

Justice Committee

Drug Driving (Specified Limits) (Scotland) Regulations 2019 [draft]

Written submission from the Scottish Courts and Tribunals Service

We thank you for being given the opportunity to respond to the above call for written views, to which I respond on behalf of the Scottish Courts and Tribunals Service (“the SCTS”). The response is submitted by the SCTS acting in its role to provide efficient and effective administration to the courts and tribunals in Scotland and does not include the views of the Judiciary.

The SCTS is supportive of the approach taken within the draft Regulations, which will improve safety for road users in Scotland.

The SCTS was provided with an opportunity to contribute to the draft Financial Impact Assessment and confirm that the information submitted appears to have been accurately reflected.

Whilst the Scottish Government had engaged with the SCTS on the draft Regulations, the proposed drug types/ levels had not been confirmed prior to it being laid before the Scottish Parliament. As a result, meaningful discussion with colleagues in DVLA and COPFS can only now begin.

These discussions will ensure that appropriate measures are put in place to notify DVLA of convictions for the new drug driving offence. It will also clarify how the courts will make the appropriate notifications where a prosecution involves two or more drug types which have been detected in a person’s system. The SCTS will need to make a number of changes to its criminal operating system (“COP 2”) to ensure that the specific drug(s) type and level of drug(s) detected can be accurately recorded by clerks of court.

In collaborating with justice partners at this early stage, the SCTS is of the opinion that the work required can be completed to meet the coming into force date of 21 October 2019.

If you require any further information, please let me know.

Mark Kubeczka
Legislation Implementation Team