

[Your Name]
[Your Address]
[City, Postcode]
[Email Address]
[Phone Number]
[Date]

To:
The Procurator Fiscal
[Address of Procurator Fiscal Office]
[City, Postcode]

Re: Case Reference: [Insert Case Reference]

Dear Procurator Fiscal,

I write regarding the above matter concerning allegations relating to possession of cannabis and/or an alleged offence under Section 5A of the Road Traffic Act 1988.

I am a lawful medical cannabis patient prescribed a cannabis-based medicinal product by a specialist clinician. The cannabis referred to in this case was prescribed to me for medical use and consumed in accordance with medical treatment for my condition.

I respectfully request that any prosecution in this matter be discontinued at the earliest opportunity and that any seized prescribed medication or associated property be returned without delay.

In relation to the alleged driving offence, Section 5A(3) of the Road Traffic Act 1988 provides a statutory medical defence for individuals lawfully prescribed controlled medication. My use of cannabis was entirely lawful, medically supervised, and pursuant to a valid prescription. Continuing proceedings where a statutory defence clearly exists would not serve the interests of justice.

I enclose, or am willing to provide, evidence of my prescription and supporting medical documentation confirming the lawful nature of my medication.

I also wish to raise serious concerns regarding the treatment of prescribed medical cannabis patients in circumstances such as these.

It appears that issues may have arisen regarding the manner in which my medication was carried or consumed. However, I submit that such matters do not alter the lawful status of prescribed medication itself.

Medical cannabis patients face practical difficulties which require reasonable accommodation. Vaporisers are expensive medical devices and may fail, become lost, damaged, discharged, or otherwise unavailable at times when medication is medically necessary. Some vaporisers are electronically heated while others are flame-heated, and in many situations police officers or forensic experts would be unable to reliably distinguish between cannabis that has been vaporised and cannabis that has been combusted.

Where a patient resorts to alternative methods of administration, including use of rolling papers, due to equipment failure, financial hardship, or urgent medical need, this should not transform lawfully prescribed medication into criminal possession.

The current approach places disabled patients in an unfair and discriminatory position by subjecting them to arrest, seizure of medication, financial hardship, stigma, and the threat of criminal prosecution before they are able to establish their lawful status.

This raises significant concerns under the Equality Act 2010, including the duty on public authorities to make reasonable adjustments for disabled persons and to avoid discriminatory treatment.

The continuation of proceedings in circumstances where the authorities are aware that the cannabis in question was lawfully prescribed, and where statutory defences exist both in respect of possession and driving allegations, risks causing unnecessary harm to disabled patients while serving no meaningful public interest.

The seizure of my prescribed medication has additionally impacted my health and wellbeing by interfering with access to treatment prescribed for my medical condition.

In light of the above, I respectfully request that:

- Any prosecution relating to possession of cannabis be discontinued;
- Any prosecution under Section 5A of the Road Traffic Act 1988 be discontinued in light of the statutory defence under Section 5A(3);
- Any seized prescribed cannabis medication and associated property be returned without delay;
- Consideration be given to the need for reasonable adjustments and proportionality in cases involving prescribed medical cannabis patients.

I would be grateful for written confirmation that this matter is under urgent review and that proceedings will be discontinued.

Yours faithfully,

[Your Signature]

[Your Printed Name]