or after completion of a course of education leading to an educational qualification pursued for the purpose of entry to that profession;”;

““third country” means a country other than a relevant European State;”.

Amendment of article 8

36. In article 8 (qualifications for registration)—

- (a) in paragraph (2)(c)(ii)(aa), for “3(9)(a) or (e)” substitute “3(8)(a) or (e)”;
- (b) in paragraph (2)(c)(ii)(bb)—
 - (i) for “20 to 26” substitute “27 to 34”;
 - (ii) for “3(4)” substitute “3(5)”.

Insertion of articles 8C and 8D

37. After article 8B (visiting pharmaceutical chemist from a relevant European State), insert—

“Professional traineeships carried out in other relevant European States, etc.

8C.—(1) If a person is required to carry out a professional traineeship in the United Kingdom in order to be appropriately qualified for entry in the register of pharmaceutical chemists, a professional traineeship of an equivalent standard that has been carried out in another relevant European State is treated as meeting that requirement.

(2) Paragraph (3) applies if—

- (a) a person applies to the registrar to be registered as a pharmaceutical chemist; and
- (b) the person has carried out a professional traineeship in a third country.

(3) The registrar must have regard to the professional traineeship when considering whether the person satisfies any requirement as to the qualifications needed in order to be registered which includes a requirement for prospective registered persons to carry out a professional traineeship in the United Kingdom.

(4) The Society must publish guidelines on the organisation and recognition of professional traineeships carried out in relevant European States and third countries (including, in particular, guidelines on the role of the supervisor of the professional traineeship).

European professional card

8D.—(1) Schedule 2C (Directive 2005/36/EC: European professional card) has effect.

(2) The Society may charge such reasonable fees as it may determine to cover the costs of discharging the duties under Schedule 2C.

(3) Fees charged under paragraph (2)—

- (a) must be proportionate to the costs incurred by the Society in discharging the duties described in paragraph (2); and
- (b) must not be set at such a level as to deter persons from applying for European professional cards.”.

Insertion of articles 11ZZA and 11ZZB

38. After article 11, insert—

“Appeals: decisions in relation to alerts and European professional cards

11ZZA. The following decisions are appealable to the Council—

- (a) a decision of the Society under regulation 67 of the General Systems Regulations to send an alert about a person;
- (b) a decision of the Society, under Schedule 2C, or under Part 4 of the General Systems Regulations, to revoke, or not to issue or extend, a European professional card, or a failure by the Society to make a decision within the time limits set out in those provisions.

Appeals to the Council under article 11ZZA

11ZZB.—(1) A person (“P”) in respect of whom an appealable decision under Article 11ZZA has been made may appeal against the decision to the Council by giving notice of appeal to the Council within 28 days beginning with and including the date on which the Society sent the written statement of the reasons for the decision to P.

(2) If the registrar is satisfied that P did not receive the written statement of the reasons for the decision within 14 days of the statement being sent, the registrar may by authorisation in writing extend the time for giving notice of appeal under paragraph (1).

(3) Having considered the appeal, the Council may—

- (a) dismiss the appeal;
- (b) in the case of an appeal under Article 11ZZA(a), direct that the alert be withdrawn or amended accordingly;
- (c) in the case of an appeal under Article 11ZZA(b), allow the appeal and quash the decision appealed against; or
- (d) substitute for the decision appealed against any other decision that the person taking the decision could have taken.

(4) The Council must, as soon as reasonably practicable, send to P a statement in writing giving P notice of the Council's decision and the reasons for it.

(5) Subject to paragraph (6), the Council must, as soon as reasonably practicable, publish, in such manner as it sees fit, its decision and the reasons for it.

(6) If the Council has allowed the appeal, or has taken a decision that has the effect of allowing the appeal, it is not required to publish its decision and the reasons for it unless P so requests.”.

Insertion of article 27

39. After article 26 insert—

“The Directive: functions of competent authority, etc.

27.—(1) The Society is designated as the competent authority in Northern Ireland for the purposes of the Directive so far as it relates to the profession of pharmaceutical chemist.

(2) Accordingly, the Society must in Northern Ireland carry out (in particular) the functions specified in Schedule 2D.

(3) The Society is designated as the competent authority in Northern Ireland for the award of evidence of formal qualifications in pharmacy listed in relation to the United Kingdom in Annex V, point 5.6.2 of the Directive.

(4) The Department may give directions to the Society as to matters of administration in connection with the functions of the Society specified in Schedule 2D.

(5) The Society must comply with a direction given under paragraph (4).

(6) In Schedule 2D—

“non-UK pharmacy qualification” means evidence of formal qualifications in pharmacy (listed in Annex V, point 5.6.2. of the Directive) awarded to a person by a competent authority of a relevant European State other than the United Kingdom;

“NI pharmacy qualification” means evidence of formal qualifications in pharmacy (listed in Annex V, point 5.6.2. of the Directive) awarded to a person by the Society.”.

Amendment of Schedule 2B

40.—(1) Schedule 2B (visiting pharmaceutical chemist from a relevant European State) is amended as follows.

(2) For paragraph 1, substitute—

“1. This Schedule applies to a person who—

(a) is an exempt person who is lawfully established as a pharmacist in a relevant European State other than the United Kingdom; and

(b) is not a person to whom Part 5 of Schedule 2C (European professional card for the provision of occasional pharmacy services in Northern Ireland Britain, etc.) or Part 5 of Schedule 2A of the European Qualifications (Health and Social Care Professions) Regulations 2015 (European professional card for the provision of occasional pharmacy services in Great Britain, etc.) (S.I. 2016/XXXX) applies.”.

(3) In paragraph 4(b)—

(a) for “3(9)(a) or (e)” substitute “3(8)(a) or (e)”;

(b) for “14 to 16” substitute “19 to 23”;

(4) In paragraph 5—

(a) in sub-paragraph (2)(a)—

(i) in sub-paragraph (i), omit the “and” at the end;

(ii) in sub-paragraph (ii), at the end, insert “and”;

(iii) after sub-paragraph (ii), insert—

“(iii) states that the practitioner has the necessary knowledge of English;”;

(b) in sub-paragraph (2)(d), omit the “and” at the end;

(c) in sub-paragraph (2)(e)(ii), at the end, insert “; and”;

(d) after sub-paragraph (2)(e), insert—

“(f) a written declaration confirming that the practitioner—

(i) is not subject to a temporary or final suspension preventing the practitioner from practising as a pharmaceutical chemist; and

(ii) has never been convicted of a criminal offence.”;

(e) in sub-paragraph (3), after “(2)(a)” insert “or (f)”.

(5) After paragraph 5, insert—

“First provision of services: visiting practitioners from Great Britain

5A.—(1) The registrar must treat a visiting practitioner who—

(a) applies to be entered in the register mentioned in Article 6(1)(d) as a visiting practitioner; and

(b) is entered in the register of visiting practitioners for Great Britain,

as complying with the requirements of paragraph 5.

(2) The registrar may require the visiting practitioner to provide additional information concerning his or her professional qualifications as a result of differences in the way that the profession is regulated in different parts of the United Kingdom;

(3) Sub-paragraph (1) does not apply if the registrar has required the visiting practitioner to provide information under sub-paragraph (2) and the visiting practitioner has not done so.”.

(6) In paragraph 6(2)—

(a) for “3(9)(a) or (e)” substitute “3(8)(a) or (e);

(b) for “14 to 16” substitute “19 to 23”.

(7) In paragraph 9(1)(a), for “the establishment of a visiting practitioner in the practitioner’s home State” substitute “in the visiting practitioner’s home State, the practitioner”.

Insertion of Schedules 2C and 2D

41. After Schedule 2B insert—

“SCHEDULE 2C

Article 8D

Directive 2005/36/EC: European professional card

PART 1

General

Application

1.—(1) This Schedule applies to a person who is entitled to have his or her qualifications as a pharmacist recognised automatically under articles 21, 23, 49a or 49b of the Directive.

(2) In sub-paragraph (1), the reference to a pharmacist includes a reference to a pharmaceutical chemist.

(3) This Schedule supplements the rights and obligations set out in the Implementing Regulation 2015.

Interpretation

2. In this Schedule—

“disqualifying decision”, in relation to a person (“P”) to whom this Schedule applies, means a decision made by a competent authority or judicial authority in P’s home state or host state that has the effect that—

(a) P ceases to be registered or otherwise officially recognised as a pharmaceutical chemist in that state; or

(b) P is prohibited, permanently or temporarily, from practising as a pharmaceutical chemist in that state;

“EPC application” means an application for a European professional card by a person to whom this Schedule applies, and references to an “EPC applicant” are to be construed accordingly;

“home state” means the relevant European State nominated as such by an EPC applicant in his or her EPC application, being one of—

(a) the relevant European State in which the EPC applicant obtained his or her professional qualifications as a pharmaceutical chemist; or

(b) a relevant European State in which the EPC applicant has lawfully practised as a pharmaceutical chemist;

“host state” means the relevant European State in which an EPC applicant seeks to practise as a pharmaceutical chemist;

“Implementing Regulation 2015” means Commission Implementing Regulation (EU) No 983 of 2015 on the procedure for issuance of the European Professional Card and the application of the Alert Mechanism pursuant to the Directive;

“missing document” means a document which an EPC applicant was required to provide with the EPC application but which the EPC applicant has not provided;

“occasional pharmacy services” has the meaning given in paragraph 2 of Schedule 2B (interpretation).

PART 2

General functions of the Society in relation to European professional cards

Society not to request re-submission of valid documents

3. If a person who has already made an EPC application makes another EPC application, the Society may not request re-submission of documents that are contained in the applicant’s IMI file which are still valid for the purposes of processing that other EPC application.

Power to revoke a European professional card

4.—(1) The Society may revoke a European professional card issued under this Schedule if it appears to the Society that the holder (“P”) of the card is not entitled to hold the card.

(2) P is not entitled to hold the card if, in particular, P is subject to a disqualifying decision.

Duty to give reasons and to notify of right of appeal

5. If the Society refuses to issue or vary, or decides to revoke, a European professional card under this Schedule, the Society must notify the EPC applicant or the holder of the European professional card of the reasons for that decision and of his or her right of appeal under Article 11ZZA.

Updating the IMI file: disciplinary action or criminal sanctions

6.—(1) This paragraph applies to a person (“P”) to whom this Schedule applies—

- (a) who holds a European professional card issued by the Society; or
- (b) who has applied to the Society for a European professional card.

(2) The Society must update P’s IMI file in accordance with sub-paragraphs (3) and (4) in a timely manner.

(3) The Society must add to P’s IMI file information regarding disciplinary action or criminal sanctions which—

- (a) relate to a prohibition or restriction on P’s entitlement to practice as a pharmaceutical chemist; or
- (b) have consequences for the pursuit of any activities by P (as a pharmaceutical chemist).

(4) The Society must delete from P’s IMI file information regarding disciplinary action or criminal sanctions that is no longer required.

(5) The Society must immediately inform P and the competent authorities of other relevant European States that have access to P's IMI file of any update under this paragraph.

(6) The information that may be added or deleted of an update under this paragraph must be limited to details of—

- (a) P's identity;
- (b) information about the national authority or court which has made the decision on restriction or prohibition;
- (c) the scope of a restriction or prohibition; and
- (d) the period for which a restriction or prohibition applies.

Access to data

7.—(1) Access to the information on the IMI file of a person ("P") to whom this Schedule applies is limited to the competent authorities of P's home state and host state, in accordance with Directive 95/46/EC, and P.

(2) The Society must, on request, provide P with information on the content of P's IMI file.

Processing data

8.—(1) The Society may process personal data included in the IMI file of a person ("P") who holds a European professional card or who is an EPC applicant for as long as it is needed for the purposes of recognition of P's professional qualifications and as evidence of the recognition or transmission of the declaration required under Schedule 2B.

(2) The Society is the controller within the meaning of article 2(d) of Directive 95/46/EC for the purposes of processing personal data in P's European professional card or IMI file.

Rectification of the European professional card or the IMI file

9.—(1) A person ("P") to whom this Schedule applies who holds a European professional card issued by the Society may, at any time, make a written request to the Society to rectify inaccurate or incomplete data in P's IMI file or to delete or block P's IMI file if it contains inaccurate or incomplete data.

(2) If the Society is satisfied that the data in P's IMI file is inaccurate or incomplete, the Society must comply with a request by P under sub-paragraph (1).

(3) The Society must notify P of P's right under sub-paragraph (1)—

- (a) at the time P's European professional card is issued; and
- (b) every two years after the card was issued.

(4) A notification under sub-paragraph (3)(b) must be sent to P by means of an automatic reminder sent through the IMI.

(5) The Society must not charge P in relation to the making of a written request under sub-paragraph (1) or complying with, or responding to, such a request.

(6) If—

- (a) P's European professional card was issued for the purposes of establishment;
- (b) P asks the Society to delete P's IMI file; and
- (c) P's host state is the United Kingdom,

the Society must provide P with evidence confirming that the Society recognises P's professional qualifications.

PART 3

European professional cards for establishment in the United Kingdom or another relevant European State

European professional cards for establishment in a host state other than the United Kingdom

10.—(1) A person (“P”) to whom this Schedule applies may apply to the Society for a European professional card if—

- (a) P’s home state is the United Kingdom;
- (b) P is registered as a pharmaceutical chemist under Article 6; and
- (c) P is seeking the card for the purposes of establishment as a pharmaceutical chemist in a relevant European State other than the United Kingdom.

(2) P must submit with the EPC application the documents listed in point 1 of Part A of Annex 2 to the Implementing Regulation 2015 (in addition to the information required in accordance with article 4 of the Implementing Regulation 2015 that is relevant to the application).

(3) Within one week of receipt of the EPC application, the Society must acknowledge receipt of the application and inform P of any missing document.

(4) The Society must, within one month of the relevant day—

- (a) verify the authenticity and validity of the documents in P’s IMI file for the purposes of the EPC application;
- (b) transmit the EPC application to the competent authority of the host state (in order for that competent authority to decide whether to issue the European professional card: see article 4d(2) of the Directive) and, at the same time, inform P of the status of the EPC application.

(5) In this paragraph, “the relevant day” means—

- (a) the day which falls one week after the day on which the Society receives the EPC application; or
- (b) if later, the day on which the last relevant document is received by the Society.

(6) For the purpose of sub-paragraph (4), “relevant document” means—

- (a) any missing document; or
- (b) any document that is requested by the Society in connection with the EPC application before the day mentioned in sub-paragraph (5)(a).

Issue of European professional card for establishment in Northern Ireland

11.—(1) This paragraph applies to an EPC application made to the competent authority of a relevant European State other than the United Kingdom where the EPC applicant (“P”) is seeking a European professional card for the purposes of establishment as a pharmaceutical chemist in Northern Ireland.

(2) The Society may request additional information or a certified copy of a document from the competent authority of the home state if it appears to the Society—

- (a) that P may not be entitled to hold a European professional card; or
- (b) that a document or information supplied by P as part of the EPC application is not, or may not be, valid or correct.

(3) Subject to sub-paragraphs (4) to (7), the Society must issue the European professional card within one month of receipt of the EPC application from the competent authority of the home state.

(4) The Society may extend the period in sub-paragraph (2)—

- (a) by two weeks; and
 - (b) if it is necessary to do so, in particular for reasons relating to public health or the safety of recipients (or prospective recipients) of pharmacy services from the EPC applicant, by a further two weeks following expiry of the two week extension under paragraph (a).
- (5) The Society must notify P of any extension under sub-paragraph (4) and the reasons for it.
- (6) If the Society does not receive the documents or information necessary to determine whether to issue the European professional card, the Society may refuse to issue the card.
- (7) If the Society fails to make a decision within the time limits set out in this paragraph—
- (a) P is to be treated as entitled to the European professional card; and
 - (b) the Society must issue the card to P through the IMI immediately.

PART 4

European professional cards for the provision of occasional pharmacy services in a relevant European State other than the United Kingdom

Issue of European professional card for the provision of occasional pharmacy services in a host state other than the United Kingdom

12.—(1) A person (“P”) to whom this Schedule applies may apply to the Society for a European professional card if—

- (a) P’s home state is the United Kingdom;
- (b) P is registered as a pharmaceutical chemist under Article 6; and
- (b) P is seeking the card for the purposes of providing occasional pharmacy services (which do not fall within article 7(4) of the Directive) in one or more relevant European States other than the United Kingdom.

(2) P must submit with the EPC application the documents listed in point (a) to (c) of Part B of Annex 2 to the Implementing Regulation 2015 (in addition to the information required in accordance with article 4 of the Implementing Regulation 2015 that is relevant to the application).

(3) Within one week of receipt of the EPC application, the Society must acknowledge receipt of the application and inform P of any missing document.

(4) The Society must, within three weeks of the relevant day—

- (a) verify the EPC application and supporting documents;
- (b) if the Society has verified the application and supporting documents, issue the European professional card; and
- (c) if the Society issues the card, transmit it to the competent authority of each host State concerned and, at the same time, inform P accordingly.

(5) Unless its period of validity is extended under paragraph 13, a European professional card issued under this paragraph expires 18 months after the date on which it is issued.

(6) In this paragraph, “the relevant day” means—

- (a) the day which falls one week after the day on which the Society receives the EPC application; or
- (b) if later, the day on which the last relevant document is received by the Society.

(7) For the purpose of sub-paragraph (6), “relevant document” means—

- (a) any missing document; or

- (b) any document that is requested by the Society in connection with the EPC application before the day mentioned in sub-paragraph (6)(a).

Variation of a European professional card for the provision of occasional pharmacy services in a host state other than the United Kingdom

13.—(1) This paragraph applies to a person (“P”) who holds a European professional card issued under paragraph 12.

(2) If P wishes to provide relevant pharmacy services after the end of the period of 18 months beginning with the date on which the card was issued, P may apply to the Society for the period of validity of the card to be extended by 18 months or such shorter period as may be specified in the application.

(3) If P wishes to provide relevant pharmacy services in a host State not already specified on the card, P may apply to the Society for the list of host States specified on the card to be supplemented with the addition of such relevant European States as may be specified in the application.

(4) An application under sub-paragraph (2) or (3) must be accompanied by details of any material changes to documentation or information that—

- (a) was, pursuant to the Implementing Regulation 2015, provided to the Society with the EPC application under paragraph 12; and
- (b) is recorded on P’s IMI file.

(5) On receipt of an application under sub-paragraph (2) or (3), the Society may—

- (a) accept the application (see sub-paragraph (6)); or
- (b) if it appears to the Society that P is not, or may not be, entitled to hold a European professional card, reject the application and notify P accordingly (see paragraph 5 (duty to give reasons and to notify of right of appeal)).

(6) If the Society accepts the application, the Society must—

- (a) issue an amended European professional card;
- (b) transmit the card to the competent authority of each host State specified on the card; and
- (c) notify P accordingly.

(7) In this paragraph, “relevant pharmacy services” means occasional pharmacy services that are provided in a relevant European State other than the United Kingdom.

PART 5

European professional card for the provision of occasional pharmacy services in Northern Ireland and conditions in relation to fitness to practise

Application

14. This Part applies to a person (“P”) to whom this Schedule applies who holds a valid European professional card which shows that P is entitled to provide occasional pharmacy services in Northern Ireland.

Entitlement to registration in Northern Ireland

15.—(1) P is entitled to be entered in the register of visiting pharmaceutical chemists under Article 6 and the Society must give effect to that entitlement.

(2) If P is not entered in the register of visiting pharmaceutical chemists, P is treated as being so entered.

(3) If P’s European professional card becomes invalid, the Society may remove P from the register and sub-paragraph (2) ceases to apply.

(4) This paragraph is without prejudice to any other provision of this Order under which the name of a registered pharmaceutical chemist may be removed from the register or under which registration of a registered pharmaceutical chemist may be suspended.

Conditions in relation to fitness to practise

16.—(1) Sub-paragraph (2) applies in relation to P if—

- (a) in P’s home State, P is subject to a condition or limitation relating to P’s practice as a pharmaceutical chemist;
- (b) P is entered in the register of visiting pharmaceutical chemists under Article 6; and
- (c) for any of the purposes of this Order it falls to be decided whether P’s fitness to practise is or may be impaired on the ground of misconduct.

(2) The matters that may be counted as misconduct include, in particular, any act or omission by P during the course of P’s provision of occasional pharmacy services that is, or would be if the condition or limitation applied in relation to practise as a pharmaceutical chemist outside P’s home State, a breach of the condition or limitation.

SCHEDULE 2D

Article 27

THE DIRECTIVE: FUNCTIONS OF THE SOCIETY UNDER ARTICLE 27

Provision of Directive	Function of Society
Article 4a	Ensuring that the holder of a European professional card benefits from all of the rights conferred by articles 4b to 4e of the Directive.
Article 4b	Enabling pharmaceutical chemists to apply for a European professional card in accordance with Schedule 2C of this order and Part 4 of the General Systems Regulations.
Article 4c	Verifying the application and supporting documents in the IMI file and issuing the European professional card for the temporary and occasional provision of services other than those covered by article 7(4) of the Directive.
Article 4d	Verifying the authenticity and validity of the application and supporting documents in the IMI file for the purpose of issuing the European professional card for establishment or for the temporary and occasional provision of pharmacy services under article 7(4) of the Directive.
Article 4e	Updating, in a timely manner, the IMI file of a holder of a European professional card with information about disciplinary actions or criminal sanctions regarding a prohibition or restriction and which have consequences for the pursuit of any activities by that person under the Directive.
Article 4f	Considering applications for partial access to the profession of pharmacy under regulations 10 and 11 of the General Systems Regulations.
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established as a pharmaceutical chemist in Northern Ireland.
Article 7(2a)	Requesting information from, and providing information to, other

Article 8(1)	<p>competent authorities in accordance with the declaration provided by the applicant to provide services on a temporary and occasional basis.</p> <p>In the event of justified doubts, receiving information from, or providing information to, other competent authorities in relation to—</p> <p>(a) the legality of a person’s establishment as a pharmaceutical chemist in Northern Ireland;</p> <p>(b) the good conduct of such a person;</p> <p>(c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.</p> <p>Receiving information from, or providing information to, other competent authorities in relation to a person’s to the extent necessary to assess substantial differences likely to be harmful to public health and safety.</p>
Article 8(2)	<p>Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing services as a pharmaceutical chemist.</p>
Article 23(1)	<p>Issuing certificates of effective and lawful practice in Northern Ireland to pharmaceutical chemists.</p>
Article 23(6)	<p>Issuing certificates stating that NI pharmacy qualifications which do not correspond to the titles set out in respect of the United Kingdom at point 5.6.2 of Annex V to the Directive—</p> <p>(a) certify that the holders of the qualifications have successfully completed training in pharmacy that is in accordance with article 44 of the Directive; or</p> <p>(b) are, under article 22(a) of the Directive (part-time training), to be treated as in accordance with article 44 of the Directive.</p>
Article 50(1) and paragraph 1(b) of Annex VII	<p>Providing information to other competent authorities concerning the training in Northern Ireland of a pharmaceutical chemist to whom Chapter 1 of Part 3 of the General Systems Regulations applies.</p>
Article 50(1) and paragraph 1(d) of Annex VII	<p>Issuing, in respect of practice as a pharmaceutical chemist, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.</p>
Article 50(1) and paragraph 2 of Annex VII	<p>Issuing certificates stating that evidence of NI pharmacy qualifications is that covered by the Directive.</p>
Article 50(2)	<p>In cases of justified doubts—</p> <p>(a) requiring confirmation of the authenticity of non-UK pharmacy qualifications;</p> <p>(b) requiring confirmation that holders of non-UK pharmacy qualifications satisfy the minimum training conditions set out in article 44 of the Directive or are to be treated as satisfying those conditions under article 22(a) of the Directive;</p> <p>(c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person’s NI pharmacy qualification;</p> <p>(d) providing confirmation that holders of NI pharmacy qualifications satisfy the minimum training conditions set out in article 44 of the Directive or are to be treated as satisfying those conditions under article 22(a) of the Directive.</p>
Article 50(3)	<p>In cases of justified doubts—</p> <p>(a) verifying information provided in connection with non-UK pharmacy qualifications awarded following training in a relevant</p>

	European State other than the State in which the qualification was awarded;
	(b) providing information in connection with a person's NI pharmacy qualification awarded following training in another relevant European State.
Article 50(3a)	In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the pharmacy profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant's professional activities.
Article 50(3b)	Ensuring that the exchange of information under article 50 with other competent authorities takes place through the IMI.
Article 53	Ensuring that any language controls imposed on a pharmaceutical chemist are compliant with article 53 of the Directive.
Article 55a	When considering an application for registration as a pharmaceutical chemist, ensuring that in respect of professional traineeships— (a) traineeships undertaken in a relevant European State are recognised in accordance with published guidelines; and (b) traineeships undertaken in a third country are taken into account.
Article 56(1)	Ensuring the confidentiality of information exchanged with other competent authorities.
Article 56(2)	Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for practice as a pharmaceutical chemist. Where such information is received by the Society— (a) examining the veracity of the circumstances; (b) deciding the nature and scope of any investigations that need to be carried out; (c) informing other competent authorities of the Society's conclusions.
Article 56(2a)	Ensuring that the processing of personal data for the purposes of the exchange of information under article 56(2) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.
Article 56(2a)	Ensuring that the exchange of information carried out under article 56(2) takes place through the IMI.
Article 56a (1) and (2)	Informing all other competent authorities, by way of an alert through the IMI, about a pharmaceutical chemist whose professional activities have been restricted or prohibited, even temporarily, within three days from adoption of the decision; ensuring the information is limited to the information referred to in article 56a(2).
Article 56a(3)	Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have been found to have used falsified evidence of professional qualifications, within three days from the date of the finding.
Article 56a(4)	Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.
Article 56a(5)	Informing all other competent authorities through the IMI without delay when— (a) a prohibition or a restriction referred to in article 56a(1) has expired; (b) there is a change to the prohibition or restriction period notified under article 56a(2).

- Article 56a(6) Notifying the pharmaceutical chemist, in respect of whom an alert is sent under article 56a(1) or (3), in writing at the same time as the alert is sent, that the pharmaceutical chemist—
- (a) is the subject of an alert sent under article 56a(1) or (3);
 - (b) has the right to appeal the decision and to apply for rectification of the decision;
 - (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.
- Informing competent of authorities, where applicable, that an alert is subject to appeal proceedings by the pharmaceutical chemist.
- Article 56a(7) Ensuring that the alert made under article 56a(1) is deleted from the IMI within three days of—
- (a) the date of adoption of the revoking decision; or
 - (b) the expiry of the prohibition or restriction referred to in that article.
- Article 57a(1) Ensuring that all requirements, procedures and formalities relating to an application for registration as a pharmaceutical chemist may be easily completed by the pharmaceutical chemist remotely and by electronic means.”.

CHAPTER 4

AMENDMENT OF THE REGISTRATION OF PHARMACEUTICAL CHEMISTS (EXEMPT PERSONS) REGULATIONS (NORTHERN IRELAND) 2008

Introductory

42. The Registration of Pharmaceutical Chemists (Exempt Persons) Regulations (Northern Ireland) 2008(a) are amended in accordance with this Chapter.

Amendment of regulation 2

43. In regulation 2(5)(a) (evidence of good character), after “repute” insert “, and which, in the event of justified doubts, confirms that E is not suspended or prohibited from practising as a pharmacist as a result of serious professional misconduct or conviction of criminal activities relating to the pursuit of any of E’s professional activities”.

PART 4

DENTISTS AND PROFESSIONS COMPLEMENTARY TO DENTISTRY

CHAPTER 1

AMENDMENT OF THE DENTISTS ACT 1984

Introductory

44. The Dentists Act 1984(b) is amended in accordance with this Chapter.

Amendment of section 15

- 45.** In section 15 (qualifications for registration in the dentists register)—
- (a) in subsection (1)(ba)(i), for “3(9)(a) or (e)” substitute “3(8)(a) or (e)”;
 - (b) in subsection (1)(ba)(ii)—

(a) To be inserted.
(b) c. 24.

- (i) for “20 to 26” substitute “27 to 34”;
- (ii) for “3(4)” substitute “3(5)”.

Amendment of section 29

46. In section 29 (appeals)—

- (a) in subsection (1)(b), omit the “and” at the end;
- (b) after subsection (1)(c), insert—
 - “(d) a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person.”;
- (c) in subsection (1B) after “(10),” insert “or regulation 67 of the General Systems Regulations,”;
- (d) in subsection (3)(b), after “against” insert “or, in the case of an appeal under subsection (1)(d), direct that the alert be withdrawn or amended accordingly”.

Amendment of section 36S

47. In section 36S (appeals: dental care professionals)—

- (a) in subsection (1)(b), omit the “and” at the end;
- (b) after subsection (1)(c), insert—
 - “(d) a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person.”;
- (c) in subsection (3), after “(10),” insert “or regulation 67 of the General Systems Regulations,”;
- (d) in subsection (6)(b), after “against” insert “or, in the case of an appeal under subsection (1)(d), direct that the alert be withdrawn or amended accordingly”.

Amendment of section 36Z3

48. In section 36Z3 (visiting dental care professionals from relevant European States)—

- (a) in subsection (2), for “8” substitute “12”;
- (b) in subsection (5)—
 - (i) for “17” substitute “24”; and
 - (ii) for “8” substitute “12”.

Amendment of section 53

49. In section 53(1) (interpretation)—

- (a) for the definition of “the General Systems Regulations”, substitute—
 - ““the General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015(a) (S.I. 2015/XXXX);”;
- (b) in the appropriate places, insert—
 - ““Directive 95/46/EC” means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;”;
 - ““Directive 2002/58/EC” means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the

(a) To be inserted.

protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;”;

““IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;”.

Amendment of Schedule 2

50.—(1) Schedule 2 (European dental qualifications) is amended as follows.

(2) In paragraph 3—

- (a) the existing wording becomes sub-paragraph (1);
- (b) in sub-paragraph (1) (as so renumbered), for “A” at the beginning substitute “Subject to sub-paragraph (2), a”;
- (c) after sub-paragraph (1), insert—

“(2) A diploma is an appropriate European diploma for the purposes of section 15(1)(b) if—

- (a) it is listed in Annex V, point 5.3.2 of the Directive;
- (b) it is granted in a relevant European State;
- (c) it does not, or did not, consist of the minimum number of hours of full-time theoretical and practical training described in the first paragraph of article 34 of the Directive; and
- (d) in respect of that diploma, the applicant began his or her training on or before 18th January 2016.”.

(3) After paragraph 6A insert—

“**6B.** A medical qualification as a doctor awarded in Spain to a person who began medical training at a university between 1 January 1986 and 31 December 1997 is an appropriate European diploma for the purposes of section 15(1)(b) where that person produces to the Registrar a certificate issued by the competent authority in Spain certifying that—

- (a) the person has successfully completed at least three years of study, certified by the competent authority in Spain, as being equivalent to the training referred to in article 34 of the Directive;
- (b) the person has effectively, lawfully and principally practised dentistry in Spain for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (c) the person is authorised to practise dentistry or is effectively, lawfully and principally engaged in dentistry under the same conditions as a holder of the qualifications listed in relation to Spain in Annex V, point 5.3.2 of the Directive.”.

Amendment of Schedule 4

51.—(1) Schedule 4 (visiting dentists from relevant European States) is amended as follows.

(2) In paragraph 4(b)—

- (a) for “3(9)(a) or (e)” substitute “3(8)(a) or (e)”;
- (b) for “14 to 16” substitute “19 to 23”.

(3) In paragraph 5—

- (a) in sub-paragraph (2)(a)—
 - (i) in sub-paragraph (i), omit the “and” at the end;
 - (ii) in sub-paragraph (ii), at the end, insert “and”;
- (iii) after sub-paragraph (ii), insert—

“(iii) states that the practitioner has the necessary knowledge of English;”;

- (b) in sub-paragraph (2)(d), omit the “and” at the end;
 - (c) in sub-paragraph (2)(e)(ii), at the end, insert “; and”;
 - (d) after sub-paragraph (2)(e), insert—
 - “(f) a written declaration confirming that the practitioner—
 - (i) is not subject to a temporary or final suspension preventing the practitioner from practising as a dentist; and
 - (ii) has never been convicted of a criminal offence.”;
 - (e) in sub-paragraph (3), after “(2)(a)” insert “or (f)”.
- (4) In paragraph 6(3)—
- (a) for “3(9)(a) or (e)” substitute “3(8)(a) or (e)”;
 - (b) for “14 to 16” substitute “19 to 23”.

Amendment of Schedule 4ZA

52.—(1) Schedule 4ZA (Directive: 2005/36: Functions of the Council under section 36ZA(3)) is amended as follows.

- (2) Before the entry relating to article 7(2)(b) insert—
 - “Article 4f Considering applications for partial access to the dental profession under regulations 10 and 11 of the General Systems Regulations.”.
- (3) In the entry relating to article 8(1)—
 - (i) for “Receiving”, substitute “In the event of justified doubts, receiving”; and
 - (ii) after paragraph (c), insert—
 - “Receiving information from, or providing information to, other competent authorities in relation to a person’s training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.”.
- (4) After the entry relating to article 50(3) insert—
 - “Article 50(3a) In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the dental profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant’s professional activities.
 - Article 50(3b) Ensuring that the exchange of information under article 50 with other competent authorities takes place through the IMI.”.
- (5) In the entry relating to article 56(2), in the second column, after paragraph (c) insert—
 - “Ensuring that the processing of personal data for the purposes of the exchange of information under article 56(2) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.”.
- (6) After the entry relating to article 56(2) insert—
 - “Article 56(2a) Ensuring that the exchange of information carried out under article 56a takes place through the IMI.
 - Article 56a (1) Informing all other competent authorities, by way of an alert through the IMI, about a dentist or a dental care professional whose professional activities have been prohibited or restricted, even temporarily, within three days from the date of the adoption of the decision; ensuring that the information provided is limited to the information referred to in article 56a(2).
 - and (2)
 - Article 56a(3) Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have been found to have used falsified evidence of professional qualifications, within three days from the date of the finding.

- Article 56a(4) Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.
- Article 56a(5) Informing all other competent authorities through the IMI without delay when—
 (a) a prohibition or a restriction referred to in article 56a(1) has expired;
 (b) there is a change to the prohibition or restriction period notified under article 56a(2).
- Article 56a(6) Notifying the practitioner, in respect of whom an alert is sent under article 56a(1) or (3), in writing at the same time as the alert is sent, that the practitioner—
 (a) is the subject of an alert sent under article 56a(1) or (3);
 (b) has the right to appeal the decision and to apply for rectification of the decision;
 (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.
- Article 56a(7) Ensuring that an alert made under article 56a(1) is deleted from the IMI within three days of—
 (a) the date of adoption of the revoking decision; or
 (b) the expiry of the prohibition or restriction referred to in that article.
- Article 57a(1) Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications of a dentist or a dental care professional may be easily completed by the applicant remotely and by electronic means.”.

CHAPTER 2

AMENDMENT OF THE EUROPEAN PRIMARY AND SPECIALIST DENTAL QUALIFICATIONS REGULATIONS 1998

Introductory

53. The European Primary and Specialist Dental Qualifications Regulations 1998(a) are amended in accordance with this Chapter.

Amendment of regulation 2

54. In regulation 2(1) (interpretation)—

- (a) for the definition of “General Systems Regulations” substitute—
 ““General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015;”;
- (b) in the appropriate places, insert—
 ““Directive 95/46/EC” means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;”;
 ““Directive 2002/58/EC” means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;”;

(a) S.I. 1998/811.

““IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;”.

Amendment of regulation 7

55. In regulation 7 (minimum requirements of specialist dental training)—

- (a) in paragraph (1), for “The” at the beginning, substitute “Subject to paragraph (3), the”;
- (b) after paragraph (2) insert—

“(3) For the purposes of this regulation, an appropriate European diploma falling within paragraph 3(2) of Schedule 2 to the Act is to be treated as meeting the conditions specified in article 35 of the Directive.”.

Amendment of regulation 8

56. In regulation 8 (distinctive titles and specialist titles), in paragraph (2)(c)—

- (a) for “3(9)(a) or (e)” substitute “3(8)(a) or (e)”;
- (b) for “20 to 26” substitute “19 to 23”;
- (c) for “3(4)” substitute “3(5)”.

Amendment of Schedule A1

57.—(1) Schedule A1 (Directive: 2005/36: Functions of the GDC under regulation 4(2)) is amended as follows.

(2) Before the entry relating to article 7(2)(b) insert—

“Article 4f Considering applications for partial access to the dental profession in the field of orthodontics or oral surgery under regulation 10 and 11 of the General Systems Regulations.”.

(3) In the entry relating to article 8(1)—

- (a) for “Receiving” substitute “In the event of justified doubts, receiving”;
- (b) after paragraph (c), insert—

“Receiving information from, or providing information to, other competent authorities in relation to a person’s training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.”.

(4) After the entry relating to article 50(3) insert—

“Article 50(3a) In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the practice of orthodontics or oral surgery as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant’s professional activities.

Article 50 (3b) Ensuring that the exchange of information under article 50 with other competent authorities takes place through the IMI.”.

(5) In the entry relating to article 56(2), after paragraph (c) insert—

“Ensuring that the processing of personal data for the purposes of the exchange of information under article 56(2) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.”.

(6) After the entry relating to article 56(2) insert—

“Article 56(2a) Ensuring that the exchange of information carried out under article 56a takes place through the IMI.

Article 56a (1) Informing all other competent authorities, by way of an alert through
and (2) the IMI, about an orthodontist or oral surgeon whose professional activities have been prohibited or restricted, even temporarily, within

	three days from the date of the adoption of the decision; ensuring that the information provided is limited to the information referred to in article 56a(2).
Article 56a(3)	Informing other competent authorities, by way of an alert through the IMI, about the identity of orthodontists or oral surgeons who have been found to have used falsified evidence of professional qualifications, within three days from the date of the finding.
Article 56a(4)	Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.
Article 56a(5)	Informing all other competent authorities through the IMI without delay when— (a) a prohibition or a restriction referred to in article 56a(1) has expired; (b) there is a change to the prohibition or restriction period notified under article 56a(2).
Article 56a(6)	Notifying the orthodontist or oral surgeon, in respect of whom an alert is sent under article 56a(1) or (3), in writing at the same time as the alert is sent, that the orthodontist or oral surgeon— (a) is the subject of an alert sent under article 56a(1) or (3); (b) has the right to appeal against the decision and to apply for rectification of the decision; (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities. Informing competent authorities, where applicable, that an alert is the subject of appeal proceedings by the orthodontist or oral surgeon.
Article 56a(7)	Ensuring that the alert made under article 56a(1) is deleted from the IMI within three days of— (a) the date of adoption of the revoking decision; or (b) the expiry of the prohibition or restriction referred to in that article.
Article 57a(1)	Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications as an orthodontist or oral surgeon may be easily completed by the applicant remotely and by electronic means. ”

PART 5

NURSES AND MIDWIVES

CHAPTER 1

AMENDMENT OF THE NURSING AND MIDWIFERY ORDER 2001

Introductory

58. The Nursing and Midwifery Order 2001^(a) is amended in accordance with this Chapter.

Amendment of article 13

59. In article 13 (approved qualifications)—

- (a) in paragraph (1)(e)(i), for “3(9)” substitute “3(8)”;

^(a) S.I. 2001/ 253.

- (b) in paragraph (1)(e)(ii)—
 - (i) for “20 to 26” substitute “27 to 34”;
 - (ii) for “3(4)” substitute “3(5)”.

Amendment of article 37

60.—(1) Article 37 (appeals against Registrar’s decisions) is amended as follows.

(2) In paragraph (1)—

- (a) after “the Registrar”, where the words first appear, insert “or the Council”;
- (b) after sub-paragraph (ab) insert—
 - “(ac) requires an exempt person to complete an adaptation period, or pass an aptitude test, in connection with the person’s entitlement to have access to, and to pursue, the profession of nurse or midwife in the United Kingdom, under Part 3 of the General Systems Regulations;
 - (ad) decides to send an alert about a person under regulation 67 of the General Systems Regulations;”;
 - (ae) decides to revoke a European professional card, not to issue or extend a European professional card, or fails to make a decision in relation to a European professional card within the applicable time limit, under Schedule 2B or under Part 4 of the General Systems Regulations;”;

(3) In paragraph (9)(c), after “against” insert “or, in the case of an appeal under paragraph (1)(ad), direct that the alert be withdrawn or amended accordingly”.

Amendment of article 38

61. In article 38 (appeals)—

- (a) omit paragraph (1A)(b);
- (b) in paragraph (3)(b), after “against” insert “or, in the case of an appeal under article 37 (1)(ad), direct that the alert be withdrawn or amended accordingly”.

Amendment of article 39A

62. In article 39A (visiting general systems nurses from relevant European States)—

- (a) in paragraph (2) for “8” substitute “12”.
- (b) in paragraph (5)—
 - (i) for “17” substitute “24”;
 - (ii) for “8” substitute “12”.

Insertion of article 39B

63. After section 39A (visiting general systems nurses from relevant European States) insert—

“European professional card

39B.—(1) Schedule 2B of this Order (Directive 2005/36/EC: European professional card) has effect.

(2) The Council may charge such reasonable fees as it may determine to cover the costs of discharging the duties under Schedule 2B.

(3) Fees charged under paragraph (2)—

- (a) must be proportionate to the costs incurred by the Council; and

- (b) must not be set at such a level as to deter persons from applying for European professional cards.”.

Amendment of Schedule 2A

64.—(1) Schedule 2A (visiting midwives and certain visiting nurses from relevant European States) is amended as follows.

(2) In paragraph 1(a), after “United Kingdom” insert “and who is not a person to whom Part 5 of Schedule 2B (European professional card for the provision of occasional nursing services in the United Kingdom, etc.) applies”.

(3) In paragraph 4(b)—

- (i) for “3(9)” substitute “3(8)”;
- (ii) for “14 to 16” substitute “19 to 23”.

(4) In paragraph 5—

(a) for sub-paragraph (2)(a), substitute—

“(a) a written declaration that states—

- (i) the practitioner’s wish to provide occasional nursing services or occasional midwifery services;
- (ii) details of any insurance cover or other means of personal or collective protection with regard to professional liability; and
- (ii) that the practitioner has the necessary knowledge of English;”;

(b) in sub-paragraph (2)(d), omit the “and” at the end;

(c) in sub-paragraph (2)(e)(ii), at the end insert “; and”;

(d) after sub-paragraph (2)(e), insert—

“(f) a written declaration confirming that the practitioner—

- (i) is not subject to temporary or final suspensions preventing the practitioner from practising as a nurse or midwife; and
- (ii) has never been convicted of a criminal offence.”;

(e) in sub-paragraph (3), after “(2)(a)” insert “or (f)”.

(5) In paragraph 6(2)—

- (i) for “3(9)” substitute “3(8)”;
- (ii) for “14 to 16” substitute “19 to 23”.

(6) In paragraph 9(1)(a), for “the establishment of a visiting practitioner in the practitioner’s home State” substitute “in the visiting practitioner’s home State, the practitioner”.

Insertion of Schedule 2B

65. After Schedule 2A insert—

Directive 2005/36/EC: European professional card

PART 1

General

Application

1.—(1) This Schedule applies to a person who is entitled to have his or her qualifications as a nurse recognised automatically under articles 21, 23, 49a or 49b of the Directive.

(2) In sub-paragraph (1), the reference to a nurse is to a nurse responsible for general care.

(3) This Schedule supplements the rights and obligations set out in the Implementing Regulation 2015.

Interpretation

2. In this Schedule—

“disqualifying decision”, in relation to a person (“P”) to whom this Schedule applies, means a decision made by a competent authority or judicial authority in P’s home state or host state that has the effect that—

(a) P ceases to be registered or otherwise officially recognised as a nurse in that state; or

(b) P is prohibited, permanently or temporarily, from practising as a nurse in that state; “EPC application” means an application for a European professional card by a person to whom this Schedule applies, and references to an “EPC applicant” are to be construed accordingly;

“home state” means the relevant European State nominated as such by an EPC applicant in his or her EPC application, being one of—

(a) the relevant European State in which the EPC applicant obtained his or her professional qualifications as a nurse; or

(b) a relevant European State in which the EPC applicant has lawfully practised as a nurse;

“host state” means the relevant European State in which an EPC applicant seeks to practise as a nurse;

“Implementing Regulation 2015” means Commission Implementing Regulation (EU) No 983 of 2015 on the procedure for issuance of the European Professional Card and the application of the Alert Mechanism pursuant to the Directive;

“missing document” means a document which an EPC applicant was required to provide with the EPC application but which the EPC applicant has not provided;

“occasional nursing services” has the meaning given in paragraph 2 of Schedule 2A (interpretation).

PART 2

General functions of the Council in relation to European professional cards

Council not to request re-submission of valid documents

3. If a person who has already made an EPC application makes another EPC application, the Council may not request re-submission of documents that are contained in the applicant's IMI file which are still valid for the purposes of processing that other EPC application.

Power to revoke a European professional card

4.—(1) The Council may revoke a European professional card issued under this Schedule if it appears to the Council that the holder ("P") of the card is not entitled to hold the card.

(2) P is not entitled to hold the card if, in particular, P is subject to a disqualifying decision.

Duty to give reasons and to notify of right of appeal

5. If the Council refuses to issue or vary, or decides to revoke, a European professional card under this Schedule, the Council must notify the EPC applicant or the holder of the European professional card of the reasons for that decision and of his or her right of appeal under article 37.

Updating the IMI file: disciplinary actions or criminal sanctions

6.—(1) This paragraph applies to a person ("P") to whom this Schedule applies—

- (a) who holds a European professional card issued by the Council; or
- (b) who has applied to the Council for a European professional card.

(2) The Council must update P's IMI file in accordance with sub-paragraphs (3) and (4) in a timely manner.

(3) The Council must add to P's IMI file information regarding disciplinary action or criminal sanctions which—

- (a) relate to a prohibition or restriction on P's entitlement to practice as a nurse; or
- (b) have consequences for the pursuit of any activities by P (as a nurse).

(4) The Council must delete from P's IMI file information regarding disciplinary action or criminal sanctions that is no longer required.

(5) The Council must immediately inform P and the competent authorities of other relevant European States that have access to P's IMI file of any update under this paragraph.

(6) The information that may be added or deleted under this paragraph must be limited to details of—

- (a) P's identity;
- (b) information about the national authority or court which has made the decision on restriction or prohibition;
- (c) the scope of a restriction or prohibition; and
- (d) the period for which a restriction or prohibition applies.

Access to data

7.—(1) Access to the information on the IMI file of a person (“P”) to whom this Schedule applies is limited to the competent authorities of P’s home state and host state, in accordance with Directive 95/46/EC, and P.

(2) The Council must, on request, provide P with information on the content of P’s IMI file.

Processing data

8.—(1) The Council may process personal data included in the IMI file of a person (“P”) who holds a European professional card or who is an EPC applicant for as long as it is needed for the purposes of recognition of P’s professional qualifications and as evidence of the recognition or of the transmission of the declaration required under Schedule 2A.

(2) The Council is the controller within the meaning of article 2(d) of Directive 95/46/EC for the purposes of processing personal data in P’s European professional card or IMI file.

Rectification of the European professional card or the IMI file

9.—(1) A person (“P”) to whom this Schedule applies who holds a European professional card issued by the Council may, at any time, make a written request to the Council to rectify inaccurate or incomplete data in P’s IMI file or to delete or block P’s IMI file if it contains inaccurate or incomplete data.

(2) If the Council is satisfied that the data in P’s IMI file is inaccurate or incomplete, the Council must comply with a request by P under sub-paragraph (1).

(3) The Council must notify P of P’s right under sub-paragraph (1)—

- (a) at the time P’s European professional card is issued; and
- (b) every two years after the card was issued.

(4) A notification under sub-paragraph (3)(b) must be sent to P by means of an automatic reminder sent through the IMI.

(5) The Council must not charge P in relation to the making of a written request under sub-paragraph (1) or complying with, or responding to, such a request.

(6) If—

- (a) P’s European professional card was issued for the purposes of establishment;
- (b) P asks the Council to delete P’s IMI file; and
- (c) P’s host state is the United Kingdom,

the Council must provide P with evidence confirming that the Council recognises P’s professional qualifications.

PART 3

European professional cards for establishment in the United Kingdom or another relevant European State

European professional cards for establishment in a host state other than the United Kingdom

10.—(1) A person (“P”) to whom this Schedule applies may apply to the Council for a European professional card if—

- (a) P’s home state is the United Kingdom; and
- (b) P is seeking the card for the purposes of establishment as a nurse in a relevant European State other than the United Kingdom.

(2) P must submit with the EPC application the documents listed in point 1 of Part A of Annex 2 to the Implementing Regulation 2015 (in addition to the information required in accordance with article 4 of the Implementing Regulation 2015 that is relevant to the application).

(3) Within one week of receipt of the EPC application, the Council must acknowledge receipt of the application and inform P of any missing document.

(4) The Council must, within one month of the relevant day—

- (a) verify the authenticity and validity of the documents in P's IMI file for the purposes of the EPC application;
- (b) transmit the EPC application to the competent authority of the host state (in order for that competent authority to decide whether to issue the European professional card: see article 4d(2) of the Directive) and, at the same time, inform P of the status of the EPC application.

(5) In this paragraph, "the relevant day" means—

- (a) the day which falls one week after the day on which the Council receives the EPC application; or
- (b) if later, the day on which the last relevant document is received by the Council.

(6) For the purpose of sub-paragraph (4), "relevant document" means—

- (a) any missing document; or
- (b) any document that is requested by the Council in connection with the EPC application before the day mentioned in sub-paragraph (5)(a).

Issue of European professional card for establishment in the United Kingdom

11.—(1) This paragraph applies to an EPC application made to the competent authority of a relevant European State other than the United Kingdom where the EPC applicant ("P") is seeking a European professional card for the purposes of establishment as a nurse in the United Kingdom.

(2) The Council may request additional information or a certified copy of a document from the competent authority of the home state if it appears to the Council—

- (a) that P may not be entitled to hold a European professional card; or
- (b) that a document or information supplied by P as part of the EPC application is not, or may not be, valid or correct.

(3) Subject to sub-paragraphs (4) to (7), the Council must issue the European professional card within one month of receipt of the EPC application from the competent authority of the home state.

(4) The Council may extend the period in sub-paragraph (2)—

- (a) by two weeks; and
- (b) if it is necessary to do so, in particular for reasons relating to public health or the safety of recipients (or prospective recipients) of nursing services from the EPC applicant, by a further two weeks following expiry of the two week extension under paragraph (a).

(5) The Council must notify P of any extension under sub-paragraph (4) and the reasons for it.

(6) If the Council does not receive the documents or information necessary to determine whether to issue the European professional card, the Council may refuse to issue the card.

(7) If the Council fails to make a decision within the time limits set out in this paragraph—

- (a) P is to be treated as entitled to the European professional card; and
- (b) the Council must issue the card to P through the IMI immediately.

PART 4

European professional cards for the provision of occasional nursing services in a relevant European State other than the United Kingdom

Issue of European professional card for the provision of occasional nursing services in a host state other than the United Kingdom

12.—(1) A person (“P”) to whom this Schedule applies may apply to the Council for a European professional card if—

- (a) P’s home state is the United Kingdom; and
- (b) P is seeking the card for the purposes of providing occasional nursing services (which do not fall within article 7(4) of the Directive) in one or more relevant European States other than the United Kingdom.

(2) P must submit with the EPC application the documents listed in point (a) to (c) of Part B of Annex 2 to the Implementing Regulation 2015 (in addition to the information required in accordance with article 4 of the Implementing Regulation 2015 that is relevant to the application).

(3) Within one week of receipt of the EPC application, the Council must acknowledge receipt of the application and inform P of any missing document.

(4) The Council must, within three weeks of the relevant day—

- (a) verify the EPC application and supporting documents;
- (b) if the Council has verified the application and supporting documents, issue the European professional card; and
- (c) if the Council issues the card, transmit it to the competent authority of each host State concerned and, at the same time, inform P accordingly.

(5) Unless its period of validity is extended under paragraph 13, a European professional card issued under this paragraph expires 18 months after the date on which it is issued.

(6) In this paragraph, “the relevant day” means—

- (a) the day which falls one week after the day on which the Council receives the EPC application; or
- (b) if later, the day on which the last relevant document is received by the Council.

(7) For the purpose of sub-paragraph (6), “relevant document” means—

- (a) any missing document; or
- (b) any document that is requested by the Council in connection with the EPC application before the day mentioned in sub-paragraph (6)(a).

Variation of a European professional card for the provision of occasional nursing services in a host state other than the United Kingdom

13.—(1) This paragraph applies to a person (“P”) who holds a European professional card issued under paragraph 12.

(2) If P wishes to provide relevant nursing services after the end of the period of 18 months beginning with the date on which the card was issued, P may apply to the Council for the period of validity of the card to be extended by 18 months or such shorter period as may be specified in the application.

(3) If P wishes to provide relevant nursing services in a host State not already specified on the card, P may apply to the Council for the list of host States specified on the card to be supplemented with the addition of such relevant European States as may be specified in the application.

- (4) An application under sub-paragraph (2) or (3) must be accompanied by details of any material changes to documentation or information that—
- (a) was, pursuant to the Implementing Regulation 2015, provided to the Council with the EPC application under paragraph 12; and
 - (b) is recorded on P’s IMI file.
- (5) On receipt of an application under sub-paragraph (2) or (3), the Council may—
- (a) accept the application (see sub-paragraph (6)); or
 - (b) if it appears to the Council that P is not, or may not be, entitled to hold a European professional card, reject the application and notify P accordingly (see paragraph 5 (duty to give reasons and to notify of right of appeal)).
- (6) If the Council accepts the application, the Council must—
- (a) issue an amended European professional card;
 - (b) transmit the card to the competent authority of each host State specified on the card; and
 - (c) notify P accordingly.
- (7) In this paragraph, “relevant nursing services” means occasional nursing services that are provided in a relevant European State other than the United Kingdom.

PART 5

European professional card for the provision of occasional nursing services in the United Kingdom and conditions in relation to fitness to practise

Application

14. This Part applies to a person (“P”) to whom this Schedule applies who holds a valid European professional card which shows that P is entitled to provide occasional nursing services in the United Kingdom.

Entitlement to registration in the United Kingdom

15.—(1) P is entitled to be entered in the register and the Council must give effect to that entitlement.

(2) If P is not entered in the register, P is treated as being so entered.

(3) If P’s European professional card becomes invalid, the Council may remove P from the register and sub-paragraph (2) ceases to apply.

(4) This paragraph is without prejudice to any other provision of this Order under which the name of a registered nurse may be removed from the register or under which registration of a registered nurse may be suspended.

Conditions in relation to fitness to practise

16.—(1) Sub-paragraph (2) applies in relation to P if—

- (a) in P’s home State, P is subject to a condition or limitation relating to P’s practice as a nurse;
- (b) P is entered in the register; and
- (c) for any of the purposes of this Order it falls to be decided whether P’s fitness to practise is or may be impaired on the ground of misconduct.

(2) The matters that may be counted as misconduct include, in particular, any act or omission by P during the course of P’s provision of occasional nursing services that is, or

would be if the condition or limitation applied in relation to practise as a nurse outside P's home State, a breach of the condition or limitation.”.

Amendment of Schedule 3

66.—(1) Schedule 3 (Directive: 2005/36: Functions of the Council under article 40(2)) is amended as follows.

(2) Before the entry relating to article 7(2)(b), insert—

“Article 4a	Ensuring that the holder of a European professional card benefits from all of the rights conferred by articles 4b to 4e of the Directive.
Article 4b	Enabling nurses responsible for general care to apply for a European professional card in accordance with Schedule 2B and Part 4 of the General Systems Regulations.
Article 4c	Verifying the application and supporting documents in the IMI file and issuing the European professional card for the temporary and occasional provision of services other than those covered by article 7(4) of the Directive.
Article 4d	Verifying the authenticity and validity of the application and supporting documents in the IMI file for the purpose of issuing the European professional card for establishment or for the temporary and occasional provision of services under article 7(4) of the Directive.
Article 4e	Updating, in a timely manner, the IMI file of a holder of a European professional card with information about disciplinary actions or criminal sanctions regarding a prohibition or restriction and which have consequences for the pursuit of activities by that person the under the Directive.
Article 4f	Considering applications for partial access to the profession of nursing and midwifery under regulations 10 and 11 of the General Systems Regulations.”.

(3) In the entry relating to article 8(1)—

- (a) for “Receiving” substitute “In the event of justified doubts, receiving”;
- (b) after paragraph (c), insert—

“Receiving information from, or providing information to, other competent authorities in relation to a person’s training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.”.

(4) After the entry relating to article 50(3), insert—

“Article 50(3a)	In the case of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the profession of nursing and midwifery as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant’s professional activities.
Article 50(3b)	Ensuring that the exchange of information under article 50 with other competent authorities takes place through the IMI.”.

(5) In the entry relating to article 56(2), after paragraph (c), insert—

“Ensuring that the processing of personal data for the purposes of the exchange of information under article 56(2) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.”.

(6) After the entry relating to article 56(2), insert—

“Article 56(2a)	Ensuring that the exchange of information carried out under article 56(2) takes place through the IMI.
Article 56a (1)	Informing all other competent authorities, by way of an alert through

and (2)	the IMI, about a nurse or midwife whose professional activities have been restricted or prohibited, even temporarily, within three days from the date of adoption of the decision; ensuring the information is limited to the information referred to in article 56a(2).
Article 56a(3)	Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have been found to have used falsified evidence of professional qualifications, within three days from the date of the finding.
Article 56a(4)	Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC.
Article 56a(5)	Informing all other competent authorities through the IMI without delay when— (a) a prohibition or a restriction referred to in article 56a(1) has expired; (b) there is a change to the prohibition period notified under article 56a(2).
Article 56a(6)	Notifying the nurse or midwife, in respect of whom an alert is sent under article 56a(1) or (3), in writing at the same time as the alert is sent, that the nurse or midwife— (a) is the subject of an alert sent under article 56a(1) or (3); (b) has the right to appeal the decision and to apply for rectification of the decision; (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities. Informing competent authorities, where applicable, that an alert decision is the subject of appeal proceedings by the nurse or midwife.
Article 56a(7)	Ensuring that the alert made under article 56a(1) is deleted from the IMI within three days of— (a) the date of adoption of the revoking decision; or (b) the expiry of the prohibition or restriction referred to in that article.
Article 57a(1)	Ensuring that all requirements, procedures and formalities relating to an application for registration as a nurse or a midwife may be easily completed by the nurse or midwife remotely and by electronic means.”.

Amendment of Schedule 4

67.—(1) Schedule 4 (interpretation) is amended as follows.

(2) For the definition of “General Systems Regulations” substitute—

““General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015;”.

(3) In the appropriate places insert—

““Directive 95/46/EC” means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;”;

““Directive 2002/58/EC” means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;”;

““European professional card” has the meaning given in the Directive;”;

““IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;”;

““IMI file” means a secure personal account in the IMI that is created in relation to an applicant for a European professional card by means of an online tool provided by the European Commission;”.

CHAPTER 2

AMENDMENT OF THE EUROPEAN NURSING AND MIDWIFERY QUALIFICATIONS DESIGNATION ORDER OF COUNCIL 2004

Introductory

68. The European Nursing and Midwifery Qualifications Designation Order of Council 2004(a) is amended in accordance with this Chapter.

Amendment of article 2

69. In article 2(3), for “41(1)(a)(ii) or (c)” substitute “41(1)(a) or (c)”.

Amendment of article 3

70. In article 3(2)(b), for “(1)(a)(ii) or (c)” substitute “(1)(a) or (c)”.

Amendment of article 4

71. In article 4—

- (a) in paragraph (1), omit “Poland or”;
- (b) in paragraph (3)(b), for “(1)(a)(ii) or (c)” substitute “(1)(a) or (c)”.

Amendment of article 5

72. In article 5(1), omit “Poland or”.

Amendment of article 6

73. In article 6(3)(b), for “(1)(a)(ii) or (c)” substitute “(1)(a) or (c)”.

Amendment of article 7

74. In article 7—

- (a) in paragraph (2), omit sub-paragraph (a);
- (b) omit paragraph (3).

Amendment of article 7A

75. For article 7A(2)(a), substitute—

“(a) in the case of a person holding evidence of one of the following formal qualifications as a nurse—

- (i) competențe profesionale de asistent medical generalist, with post-secondary education obtained from a școli postliceale, attesting to training started before 1st January 2007;
- (ii) diplomă de absolvire de asistent medical generalist cu studii superioare de scurtă durată, attesting to training started before 1st October 2003;

(a) S.I. 2004/1766.

- (iii) diplomă de licență de asistent medical generalist cu studii superioare de lungă durată, attesting to training started before 1st October 2003, at least three consecutive years during the period of five years ending with the date of issue of the certificate, provided that the period of practice has included the person taking full responsibility for the planning, organisation and carrying out of nursing care of patients; or”.

Insertion of article 8A

76. After article 8 insert—

“Qualifications in midwifery awarded in respect of training which started before 18 January 2016

8A.—(1) A diploma in midwifery which has been awarded in a relevant European State and which was started before 18th January 2016 is an approved qualification for the purposes of registration if one of the conditions in paragraph (2) is satisfied.

(2) The conditions are—

- (a) the admission requirement for starting the diploma was 10 years of general education;
- (b) the diploma was equivalent to specific full time training as a midwife, comprising at least three years of theoretical and practical study comprising at least the training programme described in Annex V, point 5.5.1 of the Directive; or
- (c) the diploma was equivalent to at least 18 months specific full time training as a midwife comprising at least the training programme described in Annex V, point 5.5.1 of the Directive and, before starting that diploma, the prospective registrant completed training as a nurse responsible for general care and, in respect of that training as a nurse responsible for general care, can produce evidence that he or she holds a diploma that is listed in Annex V, point 5.2.2 of the Directive.”.

CHAPTER 3

AMENDMENT OF THE NURSING AND MIDWIFERY COUNCIL (EDUCATION, REGISTRATION AND REGISTRATION APPEALS) RULES ORDER OF COUNCIL 2004

Introductory

77. The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004(a) is amended in accordance with this Chapter.

Amendment of rule 5

78. In rule 5 (application for admission to a part of the register)—

(a) for paragraph (2)(a)(ii) substitute—

“(ii) where the applicant is relying on article 13(1)(b) of the Order, evidence that she has obtained—

(aa) the certificate or other document issued by the competent authority of the relevant European State confirming her qualifications and, where appropriate, evidence that all the conditions imposed pursuant to article 14(2) of the Order have been met; or

(bb) a valid European professional card as a nurse;”;

(b) for paragraph (2)(a)(iv) substitute—

(a) These Rules were subject to approval of the Privy Council and are scheduled to S.I. 2004/1767.

- “(iv) where the applicant is relying on article 13(1)(e) or (f) of the Order—
 - (aa) evidence of her qualification and details as to her training; or
 - (bb) a valid European professional card as a nurse.”;
- (c) after paragraph (4) insert—
 - “(4A) The requirement to provide a certificate under paragraph (3) does not apply where the applicant holds a valid European professional card as a nurse.”.

Amendment of rule 20

79. In rule 20 (period during which an appeal may be made), in paragraph (a) after “(aa),” insert “(ac) to (ae),”.

Amendment of rule 21

80. In rule 21 (notice of appeal), in paragraph (2)(a)(iii) after “(aa),” insert “(ac) to (ae),”.

PART 6
OPTICIANS, OSTEOPATHS AND CHIROPRACTORS
CHAPTER 1
AMENDMENT OF THE OPTICIANS ACT 1989

Introductory

81. The Opticians Act 1989(a) is amended in accordance with this Chapter.

Amendment of section 8C

- 82.** In section 8C (visiting optometrists: entitlement to registration)—
- (a) in subsection (2), for “8” substitute “12”;
 - (b) in subsection 5—
 - (i) for “17” substitute “24”;
 - (ii) for “8” substitute “12”.

Amendment of section 8D

- 83.** In section 8D (visiting dispensing opticians: entitlement to registration)—
- (a) in subsection (2), for “8” substitute “12”;
 - (b) in subsection (5)—
 - (i) for “17” substitute “24”;
 - (ii) for “8” substitute “12”.

Amendment of section 23G

- 84.** In section 23G (appeals)—
- (a) in subsection (1)(c), omit the “and” at the end;
 - (b) in subsection (1)(d), at the end insert “; and”;

(a) c. 44.

- (c) after subsection (1)(d) insert—
 - “(e) a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person.”;
- (d) in subsection (4)(b) and (c) for “(1)(b), (c) or (d)” substitute “(1)(b), (c), (d) or (e)”;
- (e) after subsection (7) insert—
 - “(7A) On an appeal under this section from a decision falling within subsection (1)(e), the relevant court may—
 - (a) dismiss the appeal; or
 - (b) allow the appeal and—
 - (i) direct that the alert be withdrawn or amended accordingly; and
 - (ii) require the Council to notify the appropriate competent authorities of the successful appeal,
 and may make such order for costs (or, in Scotland, expenses) as it (or the sheriff) thinks fit.”.

Amendment of section 36

85. In section 36(1) (interpretation), for the definition of “General Systems Regulations” substitute—

““General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/XXXX);”.

CHAPTER 2

AMENDMENT OF THE OSTEOPATHS ACT 1993

Introductory

86. The Osteopaths Act 1993(a) is amended in accordance with this Chapter.

Amendment of section 5A

87. In section 5A (temporary registration for visiting osteopaths from relevant European States)—

- (a) in subsection (2), for “8” substitute “12”;
- (b) in subsection (5)—
 - (i) for “17” substitute “24”;
 - (ii) for “8” substitute “12”.

Amendment of section 29A

88. In section 29A (appeals against decisions of the General Council)—

- (a) after subsection (2)(b), insert—
 - “(c) a decision of the General Council under regulation 67 of the General Systems Regulations to send an alert about a person.”;
- (b) in subsection (3)(b), after “against” insert “or, in the case of an appeal under subsection (2)(c), direct that the alert be withdrawn or amended accordingly”.

(a) c. 12.

Amendment of section 41

89. In section 41 (interpretation), for the definition of “the General Systems Regulations” substitute—

““the General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/XXXX);”.

CHAPTER 3

AMENDMENT OF THE CHIROPRACTORS ACT 1994

Introductory

90. The Chiropractors Act 1994(a) is amended in accordance with this Chapter.

Amendment of section 5A

91. In section 5A (temporary registration for visiting chiropractors from relevant European States)—

- (a) in subsection (2) for “8” substitute “12”;
- (b) in subsection (5)—
 - (i) for “17” substitute “24”;
 - (ii) for “8” substitute “12”.

Amendment of section 29A

92. In section 29 (appeals against decisions of the General Council)—

- (a) after subsection (2)(b), insert—

“(c) a decision of the General Council under regulation 67 of the General Systems Regulations to send an alert about a person.”;
- (b) in subsection (3)(b), after “against” insert “or, in the case of an appeal under subsection (2)(c), direct that the alert be withdrawn or amended accordingly”.

Amendment of section 43

93. In section 43 (interpretation), for the definition of “the General Systems Regulations” substitute—

““the General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/XXXX);”.

PART 7

SOCIAL WORKERS

CHAPTER 1

AMENDMENT OF THE CARE STANDARDS ACT 2000

Introductory

94. The Care Standards Act 2000(b) is amended in accordance with this Chapter.

(a) c. 17.
(b) c. 14.

Amendment of section 55

95. In section 55 (interpretation), for subsection (6) substitute—

“(6) “The General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/XXXX).”

Amendment of section 58A

96. In section 58A (visiting social workers from relevant European States)—

- (a) in subsection (2) for “8” substitute “12”;
- (b) in subsection (5)—
 - (i) for “17” substitute “24”;
 - (ii) for “8” substitute “12”.

Amendment of section 68

97. In section 68 (appeals to the Tribunal)—

- (a) after subsection (1A) insert—

“(1B) An appeal shall lie to the Tribunal against a decision of the Welsh Council under regulation 67 of the General Systems Regulations to send an alert about a person.”;
- (b) in subsection (2), after “effect” insert “or, in the case of an appeal under subsection (1B), direct that the alert be withdrawn or amended accordingly”.

CHAPTER 2

AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES ACT (NORTHERN IRELAND) 2001

Introductory

98. The Health and Personal Social Services Act (Northern Ireland) 2001(a) is amended in accordance with this Chapter.

Amendment of section 2

99. In section 2 (“social care worker”, etc.), for subsection (5) substitute—

“(5) “The General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/XXXX).”

Amendment of section 5A

100. In section 5A (visiting social workers from relevant European States)—

- (a) in subsection (2), for “8” substitute “12”;
- (b) in subsection (5)—
 - (i) for “17” substitute “24”;
 - (ii) for “8” substitute “12”.

Amendment of section 15

101. In section 15 (appeals to the Social Care Tribunal)—

- (a) after subsection (2A) insert—

(a) c. 3.

“(2B) An appeal shall lie to the Care Tribunal against a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person.”;

- (b) in subsection (3), after “effect” insert “or, in the case of an appeal under subsection (2B), direct that the alert be withdrawn or amended accordingly”.

CHAPTER 3

AMENDMENT OF THE REGULATION OF CARE (SCOTLAND) ACT 2001

Introductory

102. The Regulation of Care (Scotland) Act 2001(a) is amended in accordance with this Chapter.

Amendment of section 46A

103. In section 46A (visiting social workers from relevant European States)—

- (a) in subsection (2), for “8” substitute “12”;
- (b) in subsection (5)—
- (i) for “17” substitute “24”;
- (ii) for “8” substitute “12”.

Amendment of section 51

104. In section 51 (appeal against decisions of Council)—

- (a) after subsection (1)(b) insert—
- “(c) has been given notice of a decision under regulation 67 of the General Systems Regulations to send an alert about the person.”;
- (b) in subsection (2)(b), after “effect” insert “or, in the case of an appeal under subsection (1)(c), direct that the alert be withdrawn or amended accordingly”.

Amendment of section 77

105. In section 77 (interpretation), for the definition of “the General Systems Regulations” substitute—

““the General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/XXXX);”.

PART 8

OTHER HEALTH PROFESSIONS

CHAPTER 1

AMENDMENT OF THE HEALTH AND SOCIAL WORK PROFESSIONS ORDER 2001

Introductory

106. The Health and Social Work Professions Order 2001(b) is amended in accordance with this Part.

(a) c. 8.
(b) S.I. 2001/ 254.

Amendment of article 12

107. In article 12 (approved qualifications), after (1)(b) insert—

“(ba) he is an exempt person and has a right to practise in the United Kingdom by virtue of holding a European professional card in accordance with regulations 56 to 61 of the General Systems Regulations;”.

Amendment of article 13A

108. In article 13A (visiting health or social work professions from a relevant European State)—

(a) for paragraph (2) substitute—

“(2) Paragraph (3) applies if—

(a) V has the benefit of regulation 12 of the General Systems Regulations in connection with the provision of V of relevant services in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of relevant services); or

(b) V has a right to practise in the United Kingdom on a temporary and occasional basis by virtue holding a European professional card in accordance with regulations 51 to 55 of those Regulations;”.

(b) in paragraph (5)—

(i) for “17” substitute “24”;

(ii) for “8” substitute “12”.

Insertion of article 13C

109. After article 13B insert—

“European professional card

13C.—(1) The Council may charge such reasonable fees as it may determine to cover the costs of discharging the duties under Part 4 of the General Systems Regulations.

(2) Fees charged under paragraph (1)—

(a) must be proportionate to the costs incurred by the Council in discharging the duties described in paragraph (2); and

(b) must not be set at such a level as to deter persons from applying for European professional cards.”.

Amendment of Article 38

110. In article 38 (appeals)—

(a) after paragraph (1A)(b) insert—

“(c) a decision of the Council under regulation 67 of the General Systems Regulations to send an alert about a person;

(d) a decision of the Registrar under Part 4 of the General Systems Regulations, relating to the issue, extension or revocation of a European professional card, or a failure by the Registrar to make a decision within the time limits set out in those provisions.”;

(b) in paragraph (3)(b), after “against” insert “or, in the case of an appeal under paragraph (1A)(c), direct that the alert be withdrawn or amended accordingly”.

Amendment of Schedule 3

111. In Schedule 3 (interpretation), in paragraph 1—

(a) for the definition of “General Systems Regulations” substitute—

““General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015;” and

(b) in the appropriate place insert—

““European professional card” has the meaning given in Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as amended from time to time;”.

CHAPTER 2

AMENDMENT OF THE HEALTH PROFESSIONS COUNCIL (REGISTRATION AND FEES) RULES ORDER OF COUNCIL 2003

Amendment of the Health Professions Council (Registration and Fees) Rules 2003

112. In the Schedule to the Health Professions Council (Registration and Fees) Rules 2003(a), in rule 4 (application for registration)—

(a) in paragraph 4(2)(c)(ii), omit the “or” at the end;

(b) after paragraph 4(2)(c)(ii), insert—

“(iia) where the applicant is relying on article 12(1)(ba), evidence that he has obtained a European professional card; or”.

[DRAFT FOR CONSULTATION – NOT FOR SIGNATURE]

Address	<i>Name</i>
Date	Parliamentary Under Secretary of State Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

[TO BE INSERTED]