

**Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date: January 8, 2024

Our ref: FOI 2023/1109

Reply contact name:

Dear,

I write in connection with your request for information dated 16th November 2023 concerning medical cannabis.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, research was conducted by the Force Policy Officer and Roads Policing Unit at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You Wrote:

I would like to know Wiltshire Polices' policy if a prescribed medical cannabis patient is tested to be over the prescribed limit while driving. I understand that there is a statutory medical defence in Section 5a (3) of the 1988 RTA. If the requirements for this defence are met at the roadside will there be a need for arrest?

I refer you to the Askthepolice site which states "You can still drive... even if you're over the prescribed limits".

Response:

On reviewing your original Freedom of Information request, the response provided to you are your request for an Internal Review, I can respond as follows.

Our Force Policy Officer has confirmed that 'we have no policy on the use of prescribed medical cannabis or any other prescription drug. We also have no policy covering Section 5A(3) of the 1988 RTA'.

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Our Roads Policing Unit have also confirmed 'it can be raised at any point during the investigation however we will collate all evidence we can, if a positive line is detected on the wipe it will most certainly lead to arrest and blood test, we can then investigate the medication supplied, amounts taken and make informed decisions once the blood result returns.'

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN



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Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

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Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>