

WILTSHIRE POLICE



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

Date: August 9, 2024

Our ref: FOI 2024/724

Reply contact name:

Dear,

I write in connection with your request for information dated 1st August 2024.

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 Roads Policing Unit at Wiltshire Police.

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

You Wrote:

If a driver is arrested as a result of having tested positive at the roadside for cannabis, after a DrugWipe was administered at the roadside and the positive test is subsequently confirmed through a blood/urine sample leading to them being charged for the offence — are they able to continue driving until their Court hearing?

Secondly, please can you confirm the offence of drug driving (cannabis) is under Section 5A of the Road Traffic Act 1988?

Response:

Question One

Yes, they can continue to drive post-charge and up until their hearing at a court of law. At this point they will be at the disposal of the court and may receive a disqualification if they either plead guilty, or, if the case goes to trial and they are convicted of the offences.

Question Two

Yes

Keeping Wiltshire Safe

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.



Keeping Wiltshire Safe

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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 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.

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
Keeping Wiltshire Safe

Wycliffe House
Water Lane
Wilmslow
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/>