| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1764  Responded to: 18 June 2025 |
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Your recent request for information is replicated below, together with our response.

**Under the Freedom of Information Act, I request the Police Scotland to respond to the following questions:**

**Why as Police Scotland still giving Dihydrocodeine to detainees on behalf of NHS Grampian, then knowingly the Misuse of Drugs act is clear this is an offence.**

**Two summary only offences are created in section 9A of the Act. It is an offence:**

* **to supply or offer to supply articles (other than a hypodermic syringe, or any part of one) for the purpose of administering a controlled drug, where the administration of the drug will be unlawful; and**
* **to supply or offer to supply articles to be used in the preparation of a controlled drug for unlawful administration.**

**Any administration of a controlled drug will not be treated is treated as unlawful where:**

* **the administration by any person of a controlled drug to another is in circumstances where the administration of the drug is not unlawful under section 4(1) of the Act, or**
* **the administration by any person of a controlled drug to himself in circumstances where having the controlled drug in his possession is not unlawful under section 5(1) of the Act.**

**Why will Police Scotland not investigate.**

I must advise the information sought is not held by Police Scotland and section 17 of the Act therefore applies.

By way of explanation, as you may be aware, the Act provides a right of access to recorded information only.  Questions seeking the creation of comment or opinion in relation to a particular query, are not therefore valid in terms of [section 8 of the Act](https://www.legislation.gov.uk/asp/2002/13/section/8).

We must also advise that the provision of medical care within Police Scotland custody facilities is the responsibility of the NHS.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.