



STATUTORY INSTRUMENTS

**S.I. No. 166 of 2008**

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RECOGNITION OF PROFESSIONAL QUALIFICATIONS (HEALTH  
AND SOCIAL CARE PROFESSIONS) (DIRECTIVE 2005/36/EC)  
REGULATIONS, 2008

**(Prn. A8/0732)**

RECOGNITION OF PROFESSIONAL QUALIFICATIONS (HEALTH  
AND SOCIAL CARE PROFESSIONS) (DIRECTIVE 2005/36/EC)  
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The Minister for Health and Children, in exercise of the powers conferred on her by Section 3 of the European Communities Act, 1972 (No. 27 of 1972), as amended by the European Communities Act 2007 (No. 18 of 2007), and for the purpose of giving effect to: Council Directive No. 2005/36/EC of 7 September, 2005<sup>1</sup>, Council Directive No 2006/100/EC of 20 November 2006<sup>2</sup> hereby makes the following Regulations:

*Citation*

1. (1) These Regulations may be cited as the Recognition of Professional Qualifications (Health and Social Care Professions) (Directive 2005/36/EC) Regulations, 2008;

(2) These Regulations shall come into operation on the date they are signed by the Minister.

*Interpretation*

2. In these Regulations—

“competent authority” means any authority or body empowered by the State specifically to issue or receive training diplomas and other documents or information and to receive the applications, and take the decisions, referred to in these Regulations, the Professional Qualifications Regulations and the Professional Qualifications Directive;

“Professional Qualifications Directive” means Directive 2005/36/EC of 7 September 2005 on the recognition of professional qualifications as amended by Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons by reason of the accession of Bulgaria and Romania;

“Professional Qualifications Regulations” means the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008);

“the Minister” means the Minister for Health and Children;

<sup>1</sup>OJ L 255, 30.09.2005, p.22.

<sup>2</sup>OJ L 363, 20.12.2006, p.141.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 10th June, 2008.*

*Designation of Competent Authorities*

3. (1) The competent authority in the State for the purposes of these Regulations, the Professional Qualifications Regulations and the Professional Qualifications Directive shall be:

- (a) in relation to the professions of Analytical Chemist, Audiologist, Clinical Biochemist, Diagnostic Radiographer, Dietitian, Environmental Health Officer, Occupational Therapist, Orthoptist, Podiatrist, Psychologist, Radiation Therapist and Speech and Language Therapist, the Minister for Health and Children;
- (b) in relation to the professions of Advanced Paramedic, Emergency Medical Technician and Paramedic, the Pre-Hospital Emergency Care Council;
- (c) in relation to the professions of Dispensing Optician and Optometrist, Bórd na Radharcmháistóirí/The Opticians Board;
- (d) in relation to the profession of Medical Scientist, the Academy of Medical Laboratory Science;
- (e) in relation to the profession Physiotherapist, the Irish Society of Chartered Physiotherapists;
- (f) in relation to the profession of Social Worker, the National Social Work Qualifications Board.

(2) Notwithstanding paragraph (1), the Minister may designate any other person, for such period as the Minister sees fit and specifies in the designation, also to be a competent authority, subject to any limitations or conditions that he or she decides, to grant approvals in relation to any or all of the matters referred to in these Regulations, the Professional Qualifications Regulations and the Professional Qualifications Directive.

(3) The Minister may at any time revoke or alter a designation made under this Regulation.

*Social Workers*

4. The National Social Work Qualifications Board (Establishment) Order 1997 is hereby amended by—

- (a) the substitution of the following for the definition of “non-national qualification” in article 2:

“ “non-national qualification” means a professional social work qualification obtained outside the State, which is recognised by the National Social Work Qualifications Board as equivalent to the National Qualification in Social Work and includes any attestation of competence or evidence of formal qualifications recognised by the National Social Work Qualifications Board pursuant to Part 2 of the

Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008);”

(b) the insertion of the following new paragraphs after paragraph (n) in article 5:

“(o) comply with its obligations as competent authority in relation to social workers under the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008);

(p) maintain in accordance with rules made by the Board, a record of persons providing the services of a social worker in the State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).”

*Pre-hospital emergency care practitioners*

5. The Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000), as amended by the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (Amendment) Order 2004 (S.I. No. 575 of 2004), is hereby amended by—

(a) the substitution of the following for the definitions of “advanced paramedic”, “emergency medical technician”, “pre-hospital emergency care practitioner” and “paramedic” in article 2:

“advanced paramedic” means a person registered in:

- (a) the advanced paramedic division of the register, or
- (b) the visiting European advanced paramedic division of the register.

“emergency medical technician” means a person registered in:

- (a) the emergency medical technician division of the register, or
- (b) the visiting European emergency medical technician division of the register.

“pre-hospital emergency care practitioner” means:

- (i) a person who holds the N.Q.E.M.T. at any of the levels of competence and whose name appears within any division of the Register, or
- (ii) a person who is providing the service of emergency medical technician, paramedic or advanced paramedic in the

State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008), and whose name appears within any division of the register.

“paramedic” means a person registered in:

- (a) the paramedic division of the register, or
- (b) the visiting European paramedic division of the register.

(b) the substitution of the following for paragraph (d) in article 4:

“(d) upon request, assess the equivalence of professional qualifications in pre-hospital emergency care obtained from institutions other than recognised institutions, both within and outside the State, and award the N.Q.E.M.T. as appropriate at the level of competence determined by the Council. In this regard, the Council shall comply with its obligations as competent authority for emergency medical technicians, paramedics and advanced paramedics under the general system of recognition of professional qualifications provided in Part 2 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008);”

(c) the substitution of the following for paragraph (s) in article 4:

- (s) establish and maintain, in accordance with rules made by the Council, a register of pre-hospital emergency care practitioners (in this instrument referred to as the register) which shall be divided into six divisions as follows:
  - (i) The emergency medical technician division — for holders of the N.Q.E.M.T. at the level of competence of emergency medical technician,
  - (ii) The paramedic division — for holders of the N.Q.E.M.T. at the level of competence of paramedic,
  - (iii) The advanced paramedic division — for holders of the N.Q.E.M.T. at the level of competence of advanced paramedic,
  - (iv) The visiting European emergency medical technician division — for those providing the service of emergency medical technician in the State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008),

- (v) The visiting European paramedic division — for those providing the service of paramedic in the State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008),
  - (vi) The visiting European advanced paramedic division — for those providing the service of advanced paramedic in the State on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).”
- (d) the insertion of the following new paragraphs following paragraph (s) in article 4:
- “(t) register, in the appropriate division of the register, any person who wishes to provide the services of an emergency medical technician, paramedic or advanced paramedic in the State on a temporary or occasional basis and is entitled to provide such services pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008),
  - (u) comply with its obligations as competent authority in relation to emergency medical technicians, paramedics and advanced paramedics under the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).”

*Optometrists and dispensing opticians*

6. The Opticians Act 1956 (No. 17), as amended by the Opticians (Amendment) Act 2003 (No. 22) is hereby amended by—

- (a) inserting the following new definition in section 2:

“relevant state” means—

- (a) a Member State of the European Union,
- (b) a State that is a contracting state to the EEA Agreement within the meaning given by the European Communities (Amendment) Act 1993 (other than a Member State of the European Union),
- (c) the Swiss Confederation;

(b) inserting the following subsections after subsection (5) of section 23:

“(6) As soon as conveniently may be after the entry into force of this subsection, the Board shall, in accordance with rules, divide the Register of Optometrists into the following two divisions—

- (i) ‘Optometrists’
- (ii) ‘Visiting European Optometrists’.

(7) Any person who, immediately before the division of the Register of Optometrists pursuant to subsection (6), was registered in the Register of Optometrists shall be registered in the division entitled ‘Optometrists’.”

(c) inserting—

“, in the division entitled ‘Optometrists’,” after the words “Register of Optometrists” in—

- (i) section 24, subsection (1),
- (ii) section 25, subsection (1),
- (iii) section 26, subsection (1).

(d) substituting the following for section 24A:

“24A. The Board shall, on receipt of the appropriate fee, register in the Register of Optometrists, in the division entitled ‘Optometrists’, a person who applies for registration and who—

- (a) is a national of a relevant state, and
- (b) is permitted to pursue the profession of optometrist in the State by virtue of Part 2 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008) (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required by the Board to undertake pursuant to that Part of those Regulations).”

(e) inserting the following section after section 26:

“26A. (1) The Board shall register in the Register of Optometrists, in the division entitled ‘Visiting European Optometrists’, any person who wishes to provide the services of an optometrist in the State on a temporary or occasional basis and is entitled to provide such services pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).

(2) A person registered pursuant to subsection (1) shall be removed from the Register of Optometrists if—

- (a) he is subject to a decision of a competent or judicial authority of the State in which he is established as an optometrist which has the effect that he is no longer lawfully established in that State or that he is prohibited (even temporarily) from practicing the profession there, or
- (b) he otherwise ceases to be entitled to pursue the profession on a temporary and occasional basis in the State pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).

(3) Subsection (2) shall not prejudice the application, in relation to persons registered pursuant to subsection (1), of any other provision of this Act under which a registered optometrist's name may be erased from the Register of Optometrists.

(4) Persons registered pursuant to subsection (1) shall not be eligible for election to the Board under section 10.”

(f) substituting “sections 24 to 26A” for “sections 24 to 26” in section 27.

(g) inserting the following subsections after subsection (5) of section 32:

“(6) As soon as conveniently may be after the entry into force of this subsection, the Board shall, in accordance with rules, divide the Register of Dispensing Opticians into the following two divisions—

- (i) ‘Dispensing Opticians’
- (ii) ‘Visiting European Dispensing Opticians’.

(7) Any person who, immediately before the division of the Register of Dispensing Opticians pursuant to subsection (6), was registered in the Register of Dispensing Opticians shall be registered in the division entitled ‘Dispensing Opticians’.”

(h) inserting—

“, in the division entitled ‘Dispensing Opticians’,” after the words “Register of Dispensing Opticians” in—

- (i) section 33, subsection (1),
- (ii) section 34, subsection (1),
- (iii) section 35, subsection (1).

(i) substituting the following for section 33A:

“33A. The Board shall, on receipt of the appropriate fee, register in the Register of Dispensing Opticians, in the division entitled ‘Dispensing Opticians’, a person who applies for registration and who—

- (a) is a national of a relevant state, and
- (b) is permitted to pursue the profession of dispensing optician in the State by virtue of Part 2 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008) (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required by the Board to undertake pursuant to that Part of those Regulations).”

(j) the insertion of the following section after section 35:

“35A. (1) The Board shall register, in the Register of Dispensing Opticians, in the division entitled ‘Visiting European Dispensing Opticians’, any person who wishes to provide the services of a dispensing optician in the State on a temporary or occasional basis and is entitled to provide such services pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).

(2) A person registered pursuant to subsection (1) shall be removed from the Register of Dispensing Opticians if—

- (a) he is subject to a decision of a competent or judicial authority of the State in which he is established as a dispensing optician which has the effect that he is no longer lawfully established in that State or that he is prohibited (even temporarily) from practicing the profession there, or
- (b) he otherwise ceases to be entitled to pursue the profession on a temporary and occasional basis in the State pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).

(3) Subsection (2) shall not prejudice the application, in relation to persons registered pursuant to subsection (1), of any other provision of this Act under which a registered dispensing optician’s name may be erased from the Register of Dispensing Opticians.

(4) Persons registered pursuant to subsection (1) shall not be eligible for election to the Board under section 10.”

(k) substituting “sections 33 to 35A” for “sections 33 to 35” in section 36.”



GIVEN under my Official Seal,  
4 June 2008

MARY HARNEY,  
Minister for Health and Children.

#### EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

The purpose of these Regulations is to designate certain bodies as competent authorities in relation to certain health and social care professions under the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008) and Council Directive 2005/36/EC of 7 September 2005 on the recognition of professional qualifications, as amended by Council Directive 2006/100/EC of 20 November 2006, and to provide for the registration of social workers, dispensing opticians, optometrists and pre-hospital emergency care practitioners providing services on a temporary and occasional basis pursuant to Part 4 of the Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. No. 139 of 2008).

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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