

SNP must crack down on drug driving menace

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The Scottish Conservatives are today launching a new campaign to demand tougher laws to crack down on drug-driving – amid growing evidence of the havoc it is wreaking on our roads.

The number of people on drugs dying at the wheel is now the same as the number fatalities who test positive for alcohol, new research has revealed.

Yet, despite this, the law and standard practice in Scotland lags significantly behind other parts of the UK.

Today, the Scottish Conservatives are setting out their own plan for action, and demanding that the SNP Government acts to deliver without delay.

The calls back those made by parents whose children have been killed by drug drivers in Scotland, such as Janice Ward.

Her 20-year old daughter Rachael was killed by a man driving at over 70 mph on the wrong side of the road, high on amphetamines.

Across the UK, including in Scotland, it is an offence to drive ‘impaired by drugs’.

But, unlike in England and Wales there is no specific drug limit for motorists, and police do not have standard access to roadside drug testing equipment.

Furthermore, in Scotland, if a case makes it to court, it is not enough to show that a driver had a specific amount of intoxicants in their bloodstream – instead prosecutors have to prove that a driver was ‘impaired’ by drug intake.

The Scottish Conservatives are now calling for 3 reforms to be taken immediately.

1. A prescribed limit for legal drugs – making it easier to prosecute motorists who put other road users at risk by taking dangerous levels of medicinal drugs.
2. Zero tolerance to driving on illegal drugs – effective use of new and existing legislation to reduce the prevalence of drug abusers getting behind the wheel.
3. Roadside drug testing kits – new roadside drug equipment to be supplied for quicker and easier detection of offenders.

Douglas Ross, the Scottish Conservatives' justice spokesman said:

"The evidence is clear – drug driving is just as dangerous as drink driving. Yet in Scotland, the government has simply failed to respond to this menace on our roads.

"We need immediate action now to bring a halt to the growing number of deaths and injuries caused by people on drugs getting behind the wheel.

"That means improved legislation to tackle driving under the influence of all dangerous substances, and a zero tolerance approach to anyone foolish enough to drive having taken drugs.

"We must also give our police the resources and equipment to put this into practice.

"Quite simply, Scotland has lagged behind other parts of the UK in failing to tackle this issue. The SNP Government needs to take action without further delay."

1. The Current Framework

Across the UK, including Scotland, it is an offence to drive 'impaired by drugs', but unlike in England & Wales there is no specific drug limit for motorists in Scotland, and police do not have access to roadside drug testing equipment. The current approach has many difficulties and fails to identify and prosecute motorists who are putting other road users at risk.

When confronted by a driver they believe is intoxicated by illicit substances, the police in Scotland can only conduct what is known as a 'field impairment test' at the roadside, which requires the driver to demonstrate their co-ordination by doing things like walking in a straight line or standing on one leg. If the person fails this test, the police officer has to take the person all the way to a police station to conduct a blood test, which can then be relied on in court.

If the case makes it to court, it is not enough to show that the driver had any or even at least a specific amount of intoxicants in their bloodstream. Under Section 4(5) of the Road Traffic Act 1998, prosecutors must prove that a driver was 'impaired' by the drugs in their system.

Field impairment tests, originally designed for testing levels of alcohol intoxication, are impractical, inefficient and unreliable. They do not offer a dependable way of distinguishing between drugs and alcohol. Put simply, they are not fit for purpose in a modern police force.

Similarly, the current legislation used to convict drug-drivers in Scotland is not tough enough. More effective laws and enforcement could reduce drug-related deaths on our roads.

In England & Wales, Section 56 of the Crime and Courts Act 2013 inserted a new Section (5A) into the Road Traffic Act 1998. This created a new offence

of driving in excess of a prescribed limit of seventeen drugs, so that driving over the limit of these drugs became illegal in a similar way to alcohol. This came into force in early 2015.

Police in England and Wales also now have access to roadside drug kits to swab for cannabis and cocaine in a motorist's saliva. These so-called 'drugalyser' devices have the potential to increase the detection of drug-driving in Scotland.

It is clear that Scotland is lagging behind in the way we deal with drug-drivers. The changes that have been made in other parts of the United Kingdom should be adapted into Scots law. Now is the time to take action to crack down on offenders, deter future driving on drugs and make Scotland's roads safer.

2. Why We Need Change

Although it is already an offence to drive while impaired by drugs in Scotland, there is a need for this legislation to be built upon. There is evidence both of the scale of the problem in Scotland and the positive impact that change can have.

A recently published article in *Forensic Science International* demonstrated the shocking prevalence of drug-driving in Scotland. The analysis revealed that driving under the influence of cannabis and drink-driving led to the same number of deaths between 2012 and 2015. Out of 118 cases of driver and motorcyclist fatalities examined, 24 (20 per cent) tested positive for alcohol and 24 (20 per cent) tested positive for cannabis. The study also showed a sharp rise in the number of fatalities who had taken drugs alone without any alcohol between 2013 and 2015. The lead author of the study, Dr Hilary Hamnett, has highlighted how far behind Scotland is compared to Scandinavian countries when it comes to drug-driving.

A Transport Scotland study, *Reported Road Casualties Scotland 2015*, demonstrated that a driver or rider being impaired by drugs was possibly or very likely to be a contributory factor in 55 road accidents in 2015.

There is also evidence that changes of the sort introduced in England & Wales will have a real impact. Drug-driving arrests soared 800 per cent in the first year in one force area after new legislation was brought into force, and it was reported that almost 14,000 arrests were made across England & Wales in the same time period. Conviction rates have also increased.

Parents of drug driving victims recently called for new laws to be introduced in Scotland

<http://tinyurl.com/n2mx7j6>

There have also been calls for action by road safety charities such as I Am RoadSmart

<https://www.iamroadsmart.com/media-and-policy/news-and-insights/advice-and-insights/2017/02/09/drug-driving-high-time-we-took-note>