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Medical Practitioners Act 2007

Consideration
of complaints
by Preliminary
Proceedings
Committee.

59.— (1) The Preliminary Proceedings Committee shall, as soon as is practicable after receiving a complaint, consider whether there is sufficient cause to warrant further action being taken in relation to the complaint.

(2) Where the Preliminary Proceedings Committee considers that a complaint is proper to the procedures of another body or authority, including any scheme which may be in place pursuant to Part 9 of the [Health Act 2004](#) , it may inform the complainant of its view that the complaint is proper to such other procedures.

(3) The Preliminary Proceedings Committee may, by notice in writing given to a complainant, do one or more than one of the following:

- (a) require the complainant to verify, by affidavit or otherwise, anything contained in the complaint;
- (b) request the complainant to supply to the Committee, within a reasonable period specified in the notice, more information relating to the matter the subject of the complaint;
- (c) require that information requested under *paragraph (b)* be supplied by the complainant by means of a statutory declaration.

(4) The Preliminary Proceedings Committee may refuse to consider or further consider a complaint if the complainant, without reasonable excuse, does not comply with a notice under *subsection (3)* given to the complainant.

(5) The Preliminary Proceedings Committee shall give notice in writing to the registered medical practitioner the subject of a complaint of the complaint, its nature and the name of the complainant.

(6) The registered medical practitioner the subject of a complaint may supply to the Preliminary Proceedings Committee any information that the practitioner believes should be considered by the Committee or the Fitness to Practise Committee.

(7) The Preliminary Proceedings Committee may, by notice in writing given to a registered medical practitioner the subject of a complaint, require the practitioner to supply the Committee, within a reasonable period specified in the notice, with such information relating to the complaint as is specified in the notice.

(8) A registered medical practitioner shall comply with a notice under *subsection (7)* given to the practitioner.

(9) The Preliminary Proceedings Committee shall, before forming an opinion on whether there is sufficient cause to warrant further action being taken in relation to a complaint, or whether the complaint should be referred to another body or authority, consider—

(a) any information supplied under this section concerning the complaint, and

(b) whether the complaint is trivial or vexatious or without substance or made in bad faith.

(10) Where a complaint is withdrawn while it is being considered by the Preliminary Proceedings Committee, the Committee may, with the Council's agreement—

(a) decide that no further action is to be taken in relation to the matter the subject of the complaint, or

(b) proceed as if the complaint had not been withdrawn.

(11) *Subsections (1)(c), (2)* (in so far as it relates to the production of records) and (9) of section 66 shall apply to and in relation to the Preliminary Proceedings Committee and the chairperson of that Committee as those subsections apply to and in relation to the Fitness to Practise Committee and the chairperson of the Fitness to Practise Committee.

