

**WRITTEN QUESTION TO THE MINISTER FOR INFRASTRUCTURE
BY DEPUTY I. GARDINER OF ST. HELIER NORTH
QUESTION SUBMITTED ON MONDAY 16th 2026
ANSWER TO BE TABLED ON MONDAY 23rd 2026**

Question

“In relation to the [Draft Road Traffic Law \(Drug Driving\) \(Jersey\) Amendment Regulations 202–\(P.32/2026\)](#), will the Minister advise what consideration, if any, was given to the introduction of a statutory medical defence as in Section 5A of the UK [Road Traffic Act 1988](#), and if no such consideration has been given, will he explain why not?”

Answer

Careful consideration was given to a statutory medical defence as used in the UK under Section 5A of the Road Traffic Act 1988, which provides a defence where a controlled drug is lawfully prescribed and taken in accordance with medical directions.

Having taken expert advice and reviewed the options, a clearer two-tiered limit approach tailored for Jersey has been proposed to account for medicinal cannabis users on the Island. Rather than introducing a statutory medical defence along with a single universal THC limit of 2µg/L, as is done in the UK, the draft Jersey regulations propose:

- 5 µg/L for the general driving population; and
- 2 µg/L for Group 2 (medium and heavy goods) / PSV licence holders (taxicabs and buses), registered driving instructors when instructing, and any driver who is also over the prescribed alcohol limit

In practice, the 5 µg/L general limit is intended to avoid per-se prosecutions of compliant medicinal-cannabis patients within the general driving population, who would often read above 2 µg/L but below 5 µg/L, while still applying a 2 µg/L threshold in higher-risk categories and in cases involving excess alcohol.

This approach recognises local prescribing patterns while providing clarity and enforceability. It avoids the need to litigate individual medical-use defences for compliant patients, saving time and reducing complexity for the Police and Courts, and it safeguards road safety by applying a lower limit to higher-risk driving categories and in situations involving excess alcohol.¹

Consequently, a separate statutory medical defence, was considered unnecessary within Jersey’s proposed framework.