



LETTER SENT BY E-MAIL ONLY

15 April 2024

2024/25-009

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 15 April, in which you made the following request under the Freedom of Information (Scotland) Act 2002.

"I wish to request, under the Freedom of Information Act (2000), the following from your Constabulary, Policing Authority, or Police Service -

- 1) a copy of the Constabulary's policy or procedure for the verification of the legitimate possession, use, or presence (in saliva, blood, or urine) of THC resulting from prescribed medical cannabis/cannabis-based prescription medicine (CBPM);
- 2) if the Constabulary does not have a local policy regarding this, could you please confirm that the Home Office guidance is adhered to by the Constabulary - namely that someone claiming the legitimate possession and/or use of medical cannabis will be expected to produce: the original medication container complete with the pharmacy dispensing label bearing the name of the patient; with either a copy of their FP10 prescription or a letter from the prescribing clinician; and a form of recognised photo ID (such as a passport, driving licence, or a PASS accredited photocard) bearing the same name as displayed on the dispensing label and the copy of the FP10 or clinician's letter;
- 3) if your Constabulary does not have a policy in response to question 1, could you please provide the Constabulary's policy regarding procedural compliance with the PSED (Public Sector Equality Duty) of the Equality Act 2010, especially with regards to the avoidance of discrimination against disabled people. In the absence of a substantive policy, could you provide a clarification on the procedures in place to prevent the procedural or systemic discrimination against disabled people for the legitimate

possession and use of their prescribed medication (through the seizure of prescription medicine or the arrest of the disabled person for their possession of this prescribed medicine);

4) a copy of any internal briefing documents provided to police officers regarding the existence of - and the process for the verification of - prescribed medical cannabis flower or other CBPM's following the Home Office Circular 2018: 'Rescheduling of cannabis-based products for medicinal use in humans' and The Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018 which allowed the prescribing of medical cannabis (CBPM);

5) the named lead for the Constabulary for matters pertaining to the verification of prescribed medical cannabis (CBPM's);

6) the Constabulary's policy or position relating specifically to the Constabulary's recognition of unaccredited card schemes such as Cancard, despite an absence of such recognition by the Home Office, if such a policy exists;

7) if your Constabulary is responsible for a port of entry or a domestic airport, whether the policies or procedures you specify differ for those departing from the United Kingdom or passing from landside to airside - as the Home Office regulations in this regard apply to the regulations relating to the personal carriage of controlled drugs, but not the procedures that should be followed by patients locally in compliance with these regulations (i.e. in terms of the practical steps that should be followed by patients to comply with these regulations);

8) the dates upon which any of the procedures, policies or positions engaged by your response to the above is due for review.

The above information will be invaluable to patients in receipt of medical cannabis and will ensure a wider understanding and the subsequent compliance with the expectations of your Constabulary. It is clearly in the public interest to ensure that medical cannabis patients are aware of local policies and procedures and can comply accordingly, so that finite police resources are not spent on the avoidable and potentially unlawful arrest of patients in receipt of legitimately prescribed medical cannabis medication (CBPM's), or the seizure of their prescribed medicine.

This is a new request for a de novo response to reflect any changes or updated information that may have been adopted since any previous responses to some of these questions may have been provided."

Response

The Scottish Police Authority has considered your request for information and is able to provide the following.

The Scottish Police Authority does not hold the information requested.¹

The Authority provides governance and oversight of policing in Scotland and does not hold information on operational policing matters.

Information may be available by contacting Police Scotland at foi@scotland.police.uk

You may also refer to [Police Scotland's Disclosure Log](#) as there are several responses regarding cannabis based products.

Right to Review

If you are dissatisfied with the outcome, you can ask us to review our response. If you want us to carry out a review, please let us know within 40 working days. You must specify the reason for your dissatisfaction and submit your request to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) after seven days.

Yours faithfully

SPA Corporate Management

¹ This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.