

February 2015

PSNC Briefing 005/15: March 2015 Drug driving legislation change

New drug driving legislation coming into force on 2 March 2015 makes it an offence to drive with a blood concentration level above certain limits for specific drugs. Contractors will need to ensure their pharmacy team understands the implications of the legislation change for their patients and this briefing is intended to help support that learning by explaining the change and highlighting useful support materials.

The change in legislation

Section 56 of the Crime and Courts Act 2013 inserted a new section 5A into the Road Traffic Act 1988, which makes it an offence to drive with a blood concentration level above the specified limit for a specified controlled drug.

In accordance with section 5A of the Road Traffic Act when a person's body contains a specified controlled drug and that person drives or attempts to drive or is in charge of a motor vehicle, then he is guilty of an offence if the proportion of the drug in the person's body exceeds the specified limits of that drug.

It will be, however, a defence for the person charged with such offence if he can show that the specified controlled drug had been prescribed or supplied to him for medical or dental purposes, and that he took the drug in accordance with any directions given by the prescriber or the supplier and in accordance with any accompanying instructions given by the manufacturer or distributor of the drug and that the drug was obtained lawfully.

The Drug Driving (Specified Limits) (England and Wales) Regulations 2014 specifies 16 such drugs and corresponding limits, and the Drug Driving (Specified Limits) (England and Wales) (Amendment) Regulations 2015 now adds amphetamine and the limit for the purposes of the section 5A offence. The provisions come into effect on 2 March 2015.

Controlled drug	Limit (microgrammes per litre of blood)
Amphetamine	250
Benzoylcegonine	50
Clonazepam	50
Cocaine	10
Delta-9-Tetrahydrocannabinol	2
Diazepam	550
Flunitrazepam	300
Ketamine	20
Lorazepam	100
Lysergic Acid Diethylamide	1



Controlled drug	Limit (microgrammes per litre of blood)
Methadone	500
Methylamphetamine	10
Methylenedioxymethamphetamine	10
6-Monoacetylmorphine	5
Morphine	80
Oxazepam	300
Temazepam	1000

Support materials

[A press release has been issued by the Department for Transport](#) to remind people who take medicines and are not sure if they are safe to drive to check with their pharmacist or doctor. Details of the accompanying awareness campaign starting in February can be found in the [partner pack](#).

[Guidance for healthcare professionals on drug driving](#) is also available. Healthcare professionals prescribing or supplying medicines take account of the risks of medicines (such as whether a patient’s driving may be impaired by their medicines) and advise accordingly. This clinical practice has not changed. In this Guidance healthcare professionals can find a reiteration of existing advice that they would normally consider giving to patients about taking medicines that could impair their driving.

However, healthcare professionals are likely to want to be able to explain the new rules concerning this offence to patients. They can also find in the Guidance a clear explanation of the new legislation including the statutory “medical defence” available to patients who have taken their medicine in accordance with their advice and/or the information contained in the leaflet accompanying the medicine.

If you have queries on this PSNC Briefing or you require more information please contact [Maria Georgiou, Regulations Officer](#).