



**Force Disclosure Unit**  
Police Headquarters  
London Road  
DEVIZES  
Wiltshire  
SN10 2DN

Date: 14<sup>th</sup> May 2024

Ref: FOI 2024/411

Dear,

I write in connection with your request for information dated 15<sup>th</sup> April 2024 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.

Your request for information has now been considered and after having consulted various departments – I am now able to respond as follows.

**You wrote & our response:**

- 1) a copy of the Constabulary's policy or procedure for the verification of the legitimate possession, use, or presence (in saliva, blood, or urine) of THC resulting from prescribed medical cannabis/cannabis-based prescription medicine (CBPM);

[We do not have a local policy covering this.](#)

- 2) if the Constabulary does not have a local policy regarding this, could you please confirm that the Home Office guidance is adhered to by the Constabulary - namely that someone claiming the legitimate possession and/or use of medical cannabis will be expected to produce: the original medication container complete with the pharmacy dispensing label bearing the name of the patient; with either a copy of their FP10 prescription or a letter from the prescribing clinician; and a form of recognised photo ID (such as a passport, driving licence, or a PASS accredited photocard) bearing the same name as displayed on the dispensing label and the copy of the FP10 or clinician's letter;

[Yes, the Home Office guidance would be adhered to and we would ask for the above to be produced in order for the Evidence Review Officer to make an informed decision should an individual be arrested but also to prevent arrest. The onus would be on the subject to provide evidence of lawful possession.](#)

- 3) if your Constabulary does not have a policy in response to question 1, could you please provide the Constabulary's policy regarding procedural compliance with the PSED (Public Sector Equality Duty) of the Equality Act 2010, especially with regards to the avoidance of discrimination against disabled people. In the absence of a substantive policy, could you provide a clarification on the procedures in place to prevent the procedural or systemic discrimination against disabled people for the legitimate possession and use of their prescribed medication (through the seizure of prescription medicine or the arrest of the disabled person for their possession of this prescribed medicine);

We do not have a policy on the Public Sector Equality Duty as this is a statutory requirement. Wiltshire Police takes this duty seriously and it is a consideration in the development of any policy and our decision making.

- 4) a copy of any internal briefing documents provided to police officers regarding the existence of - and the process for the verification of - prescribed medical cannabis flower or other CBPM's following the Home Office Circular 2018: 'Rescheduling of cannabis-based products for medicinal use in humans' and The Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018 which allowed the prescribing of medical cannabis (CBPM);

We have not provided additional guidance on this to date, but we are planning on sending a force-wide email in the near future that would provide advice surrounding this subject and also act as a reminder regarding the verification process.

Officers are aware of prescription medication and as part of their investigation would consider if someone has had this prescribed to them.

- 5) the named lead for the Constabulary for matters pertaining to the verification of prescribed medical cannabis (CBPM's);

Detective Chief Inspector Megan Elkins.

- 6) the Constabulary's policy or position relating specifically to the Constabulary's \_recognition\_ of unaccredited card schemes such as Cancard, despite an absence of such recognition by the Home Office, if such a policy exists;

We do not have a policy covering this.

- 7) if your Constabulary is responsible for a port of entry or a domestic airport, whether the policies or procedures you specify differ for those departing from the United Kingdom or passing from landside to airside - as the Home Office regulations in this regard apply to the regulations relating to the personal carriage of controlled drugs, but not the procedures that should be followed by patients locally in compliance with these regulations (i.e. in terms of the practical steps that should be followed by patients to comply with these regulations);

There is no port of entry or domestic airport within Wiltshire.

However, any traveller moving a substance across borders would be duty bound to make that declaration and each border crossing would consider each case on

its merits. If it's prescribed in the UK medicinally, it doesn't mean that this would then be recognised by other countries as lawful. Each country would have its own laws and rules, and the traveller would have to ensure that they were within the law of the country in which they are visiting.

- 8) the dates upon which any of the procedures, policies or positions engaged by your response to the above is due for review.

N/A.

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,

Force Disclosure Decision Maker

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

### 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](mailto: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 FOI 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.

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#### **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  
Cheshire  
SK9 5AF  
Tel: 01625 545 700  
Fax: 01625 524 510  
Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)