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Rt Hon Patricia Ferguson MP
Scottish Affairs Committee

By Email: [REDACTED]

18 August 2026

Dear Ms Ferguson,

Thank you for your letter of 27 July 2026 and for your kind congratulations on my appointment as Lord Advocate.

I am grateful for the Committee's continued interest in The Thistle and the important issues surrounding drug-related harm and public health in Scotland.

As you note, the operation of The Thistle was supported by a statement of prosecution policy issued by my predecessor following careful consideration of the relevant legal framework, the particular circumstances of the proposal, and the public interest. I can confirm that I have no present intention to alter that position and the current statement of prosecution policy which underpins the operation of The Thistle remains in place. The pilot remains ongoing and there has been no change in circumstances, nor any information brought to my attention, that would presently warrant reconsideration of the prosecution policy position adopted in respect of the facility. Drawing on the considerations that informed the original policy, I share my predecessor's assessment that prosecution for simple possession offences committed by individuals while attending and using the facility would not, in those particular circumstances, be in the public interest.

I share the concern of many across Scotland regarding the harm caused by problematic drug use and the devastating impact of drug-related deaths on individuals, families and communities. Efforts to reduce that harm and improve outcomes for vulnerable people are matters of significant public importance.

You also ask about the potential establishment of similar facilities elsewhere in Scotland, including the possibility of a facility in Edinburgh. I am aware that a public consultation has recently concluded in relation to such proposals. However, no proposal or request relating to an Edinburgh facility has been submitted to me for consideration in connection with the exercise of my prosecutorial functions.



Should any proposal be brought forward in the future, I would be willing to consider it carefully and in detail, taking account of all relevant facts, circumstances and legal considerations, as was done in relation to The Thistle. However, it is important to emphasise that decisions concerning the exercise of my prosecutorial functions are matters for me independently. Any future request would therefore require to be assessed on its own merits and determined in light of the particular circumstances presented at that time. It would not be appropriate for me to prejudge the outcome of any such consideration or to give commitments in advance regarding the application of any future prosecution policy.

Thank you again for your letter.

Yours sincerely,

**Ruth Charteris KC
LORD ADVOCATE**



**Scottish Affairs
Committee**

**Rt Hon Ruth Charteris KC
Lord Advocate
Crown Office and Procurator Fiscal Service**

By email only

Monday, 27 July 2026

Dear Lord Advocate,

Congratulations on your recent appointment to the Scottish Government, and to the position of head of the COPFS. I wish you well in your new role.

As you may be aware, the Scottish Affairs Committee conducted an inquiry last year into The Thistle, the pilot Safer Drug Consumption Facility (SDCF) in Glasgow. We continue to monitor the progress of the facility with interest, given its significance for drug policy and public health in Scotland.

One of the Committee's findings related to the legal basis on which the facility operates. As we noted in our report, the pilot was established following your predecessor's decision that it would not be in the public interest to prosecute individuals using the facility for possession offences under the Misuse of Drugs Act 1971. I would be grateful if you could confirm whether you share your predecessor's assessment of the public interest in this regard, and whether you intend to maintain the current statement of prosecution policy underpinning the operation of the Glasgow facility.

I would also welcome your views on the potential establishment of similar facilities elsewhere in Scotland. In particular, as you will know, a public consultation on proposals for an SDCF in Edinburgh has recently concluded. Your predecessor noted that she would be willing to consider any application for further SDCFs on their merits. Should an application for such a facility in Edinburgh be forthcoming, would you be willing to consider extending the current statement of prosecution policy relating to The Thistle, or issuing a comparable statement, to cover a facility in Edinburgh?

I would be grateful for a response by Friday 7 August. Please note we may publish this letter, and your response, on our website.

I look forward to your response.

Yours sincerely,



**Scottish Affairs
Committee**

Patricia Ferguson MP
Chair, Scottish Affairs Committee