

# Drug Driving

## What is an offence of drug driving?

From March 2015, the government introduced new laws which give police more power to prosecute drug driving offences in the UK. These changes are not just for illegal drugs, but also drugs which are legally prescribed or purchased therefore you need to ensure that you know all the facts to make sure that you drive within the limits of the new drug driving law.

Driving whilst under the influence of drugs is extremely dangerous, both for you and other road users. Illegal and over-the-counter drugs can have an adverse effect on your mood, concentration, reaction times and your overall ability to drive safely. Drug drivers can suffer from slower reaction times, erratic and aggressive behaviour, and an inability to concentrate properly, as well as nausea, hallucinations, panic attacks, paranoia, dizziness and fatigue. During the phase whilst the effects of drugs are wearing off, the drug user may feel fatigued, which will affect their concentration whilst driving.

It is an offence to drive under the influence of drugs and the new powers introduced by the Government gives the police more power to prosecute those who have an unacceptable amount of drugs in their system. You do not have to be on illegal drugs to be unfit to drive, many prescription or over-the-counter medicines can also impair your ability to drive. If you are taking medicines, talk to your doctor, pharmacist or healthcare professional before driving.

The new drug driving laws do not simply concentrate on a drivers' fitness to drive but is based simply on whether the driver is over the prescribed limit as with drink driving offences. They do not replace the old laws, but will be used where one of the specific drugs has been detected, as defences open to a driver are much narrower.

The new drug law focuses on two different groups; illegal recreation drugs and legal, licensed drugs.

## What are illegal recreation drugs?

The government decided to set permissible amounts, rather than have a zero tolerance, because certain prescribed medications can leave trace effects in the body. However, the limits for illegal drugs will be extremely low therefore even the smallest amount in your system could lead to prosecution. Drugs which fall into this category include: Cannabis, Cocaine, Ecstasy, Heroin, Ketamine, Methylamphetamine and Lysergic Acid Diethylamide (LSD).

## What are legal, licensed drugs?

The government has set the limits higher for drugs which are legal and licensed. The presence of these drugs in a drivers system can be for medical purposes. However such drugs are often open to abuse and the new drug law hopes to clamp down on drivers abusing legal, licensed drugs. Drugs in this category can include: Methadone, Morphine, Clonazepam, Temazepam, Lorazepam, Oxazepam and Diazepam. If you are stopped and are over the limit for using drugs in this category you may have a medical defence.

## What is a medical defence?

The majority of people have used over the counter or prescription drugs at some point. Therefore if you do use over the counter or prescribed drugs then you should seek advice from your pharmacist or GP in order to fully understand the side effects of taking the drugs. Only you know if you are fit to drive or not. Driving whilst impaired is an offence and you can be prosecuted under existing road traffic law. If you feel affected by any medication that you are taking then you are advised not to drive for your own safety and for the safety of other road users.

**Continued overleaf >**

Contact our Transport team:

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'Keepmeontheroad' is the collective name for the Road Transport Law & Motorist Defence team at Rotheras Solicitors.

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## Drug Driving - Continued

If you are unsure about how the new drug driving law affects you or if you have any concerns speak to your doctor or another healthcare professional. We would advise any driver taking higher than average doses of relevant medicines carry with them evidence of the prescribing instructions given to them by their health care professional. If you have a regular prescription it is advisable to have a copy of the prescription with you in case you get pulled over by the police. This may speed up investigations into your medical defence. Users of prescription medication should also consult their doctor if they are considering taking over the counter medication to supplement their prescription to find out whether the additional medicine could put them over the limit.

### What happens if you get pulled over?

Under the new law introduced in March 2015 the police have the power to carry out a drug screening test if they suspect that you are driving whilst under the influence of drugs. Drug screening will be done initially using a Drugalyser oral swab tests called the 'Drugwipe', which test for chemical compounds in the saliva. The equipment provides a fully automated oral fluid on-site analyser providing printed out test results in 10 minutes. A positive saliva sample could lead to a blood sample test then being taken. The police will use the new offence to prosecute drivers whose evidential blood samples contain more than the specified limits of those drugs provided for in regulations. Failure to provide a sample without reasonable excuse may lead to prosecution.

There is no official advice on how long after taking drugs it is safe for a driver to take a Drugalyser test. It would be extremely risky to try to estimate when it would be safe to drive.

### What are the penalties for drug driving?

Prosecution for drug driving carries heavy penalties which include:

- Minimum 12 month driving ban;
- A criminal record;
- Up to £5000 fine and / or 6 month prison sentence.

There can be other effects to your life such as loss of your job, the stigma of being a convicted drug driver, higher car insurance and even the possibility of visa restrictions.

Drivers who appear before the Courts for drug driving related matters cannot expect the offer of a rehabilitation course as in a drink driving offence in order to reduce the period of disqualification by 25%. Although legal statute makes provision for the offer of such a course, there have been no providers of such to date though it is arguable that the courses on offer at present still do address the rehabilitative element which is the intention of Parliament.

### What should I do if I need help with a drug driving related matter?

It is important you understand the new drug driving laws and how they affect you, so you can drive safely and with the knowledge that you are within the legal driving limits. Think carefully before you drive if you are taking any kind of drugs, either controlled or illegal. If you are in any doubt it is advisable to seek expert legal advice.

It is always advisable to seek assistance from a specialist motoring solicitor as soon as you receive a charge sheet or summons for any driving offence. It is best to seek advice as soon as possible in order put a defence forward or to keep any disqualification to the shortest possible period.

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