

MEMORANDUM OF UNDERSTANDING
between the
Gibraltar Medical Registration Board
and the
General Osteopathic Council of the United Kingdom

1. Background

- 1.1 The Gibraltar Medical Registration Board (**GMRB**) is established by the Medical and Health Act, 1997¹ (the **Gibraltar Act**) and is the statutory regulator in Gibraltar of the 23 allied health professions identified in Schedule 13 to that Act, including Osteopath.
- 1.2 The General Osteopathic Council (GOsC) is established by the Osteopaths Act 1993² (the **UK Act**) and is the statutory regulator in the United Kingdom of Osteopaths.
- 1.3 Gibraltar is a British Overseas territory which is not part of the United Kingdom.³ However, by virtue of section 24B(1) of the Gibraltar Act, a person may only practise as an Osteopath in Gibraltar if that person satisfies the GMRB that he or she is:
- of good character; and
 - registered in the relevant register in respect of that profession maintained by the GOsC under the UK Act (a **registered practitioner**).

2. Aim of Memorandum

- 2.1 The aim of this Memorandum of Understanding (**MOU**) is to establish, develop and foster a good working relationship between the GMRB and the GOsC (collectively, the **Parties**) in the interest of protecting the public in their respective jurisdictions.
- 2.2 The Parties recognise the importance of ongoing communication and co-operation and, where appropriate, the co-ordination of their respective activities to ensure that the public is protected by the effective and proportionate regulation of registered practitioners.

3. Liaison Arrangements

- 3.1 The Parties will each nominate a liaison officer to be the initial contact point for the GMRB and the GOsC respectively in relation to this MOU.

¹ Act No.1997-25, as amended

² 1993 c. 21, as amended

³ By virtue of Article 355(3) of the Treaty on the Functioning of the European Union, as the UK is responsible for its external relations, Gibraltar is part (but not a Member State) of the European Union. Accordingly, relevant EU legislation, notably Directive 2005/36/EC on the recognition of profession qualifications will apply to Gibraltar at it does in the UK.

3.2 The role of the liaison officers will be:

- to ensure the effective exchange of information between the GMRB and the GOsC;
- to implement any joint or co-ordinated activities agreed between the GMRB and the GOsC;
- to co-ordinate the supply of evidence and information between the GMRB and the GOsC if one or other of them is taking any action against any person who is a registered osteopath or who purports to be an osteopath.

4. Sharing of information

4.1 The GMRB and the GOsC will share information relating to registered practitioners for the purpose of ensuring:

- that their respective registers are accurate;
- that, in their respective jurisdictions, only those persons who are entitled to do so practise a relevant profession;
- that concerns about criminal conduct or fitness to practise are properly investigated and determined;
- that members of the public and patients are not put at risk in either jurisdiction.

4.2 Information that may be shared may include but shall not be limited to:

- any allegation or complaint concerning that person's fitness to practise;
- that person's conviction or caution for a criminal offence under UK or Gibraltar law; or
- any determination by either of them or any other regulatory body against that person.

4.3 The exchange of information between the Parties shall, so far as practicable, be conducted in a secure, timely and accurate fashion and confirmed in writing (or electronic form).

5. Data protection

5.1 The Parties shall exchange information only to the extent permitted by law and, in particular, shall comply with the Data Protection Act 2004⁴ (an Act of the Parliament of Gibraltar) and the Data Protection Act 1998⁵ (an Act of the United Kingdom Parliament) in the respect of the exchange of any information which constitutes personal data within the meaning of those Acts.

5.2 Any information supplied by one Party shall only be used by the other Party for the purpose for which it was obtained and, except as required by law, shall not be used for any other purpose or passed to a third party without the consent of the Party that supplied the information.

⁴ Act. No. 2004-01

⁵ 1998 c. 29, as amended

6. GOsC Proceedings

- 6.1 The Parties acknowledge that where the GOsC brings fitness to practise proceedings against an osteopath residing or working in Gibraltar, such proceedings will generally take place in the UK, and it is the practice of the GOsC to conduct hearings in London.
- 6.2 If the GOsC commences or proposes to commence any proceedings against a registered practitioner who resides or practises in Gibraltar, it will inform the GMRB of those proceedings and the GMRB will provide the GOsC with such reasonable assistance in bringing those proceedings as the resources of the GMRB permit.

7. Resources

- 7.1 The GMRB and the GOsC acknowledge that this MOU is not intended to impose any undue financial obligations on the Parties or to require either of them to undertake any task beyond the extent that their respective resources permit.

8. Review and amendment

- 8.1 This MOU will be reviewed by the GMRB and the GOsC annually and, where necessary (and, in particular, following any amendment to the powers or procedures of either Party) any amendment to this MOU shall be agreed in writing between the GMRB and the GOsC.

9. Resolution of Disputes

- 9.1 Given their good working relationship, disputes are unlikely to arise between the Parties but, in the event that a dispute does arise, the GMRB and the GOsC will seek to resolve the dispute by agreement and, in the unlikely event that a satisfactory resolution cannot be achieved, the Parties will appoint an appropriate expert to determine the matter.

SIGNED on behalf of the Parties on **14-January-2015** by:

Signature for the GMRB	Signature for the GOsC
[Name] Dr. Vijay Kumar [Title] Chairman	Tim Walker Chief Executive and Registrar