

## Statement of Fact

Today I intend to challenge the charge of 'driving a motor vehicle with a proportion of a specified controlled drug above the specific limit' as per Section 5A of the Road Traffic Act 1988 on the following grounds:

### Statutory Medical Defence:

*"It is a defence for a person ("D") charged with an offence under this section to show that: -*

*(a) the specified controlled drug had been prescribed or supplied to D for medical or dental purposes,*

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*(b) took the drug in accordance with any directions given by the person by whom the drug was prescribed or supplied, and with any accompanying instructions (so far as consistent with any such directions) given by the manufacturer or distributor of the drug, and -*

*(c) D's possession of the drug immediately before taking it was not unlawful under section 5(1) of the Misuse of Drugs Act 1971 (restriction of possession of controlled drugs) because of an exemption in regulations made under section 7 of that Act (authorisation of activities otherwise unlawful under foregoing provisions).*

*(4) The defence in subsection (3) is not available if D's actions were—*

*(a) contrary to any advice, given by the person by whom the drug was prescribed or supplied, about the amount of time that should elapse between taking the drug and driving a motor vehicle, or*

*(b) contrary to any accompanying instructions about that matter (so far as consistent with any such advice) given by the manufacturer or distributor of the drug.*

***(5) If evidence is adduced that is sufficient to raise an issue with respect to the defence in subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not."***

*The new offence does not change the existing legal position whereby those who legitimately take their medication may be guilty of a road traffic offence (under Section 4 of the Road Traffic Act 1988) if they are impaired or 'unfit' to drive due to the effects of that drug.*

I can confirm that I can prove, without reasonable doubt, that I hold a legal prescription for medical cannabis to treat my medical conditions, that I drove in accordance with the guidance from my medical practitioner, the official guidance for driving as per the Medical Cannabis Clinicians Society and the Medical Cannabis Clinics UK, that I also followed the guidance from the manufacturer for driving, that the possession of the drug immediately before taking it was not unlawful under section

5(1) of the Misuse of Drugs Act 1971 and that there is no proof of any impairment.