

Draft Regulations laid before the Scottish Parliament under section 195(4A) of the Road Traffic Act 1988 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

ROAD TRAFFIC

The Drug Driving (Specified Limits) (Scotland) Regulations 2019

Made - - - - 2019
Coming into force - - 21st October 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 5A of the Road Traffic Act 1988⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 195(2A)⁽²⁾ of that Act, they have consulted with such representative organisations as they think fit.

In accordance with section 195(4A)⁽³⁾ of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Drug Driving (Specified Limits) (Scotland) Regulations 2019 and come into force on 21 October 2019.

Specified controlled drugs and specified limits for the purposes of section 5A of the Road Traffic Act 1988

2. The table below specifies the controlled drugs⁽⁴⁾ and, in each case, the limit in blood for the purposes of the offence in section 5A of the Road Traffic Act 1988 (driving or being in charge of a motor vehicle with concentration of specified controlled drug above specified limit).

(1) 1988 c.52. Section 5A was inserted by the Crime and Courts Act 2013 (c.22), section 56(1).

(2) Section 195(2A) was inserted by the Scotland Act 2012 (c.11), section 20(9).

(3) Section 195(4A) was inserted by the Scotland Act 2012, section 20(10) and amended by the Crime and Courts Act 2013 section 56(3).

(4) Section 11(2) of the Road Traffic Act 1988 provides that the term “controlled drug” has the meaning given by section 2 of the Misuse of Drugs Act 1971 (c.38). The definition in section 11(2) was inserted into the Road Traffic Act 1988 by section 56(2) (a) of the Crime and Courts Act 2013.

Table

| <i>Controlled drug</i> | <i>Limit (microgrammes per litre of blood)</i> |
|-------------------------------|--|
| Amphetamine | 250 |
| Benzoylcegonine | 50 |
| Clonazepam | 50 |
| Cocaine | 10 |
| Delta-9-Tetrahydrocannabinol | 2 |
| Diazepam | 550 |
| Flunitrazepam | 300 |
| Ketamine | 20 |
| Lorazepam | 100 |
| Lysergic Acid Diethylamide | 1 |
| Methadone | 500 |
| Methylamphetamine | 10 |
| Methylenedioxymethamphetamine | 10 |
| 6-Monoacetylmorphine | 5 |
| Morphine | 80 |
| Oxazepam | 300 |
| Temazepam | 1000 |

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Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 5A(1) and (2) of the Road Traffic Act 1988, it is an offence for a person to drive, attempt to drive or be in charge of a motor vehicle on a road or other public place with a specified controlled drug in his or her body, if the proportion of the drug in the blood or urine exceeds the specified limit for that drug. Section 5A(8) provides that “specified” means specified in regulations, which under subsection (8)(b) are to be made by the Scottish Ministers in relation to driving, or attempting to drive, or being in charge of a vehicle, in Scotland. These Regulations specify the controlled drugs for this purpose and the limit for each, expressed as a concentration in blood.