



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

2 Clyde Gateway
French Street
Glasgow
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LETTER SENT BY EMAIL ONLY

27 June 2025

FOI Ref 2025/26-024

Request

Your request for information dated 2 June 2025 is copied below.

Under the Freedom of Information Act, I require the following information under the Misuse of Drugs Act 1971. Under this act Police Scotland should have created Controlled Drugs Liaison Officers (CDLOs).

This act is the piece of legislation which, amongst other things, outlines which drugs are 'controlled'. It also details the specific offences relating to these 'controlled' drugs across the UK, including Scotland.

The regulation of controlled drugs is a reserved matter for the UK Government, this means Scottish Police should mirror all actions taken in regard to the Misuse of Drugs Act 1971 and amendments.

The position of CDLO was defined in 2006:

" The 2006 Health Act introduced various measures to improve public health and NHS operations, including a ban on smoking in public places, increased age for tobacco sales, and enhanced regulation of controlled drugs. It also established Controlled Drugs Liaison Officers (CDLOs) to link police and health authorities in managing controlled drugs part 3 section c 1 s 17."

So has Police Scotland failed in their duty of candour by stating that " CDLOs are not mandatory" (FOI 25-14945) has every other police force misinterpreted the need for CDLOs or did the SPA fail to instruct Police Scotland to perform this duty. This breakdown of policing of Controlled Drugs and the horrendously high drugs deaths in Scotland seem to be more than coincidental.

Police Scotland appears not to know its legal responsibilities and in the case of detainees actually help and assisted healthcare trusts, and especially NHS Grampian to break the law. Police Scotland did not notice that HMP Grampian and all police custody suites in most of Scotland, did not have controlled drugs licenses in place.

OFFICIAL

Does the SPA have a statutory duty to promote good policing principles and ensure compliance with legislation.

Response

The Scottish Police Authority has considered your request under the Freedom of Information (Scotland) Act (FOISA).

FOISA allows members of the public to seek access to recorded information already held by Scottish public authorities. The Scottish Police Authority does not hold any information that would answer the question "has Police Scotland failed in their duty of candour by stating that "CDLOs are not mandatory".¹

However, if your question refers to the role of the Controlled Drugs Accountable Officer (CDAO) we can provide information to assist. This role has legal basis in the [Health Act 2006](#). Section 17(1) of the Health Act allows a "relevant authority" to make regulations requiring "designated bodies" to appoint CDAOs. The Act explains that CDAOs have certain responsibilities in relation to the "safe, appropriate and effective management and use" of controlled drugs in connection with the designated body's activities.

For Scotland, the "relevant authority" is the (UK) Secretary of State in consultation with the Scottish Ministers. The Secretary of State has exercised this power through the [Controlled Drugs \(Supervision of Management and Use\) Regulations 2013](#). These regulations place no duty on Police Scotland to appoint CDAOs. The duty applies only to "designated bodies" which are Health Boards and related bodies. Therefore, the Authority and Police Scotland has no role in the duty to appoint CDAOs.

Information on CDAOs may be available by contacting the relevant Health Boards.

If you are dissatisfied with action or lack of action by Police Scotland, or about the standard of service provided by them you can make a complaint. Information on [how to make a complaint](#) is available on Police Scotland's website.

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

OFFICIAL

In terms of your question "Does the SPA have a statutory duty to promote good policing principles and ensure compliance with legislation."

The Authority considers that this information can reasonably be obtained.²

The Authority was established as a public body on 1 April 2013 by the [Police and Fire Reform \(Scotland\) Act 2012](#). Section 2 of the Act sets out the Authority's main functions.

The Authority, with Police Scotland, develops a [Strategic Police Plan](#) setting out the main objectives we seek to achieve for policing in Scotland. This aligns to the the policing principles laid down in the Police and Fire Reform (Scotland) Act 2012.

The Authority is committed to the open, transparent and accountable governance of policing and all public sessions of governance meetings are available to the press and public to observe.³

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email 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@foi.scot 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

Scottish Police Authority

² This represents a notice in terms of Section 25 of the Freedom of Information (Scotland) Act 2002 - where information is already available, there is no need to provide an alternative right of access to it through FOISA.

³ [Scottish Police Authority Governance and Meetings | Scottish Police Authority](#)