

# Drug driving on the rise in United Kingdom

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## **Drug driving arrests on the rise in United Kingdom**

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**By Brighton Chireka**

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Last year I wrote an article raising awareness about drug driving and the changes to the law that came into effect in March last year, which saw new road-side drug screening devices introduced. According to data obtained by Confused.com , drug-driving arrests have increased. In 2015, 1,686 drivers were caught drug-driving, compared with only 738 in 2014 – a rise of approximately 140%. This is very worrying and may I urge people once again to check any medication carefully before going behind the wheel.

In short may I suggest that before taking any medication , please read the instructions carefully and speak to your doctor or pharmacist. If you cannot get any advice then I suggest that you err on the side of caution and stop driving after taking certain drugs. Your road safety and that of others must be a top priority.

### **The new drug driving offence**

IN the United Kingdom a new offence of driving with certain specified controlled drugs in excess of specified levels in the body came into force on the 2nd March, 2015.

I thought I should once again use this platform to explain what it means to all of us so that we do not get into problems. Ignorance is no defence so get the facts right and stay out of trouble. It is worrying that the numbers of drivers caught drug driving has risen by 140% since the law came into force. Sadly the majority of those arrested drivers were taking prescription medication rather than illegal drugs. It has been found that British motorists are four times more likely to drive under the influence of legal drugs, such as diazepam and codeine. This is not only confined to the United Kingdom but does apply to all the drivers world over.

You must all be aware of the existing offence of driving whilst impaired through drugs in the United Kingdom (whether due to non-medical use or due to legitimate use of medicines) in section 4 of the Road Traffic Act 1988. This offence did not change and will remain alongside the new drug driving offence that came into effect in March.

The new offence refers to driving, attempting to drive or being in charge of a vehicle with a specified controlled drug in the body, in excess of a specified limit (Section 5A of the Road Traffic Act 1988 as amended in April 2013).

These controlled drugs include, Diazepam, Clonazepam, Temazepam, Oxazepam, lorazepam, Methadone, Morphine, and Amphetamines ( were to be included) . They are prescribed for several medical conditions so many innocent people will be affected by the new law but there is no need to panic as there is a "medical defence" that can be used if one is genuinely taking the medication prescribed by his/her doctor.

Another thing is that the cut off limits which have been set are above the normal therapeutic range so most patients are unlikely to be driving with a concentration of a specified drug in their body above the specified limit. However, those on particularly high doses, for example, could test above

the specified limit and would still be entitled to raise the statutory "medical defence".

### **Police using gadgets to fight drug driving**

The police are now using roadside drug screening to identify if the person driving or in control of the vehicle has taken a listed drug. Following a positive screening result using oral fluid, the person can then be requested to provide a blood sample for evidential purposes, to enable prosecution for the new offence if above the specified limit.

Any person who would have taken their medicine(s) in accordance with the advice of the prescriber (their doctor) or supplier of medicine(s) (and /or the product information included in the medicine pack) who are found to have blood level higher than specified in the regulations are entitled to raise the statutory "medical defence" at any stage and might then not be asked to provide a blood sample.

The statutory "Medical Defence" Any person who is to be investigated for drug driving would generally be entitled to raise the statutory "medical defence" if:

The drug was lawfully prescribed, supplied, or purchased over-the-counter, for medical or dental purposes; and

The drug was taken in accordance with advice given by the person who prescribed or supplied the drug, and in accordance with any accompanying written instructions.

If the police had evidence that the patient's driving was impaired due to drugs, whether prescribed or not, they can prosecute under the existing offence of driving whilst impaired through drugs offence described in section 4 of the Road Traffic Act 1988, for which there is no statutory "medical defence":

This means that it remains the responsibility of all drivers, including patients, to consider whether they believe their driving is, or might be, impaired on any given occasion, for example if they feel sleepy. It will remain an offence, as now, to drive whilst their driving is impaired by drugs; and, if in doubt, drivers should not drive. The statutory "medical defence" will not be extended to be available for the existing 'impairment' offence because even if legitimately taking medicine, the patient should not be driving if actually impaired.

Also if you are taking the controlled drug as prescribed medicine it may, therefore, be helpful to keep some suitable evidence with you when driving that shows that you are taking the controlled drug as prescribed medicine or supplied by a healthcare professional or bought over-the-counter and taken in accordance with the leaflet accompanying the medicine, in case that you are ever stopped by the police.

Please make sure that you are taking these controlled drugs as instructed by your doctor. If you are overdosing and you happen to be stopped by the police, you cannot use the "medical defence" as

you will not have followed your prescriber's orders.

In conclusion just remember the police have new powers to test and prosecute drivers who are suspected of driving having taken certain specified controlled drugs in excess of specified levels in the body. You must not worry if you are taking your medication according to the instruction and your driving is not impaired. This is because, unlike the existing offence of driving whilst impaired by a drug, the new offence has a statutory "medical defence" to protect those patients who may test positive for certain specified drugs taken in accordance with the advice of a healthcare professional or the patient information leaflet that accompanies the medicine.

This article was compiled by Dr Brighton Chireka , who is a GP and a blogger based in Kent in the United Kingdom. Feel free to contact him at [info@docbeecee.co.uk](mailto:info@docbeecee.co.uk) and you can read more of his work on his blog at [DR CHIREKA'S BLOG](#)

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