

ADVISER

INTRODUCTION OF NEW DRUG DRIVING LEGISLATION

On 2 March 2015, a new drug driving law came into force in England and Wales. It is now illegal to drive with certain drugs above the specified blood levels in the body. The Crime and Courts Act 2013 created a new limits-based offence of drug driving by inserting a new section 5A in the Road Traffic Act 1988¹.

Under the Act, a driver can be convicted if “the proportion of the drug” in his or her “blood or urine exceeds the specified limit for that drug”. The new law is designed to identify people driving under the influence, which can significantly affect driving skills. The new offence will work alongside the existing offence of driving while impaired through drink or drugs.

WHAT TO DO THE CHANGES MEAN?

It is now an offence to drive with certain drugs, including some prescription drugs, above a specified level in the blood. The existing offence relates to driving while impaired by drugs, for which the police have to prove that the drug has caused this impairment. The new law makes it easier for the police to catch and convict drug drivers, as the police need only to obtain a blood sample and show that certain drugs are present above specified limits.

Police forces will have access to new screening equipment to test suspected drug drivers. Officers will be able to:

- Screen drivers for cannabis and cocaine at the roadside.
- Perform blood sample checks at the station for these and other drugs, even if a driver passes the roadside check.

MEDICINAL DRUGS ARE INCLUDED IN THE NEW OFFENCE

The Department of Transport (DfT) estimates that around 19 million prescriptions a year are issued for drugs which are included in the scope of this offence. Drivers are therefore at risk of inadvertently breaking the new law when taking certain commonly used medicines.

A total of 16 legal and illegal drugs are covered by the new law, including cannabis, cocaine, ecstasy, and ketamine. The limits for all illegal drugs are extremely low; taking even a very small amount of an illegal drug could push a driver over the limit.

The new law also sets limits at very low levels for eight prescription drugs:

- | | |
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| • Clonazepam. | • Oxazepam. |
| • Diazepam. | • Temazepam. |
| • Flunitrazepam. | • Methadone. |
| • Lorazepam. | • Morphine. |

The majority of drivers taking these drugs will be able to drive normally, and their driving will not be impaired as long as they take their medicine in accordance with the advice of their health professional and/or information printed in the accompanying leaflet. Drivers who take prescribed medicine at high doses are encouraged to carry evidence with them, such as prescription slips, when driving.

¹ Statutory Instrument: 2014 No. 2868 The Drug Driving (Specified Limits) (England and Wales) Regulations 2014

WHAT ARE THE CONSEQUENCES?

The penalties for drug driving are the same as for drink driving:

- Minimum one-year driving ban.
- Unlimited fine.
- Up to six months in prison.
- A criminal record.
- A conviction for drug driving will show on a licence for 11 years.

Further guidance is available from the [DtF](#).

WHAT SHOULD EMPLOYERS BE DOING?

If your employees drive as part of their role, we recommend that you make them aware of the changes to the law; however, given the number of people who drive to work on a regular basis, it is relevant on a much wider scale.

You should also consider changing and reviewing company and substance misuse policies to reflect the new legislation and include a list of covered substances as listed earlier. The new legislation could also be used as an opportunity to promote awareness of the risks associated with drug and alcohol use and to promote a healthy workplace culture, for example, by conducting awareness training for colleagues and revisiting any existing drug testing procedures.

FIND OUT MORE

Marsh Risk Consulting has a team of experienced occupational health and safety practitioners who can provide advice and guidance with regards to all aspects of driving at work risk management, including advice and assistance in updating your policies and contracts in line with this new legislation.



CONTACT US

For further information and assistance please contact your usual Marsh representative or email

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