

Expert Panel on Drug Driving – approved minutes of 24 April 2012 meeting, 11:30 – 14:45

Venue: Department for Transport

Attendees:

Dr. Kim Wolff, Chair (King's College London)
Dr. Lily Read (Northampton Healthcare NHS Trust)
Dr. J. Colin Forfar (CHM representative)
Dr. Roger Brimblecombe (ACMD representative)
Dr. Judith Morgan (DVLA)
Professor Atholl Johnston (Barts & London School of Medicine, Queen Mary University)
Professor David Osselton (Bournemouth University)
Xxxxxx xxxxxxxx (Centre of Applied Science & Technology)
Xxxxxx xxxxxxxx (DfT)
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Xxxxxx xxxxxxxx (DfT)
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Apologies:

Professor Robert Forrest (Sheffield University)
Eilish Gilvarry (Newcastle University)

1. Background and Policy Update:

Xxxxxxxx xxxxxxxxxxxxxx provided background and a policy update to the panel explaining that the Government is looking for a legislative opportunity to create a new offence of drug driving through Primary legislation. The panel has been set up to provide technical expertise to help specify what drugs (and at what concentrations) should fall into the remit of this new offence. The panel's recommendations will be used to draw up the list in secondary legislation through affirmative procedures.

A cross government policy working group chaired by DfT has been established to provide policy steers for the new drug driving offence and to consider the panel's recommendation. It has attendance from the Home Office, Ministry of Justice and the Department of Health and will consider the Panel's progress and provide policy support to the Drug Driving Panel as required.

2. Confidentiality

Xxx xxxxx xxxx xxxxx stressed the need for confidentiality of panel discussions, due to strong commercial and media interests.

3. Terms of Reference

The panel considered the draft Terms of Reference and approved the following changes.

The group discussed the issue of defining impairment and considered whether it might define impairment in terms of the risk to road safety that drug taking caused, based on evidence. Xxx pointed out that the Highway Code extract provided to the panel could also help in defining impairment.

The panel agreed that impairment could be defined in terms of road safety and risk of adverse events such as road traffic accidents.

Xxxxxx xxxxxxxx agreed to send the group Home Office research which has tried to quantify impairment from alcohol. **(Action 1)**.

The following list of drugs was agreed for inclusion in the Terms of Reference as the initial list for consideration:

- a) amphetamine-type;
- b) benzodiazepines and hypnotics;
- c) cannabinoids (natural and synthetic);
- d) cocaine (including salt and crystallised forms);
- e) hallucinogens;
- f) opioids (natural and synthetic);
- g) other substances if the group considers they have a similar and significant presence in the population.

It was decided to add inside the parenthesis “broadly equivalent to a blood alcohol content of” to paragraph 4 of the Terms of Reference (concerning concentration of drugs).

The group felt that clarification was needed about the treatment of prescribed drugs in the context of the new offence. The group agreed to add the following footnote from the North report (para 7.43) to paragraph 6 of the Terms of Reference, regarding a proposed statutory defence for the new offence of driving with drugs above the prescribed limit, which would apply to prescribed drugs taken in accordance with medical advice:

“Some drugs which may be proscribed for driving might also be used legitimately, in accordance with medical advice (for example morphine may be prescribed for chronic pain or diazepam (a benzodiazepine) may be prescribed for anxiety). Indeed, the Review recognises that in some circumstances it may be more dangerous for a person to drive having not taken their medically prescribed drug than driving without having taken it. Drugs have different effects on different people and levels at which they are prescribed are likely to reflect this. It would clearly be wrong to put in jeopardy of prosecution those who are properly and safely taking medically prescribed drugs and driving in accordance with medical advice, for whom, despite the presence of a proscribed drug, there is no evidence of any driving impairment (North report, 2010).

Recommendation (14): A statutory defence should be available in respect of any new offence of driving with a listed drug or category of drug in the body above the statutory prescribed level if the defendant had taken the drug in accordance with medical advice. This defence

should not be available in respect of the impairment offence under section 4 of the Road Traffic Act 1988 of driving while unfit due to drugs” (North report, 2010).

The idea was raised that the panel be kept informed of those drugs likely to be included in police screening devices to ensure synergy between different departments. However, as the roadside devices are still awaiting a specification to be drawn up, it was deemed that the offence should set out the drugs that needed to be covered for road safety reasons, and that technology to identify such drugs should follow.

In terms of a time line the panel will aim for an interim report to be prepared by October 2012.

4. Need for Further Evidence

Information about the prevalence of different drugs should be examined to inform the panel’s considerations.

Agree xxxxxxx xxxxxx to source relevant material from the British Crime Survey as a start in collecting information on drug use amongst the general public (**Action 2**):

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb1211/hosb1211?view=Binary>

Key experts would be invited to present data to the panel in advance of or at future meetings. The panel members are requested to submit their suggestions to xxx xxxx before the next meeting. (**Action 3**).

A synthesis of the peer reviewed literature would be undertaken and key members of the panel would be asked to present the evidence accordingly.

DfT will send the reports from Norway and the Netherlands on setting prohibition limits on drugs, for members to read and assess before panel meetings. (**Action 4**).

5. Next meetings and other issues

The panel members agreed to send details of any potential conflicts of interest to xxxxx xxxxxx. The panel are also asked to return their signed agreement to the revised Terms of Reference and Panel Guidelines, as soon as possible, so that they can be published on DfT’s website. (**Action 5**).

Potential dates for future meetings will be sent to the panel shortly. Members are asked to indicate their availability so that dates can be agreed well in advance. (**Action 6**).

Advanced written apologies would be appreciated from Panel Members if they are unable to make any of the meetings.