

2013 No. 3036

HEALTH CARE AND ASSOCIATED PROFESSIONS

**The European Qualifications (Health Care Professions) (Croatia
Accession Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>29th November 2013</i>
<i>Laid before Parliament</i>		<i>9th December 2013</i>
<i>Coming into force</i>	- -	<i>31st December 2013</i>

The Secretary of State for Health is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

PART 1

INTRODUCTORY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Qualifications (Health Care Professions) (Croatia Accession Amendment) Regulations 2013 and shall come into force on 31st December 2013.

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

PART 2

MEDICAL PRACTITIONERS

Amendment of the Medical Act 1983

2. In section 17 of the Medical Act 1983(c)(primary qualifications obtained in other relevant European States), at the end of the table in subsection (4A) insert—

(a) S.I. 1995/3207.

(b) 1972 c.68, section 2(2) was amended by section 27(1)(a) of the Legislative 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).

(c) 1983 c. 54; section 17 was substituted by S.I. 1996/1591 and amended by S.I. 2004/1947 and S.I. 2007/3101.

“8th October 1991 Former Yugoslavia Croatia”

Amendment of the Postgraduate Medical Education and Training Order of Council 2010

3. In article 10 of the Postgraduate Medical Education and Training Order of Council 2010(a)(recognised specialist qualifications granted outside the United Kingdom), at the end of the table in paragraph(1)(g) insert—

“Former Yugoslavia 8th October 1991 Croatia”

PART 3
DENTISTS

Amendment of the Dentists Act 1984

4. In Schedule 2 to the Dentists Act 1984(b) (European dental qualifications), at the end of the table in paragraph 8(2) insert—

“8th October 1991 Former Yugoslavia Croatia”

Amendment of the European Primary and Specialist Dental Qualifications Regulations 1998

5. In regulation 10 of the European Primary and Specialist Dental Qualifications Regulations 1998(c) (recognised specialist dental qualifications), at the end of the table in paragraph 1(e) insert—

“Former Yugoslavia 8th October 1991 Croatia”

PART 4
NURSING AND MIDWIFERY

The European Nursing and Midwifery Qualifications Designation Order of Council 2004

6.—(1) The European Nursing and Midwifery Qualifications Designation Order of Council 2004(d) is amended in accordance with this regulation.

(2) In article 5 (qualifications in respect of which a diploma other than a listed diploma is awarded before the reference date in respect of training which does not comply with Directive requirements) after paragraph (2) insert—

“(3) This article shall not apply to the following qualifications obtained in Croatia before the reference date—

- (a) viša medicinska sestra ginekološko-opstetričkog smjera (high gynaecology-obstetrical nurse);
- (b) medicinska sestra ginekološko-opstetričkog smjera (gynaecology-obstetrical nurse);

(a) S.I. 2010/473, to which there are amendments not relevant to these Regulations.
(b) 1984 c. 24, paragraph 8 was inserted by S.I. 2004/1947 and amended by S.I. 2007/3101.
(c) S.I. 1998/811, regulation 10(1)(e) was added by S.I. 2004/1947 and amended by S.I. 2007/3101, there are other amending instruments but none is relevant.
(d) S.I. 2004/1766, article 10(1) was amended by S.I. 2007/3101, there are other amending instruments but none is relevant.

- (c) viša medicinska sestra primaljskog smjera (high nurse with midwifery degree);
- (d) medicinska sestra primaljskog smjera (nurse with midwifery degree);
- (e) ginekološko-opstetrička primalja (gynaecology-obstetrical midwife); and
- (f) primalja (midwife).”.

(3) In article 10 (qualifications following training in the former Czechoslovakia, the former Soviet Union or the former Yugoslavia), at the end of the table in paragraph (1) insert—

“Former Yugoslavia	8th October 1991	Croatia”
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PART 5

PHARMACY

Amendment to the Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010

7. In the Schedule to the Pharmacy Order 2010 (Approved European Pharmacy Qualifications) Order 2010(a) (table in respect of recognition of training in the former Czechoslovakia, the former Soviet Union or the former Yugoslavia), at the end of the table insert—

“8th October 1991	Former Yugoslavia	Croatia”
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Amendment to the Pharmacy (Northern Ireland) Order 1976

8. In Schedule 2A to the Pharmacy (Northern Ireland) Order 1976(b) (table in respect of training in the former Czechoslovakia, the former Soviet Union or the former Yugoslavia), at the end of the table insert—

“8th October 1991	Former Yugoslavia	Croatia”
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Signed by authority of the Secretary of State for Health

29th November 2013

Dan Poulter
Parliamentary Under-Secretary of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in part, Annex III to the Act annexed to the Treaty concerning the accession of the Republic of Croatia to the European Union, signed at Brussels on 9th December 2011, insofar as it amends the Recognition of Professional Qualifications Directive 2005/36/EC (“the Directive”), relating to acquired rights for doctors, dentists, nurses responsible for general care, midwives and pharmacists (‘acquired rights provisions’).

(a) S.I. 2010/1620; this instrument was subject to annulment in pursuance of a resolution of either House of Parliament or of the Scottish Parliament; under section 57 of the Scotland Act 1998 (c. 46), despite the transfer to the Scottish Ministers of functions in relation to implementing obligations under Community law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland.

(b) S.I. 1976/1213 (N.I. 22); Schedule 2A was inserted by regulation 12 of S.R. 2008 No.192.

The acquired rights provisions make special provision for the recognition of professional qualifications obtained by Member State nationals in the former Yugoslavia before 8th October 1991 and which are attested by Croatia as being valid qualifications under the Directive. These Regulations amend existing UK legislation to transpose those provisions.

Regulations 2 and 3 make provision for the acquired rights provisions to apply to professional qualifications obtained in the field of medicine (including general and specialist practice).

Regulations 4 and 5 make provision for the acquired rights provisions to apply to professional qualifications obtained in the field of dentistry (including general and specialist practice).

Regulation 6 makes provision for the acquired rights provisions to apply to professional qualifications obtained in the field of general care nursing and midwifery, although specific qualifications relating to midwifery, which were obtained before 1st July 2013 (the date of accession of Croatia to the European Union), are excluded from benefiting from the preserved rights under the Directive.

Regulation 7 makes provision for the acquired rights provisions to apply to professional qualifications obtained in the field of pharmacy in respect of England, Wales and Scotland.

Regulation 8 makes provision for the acquired rights provisions to apply to professional qualifications obtained in the field of pharmacy in respect of Northern Ireland.

An Explanatory Memorandum is available alongside the instrument on www.legislation.gov.uk. Copies have also been placed in the Libraries of both Houses of Parliament.

A Transposition Note has been prepared for these Regulations, a copy of which can be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds, LS2 7UE.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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