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Maureen Watt MSP  
Convener  
Infrastructure and Capital Investment Committee  
Room M3.18  
The Scottish Parliament  
Edinburgh  
EH99 1SP



9 July 2013

Dear Maureen

**CONSULTATION: REGULATIONS TO SPECIFY THE DRUGS AND CORRESPONDING LIMITS FOR THE NEW OFFENCE OF DRIVING WITH A SPECIFIED CONTROLLED DRUG IN THE BODY ABOVE THE SPECIFIED LIMIT**

The Crime and Courts Act 2013 provided for a new offence of driving, attempting to drive or being in charge of a motor vehicle with a specified controlled drug in the body above the level specified for that drug. I am writing to let you know the UK Government has published a consultation on what specific drugs and what specific limits should be covered by the new drug driving offence.

The 2013 Act includes a power for the UK Government in relation to England and Wales, and the Scottish Government in relation to Scotland, to specify in secondary legislation the controlled drugs covered by the offence and to specify in secondary legislation the specific limit for each drug covered by the offence. Although the power to decide the controlled drugs should be covered by the offence and the corresponding limits that should apply have therefore been devolved through the 2013 Act to the Scottish Government, it should be noted all other legislative matters relating to drug driving remain reserved and therefore the responsibility of the UK Government e.g. setting the penalties available to the court for being convicted of the new drug driving offence.

At our request, **the consultation on specifying the drugs and corresponding limits extends to Scotland so that the views of Scottish stakeholders can be sought in order to inform how the Scottish Government makes decisions about which drugs should be included within the drug driving offence and what the limits should be for each of those drugs.**

Drug driving remains a constant hindrance to efforts in Scotland to make our communities safer and the ability to set drug driving limits as part of the new drug driving offence will be a useful tool in helping to make Scotland's roads safer. Any final policy decisions on what drugs to include within the drug driving offence and what limits should apply within the drug driving offence in Scotland will be taken within the wider context of Scotland's national drugs strategy.

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The consultation paper was published today with the consultation period ending on 17 September 2013.

The consultation document can be found on the Department for Transport's website:

[www.gov.uk/government/consultations/drug-driving-proposed-regulations](http://www.gov.uk/government/consultations/drug-driving-proposed-regulations)

The Scottish Government issued a news release as the consultation was launched:

<http://news.scotland.gov.uk/News/Drug-driving-limit-for-Scotland-247.aspx>

Following consideration of the results of this consultation, it will be for the Scottish Government to consider bringing forward secondary legislation to the Scottish Parliament for approval by Parliament and for the UK Government to do likewise for England and Wales in the UK Houses of Parliament.

I am sending a similar letter to Christine Grahame, Convener of the Justice Committee.



**KENNY MACASKILL**