



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-02165

**Keyword:** Crime/Incident Statistics Drugs and Alcohol

**Subject:** Using and growing cannabis regulations

### Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken to disclose the following.

#### Request 1

Is there a law against growing cannabis?

#### Answer

Yes. Under the Misuse of Drugs Act 1971 it is an offence to grow cannabis. To grow cannabis in the UK requires a Home Office approved licence, which is given out under strict criteria and for specific reasons e.g. approved medical research.

#### Request 2

Is there a law against the use of cannabis?

#### Answer

Cannabis is a Class B Controlled Drug, as determined by the Misuse of Drugs Act 1971. The Misuse of Drugs Act 1971 determines that it is an offence to possess, supply, import, produce or cultivate Cannabis.

#### Request 3

I know of the misuse of drugs act, this is not law. Acts are only given the force of law with consent and if there is no law against said plant, why can one not use this plant in any way he deems lawful?

#### Answer

Relevant legislation is the Misuse of Drugs Act 1971.

#### Request 4

Also what harm would I be causing and to whom by either using or growing.

#### Answer

This is not recorded information. Section 84 of FOIA relates to recorded information held by a public authority and that it does not extend to providing explanations unless the answers are already held in a recorded form.

*"Information is defined in section 84 of the Act as 'information recorded in any form'. The Act therefore only extends to requests for recorded information. It does not require public authorities to answer questions generally; only if they already hold the answers in recorded form. The Act does not extend to requests for information about policies or their implementation, or the merits or demerits of any proposal or action - unless, of course, the answer to any such request is already held in recorded form." (Day vs ICO & DWP – EA/2006/0069 Final Decision)*

## **Notes**

The following links may be of assistance in respect to all your requests.

[www.health-ni.gov.uk/articles/misuse-drugs-legislations](http://www.health-ni.gov.uk/articles/misuse-drugs-legislations)

[www.legislation.gov.uk/ukpga/1971/38/contents](http://www.legislation.gov.uk/ukpga/1971/38/contents)

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If, following an Internal Review carried out by an independent decision maker, you remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF', or use the ICO self-service portal available at [www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/](http://www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/)

In most circumstances, the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out however, the Commissioner has the option to investigate the matter at their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psnipolice.uk](http://www.psnipolice.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.