



PMCPA Policy – Q&As

June 2025

Pilot limitation period policy in relation to historical complaints

Question: Does this apply to existing complaints?

Answer: No; it is not retrospective. The policy only applies to complaints received by the PMCPA from 1 June 2025 onwards.

Question: What happens after the end of the pilot period on 31 December 2025?

Answer: We will closely monitor all complaints that end up not being proceeded because of this policy. Towards the end of the pilot period, we will review the effectiveness of the policy and any feedback received from stakeholders. We will then decide on whether to discontinue the policy, extend the pilot, or make the policy permanent for 2026 through a change to the PMCPA Constitution and Procedure (that would be the subject of a public consultation). A proposal to make the policy permanent will be informed by the results of the pilot.

Question: What are the “exceptional circumstances” that can result in a historical complaint proceeding?

Answer: It will be for the case preparation manager to decide if the complaint raises any matters that, in their view, mean that the complaint should proceed.

These exceptional circumstances include matters such as:

- patient safety (particularly if that patient safety issue remains live at the time of the complaint),
- bringing discredit upon the industry, and/or
- the matter is only marginally outside the limitation period.

The above is a non-exhaustive list and it will be for the case preparation manager to exercise their discretion on a case-by-case basis.



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Question: What if a complainant disagrees with the decision not to proceed a case?
What if a respondent company disputes whether the “exceptional circumstances” exception applies?

Answer: Complainants have a right of appeal to an independent referee under Paragraph 5.5 of the Constitution and Procedure. There is no further right of appeal beyond that.

The Constitution and Procedure provides no equivalent appeal right for respondent companies. Instead, they must respond to any complaint that the PMCPA takes forward in the usual way.

Question: What does this mean for the patients and the public?

Answer: We believe this provides greater protection for them because it enables the PMCPA to prioritise dealing with contemporaneous complaints and carry out its other regulatory functions, without resources being spent on historical matters that may have no ongoing value to patients or the public.

Question: What happens to a complaint that is outside the limitation period and is not considered “exceptional” by the case preparation manager i.e. non-proceeded cases?

Answer: The PMCPA will forward these types of complaints to the company who, in the spirit of self-regulation, should take whatever action they consider appropriate.

In addition, the PMCPA will monitor all non-proceeded cases to ensure there is no pattern of activity or material by companies, such that “exceptional circumstances” arise and a complaint should be taken forward. Alternatively, the PMCPA Chief Executive may decide that the PMCPA should undertake scrutiny under Paragraph 19 of the Constitution and Procedure.

The Appeal Board will also receive details of all cases not proceeded under this policy and has the power to insist that a case be taken forward.



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Question: Why have you chosen two years and six months as the limitation periods for this pilot?

Answer: In part, the two-year period is based on Code requirements, for example in Clause 8.5 where material still in use must be recertified at intervals of no more than two years.

We have benchmarked against European self-regulatory bodies and other UK regulators. For example, many self-regulatory bodies for the pharmaceutical industry in European countries have limitation periods of 6-12 months.

For social media complaints, we consider that social media activity has a more time-limited impact, which is why the limitation period is six months. However, there is a safeguard which ensures that if a company is responsible for social media interaction that has the effect of 'refreshing' the post (e.g. meaning it would reappear in newsfeeds), then the six-month limit would restart from that date.

Question: What about disclosure of transfers of value requirements where there is a gap in time between a payment being made and it being reported as part of disclosure?

Answer: The time period for bringing a complaint would run from the date of the disclosure requirement as stipulated in the Code, rather than the date the 'Transfer of Value' was made.

A complaint about a significant volume of missing disclosures would be an example of exceptional circumstances that would result in a complaint still progressing regardless of the time period.