



Policy Document

Pilot Health Referral Scheme

Effective Date	31 August 2026
Version No.	1.1
Approved by	Garda Executive
Introduced by	HQ Directive 050/2026
Policy Owner	Assistant Commissioner, Organised and Serious Crime

1. Purpose

The Health Referral Scheme (hereafter referred to as the Scheme) is a pilot scheme approved by the Director of Public Prosecutions under [Section 10 of the Policing, Security and Community Safety Act 2024](#). This scheme offers an alternative to prosecution of simple possession of small quantities of drugs.

The Scheme applies to all offences of simple possession committed on or after 1st September 2026.

While possession of controlled drugs under [Section 3 of the Misuse of Drugs Act](#) remains a criminal offence, this scheme offers an alternative to prosecution for first time drug offenders. The scheme aims to divert persons found in possession of any controlled drug for personal use to the Health Services and offer an opportunity for rehabilitation and treatment as an alternative to prosecution through the courts.

The Health Service Executive are in a position to offer [SAOR \(Support, Ask and Assess, Offer Assistance, Refer\)](#) health interventions, on a national basis, to persons who are found in possession of drugs for the first time and who are willing to participate in the scheme.

The scheme applies to first time offences under Section 3 of the Misuse of Drugs Act 1977.

2. Scope and Compliance

Compliance with this document and all associated documentation is mandatory for all An Garda Síochána personnel as defined by Section 44 of the [Policing, Security and Community Safety Act, 2024](#). This includes Garda Trainees, other persons seconded to An Garda Síochána and Police Officers from the Police Service of Northern Ireland (PSNI) and in accordance with Sections 53, 93 and 94 of the [Policing, Security and Community Safety Act, 2024](#) respectively.

3. Policy Statement

3.1. The Public Interest

The decision of a health referral instead of prosecution is a serious decision and it must be clear that it is in the public interest to refer the offender to the health referral scheme. In the context of this scheme the following matters are relevant to the consideration of the public interest:

- The benefit to society in dealing with drug addiction in a health setting as opposed to the criminal courts system;
- The level of seriousness of drug offending and the impact on society generally;
- The value of the drugs;
- Recognition of the value of treating addiction as a health issue and offering treatment as an alternative to criminal prosecution;
- The necessity to deter future offending.

Further information in relation to the public interest is available at this link: [Guidelines-for-Prosecutors](#) (see Chapter 4).

The circumstances of each offence and offender will be considered individually when assessing the public interest:

3.1.1. The Offence

The scheme applies to first time offences under Section 3 of the Misuse of Drugs Act. This includes circumstances where a person is charged with other minor offences or has previous convictions for



other non-drugs related offences. If the public interest does not require a prosecution for the Section 3 offence, a health referral may then be appropriate. There may be circumstances where the context of the overall offending means that a referral to the scheme will not be appropriate or in the public interest.

3.1.2. The Offender

In order to be deemed suitable for a referral, the offender must indicate an acceptance that they believe the substance they are in possession of is a controlled drug. They must also indicate a willingness to participate in the scheme.

Where the offender wishes to seek legal advice in relation to whether they should accept the scheme offer, it must be obtained promptly and within statutory time limits to allow for prosecution of the offence.

Where the offender has a recent conviction or more than one conviction, this would point to the person being unsuitable for a health referral. The circumstances of each case should be looked at to see if a health referral is appropriate.

3.2. Factors to be Considered in a Health Referral decision

The Scheme provides for a health referral by a Superintendent, or Inspector acting on their behalf, for a first time offence under Section 3 of the Misuse of Drugs Act 1977, as an alternative to prosecution in the District Court.

All first time drug offenders must be assessed for suitability for the scheme by the investigating member in consultation with their Superintendent or Inspector acting in that capacity. The Health Referral Scheme should be considered for all Section 3 drugs offences in advance of any consideration of the Adult Caution Scheme (which only applies to Section 3 possession of cannabis) or prosecution.

The Superintendent or Inspector acting in that capacity shall decide whether a health referral, rather than a prosecution, would be the appropriate response to the commission of the possession of drugs offence.

The rationale for decisions not to offer the scheme must be clearly recorded.

In order to safeguard the interests of society and of the offender and to ensure a consistency of approach by An Garda Síochána, the following conditions must be met before a health referral can be offered:

- Person found in possession must be over the age of 18 years;
- It must be a first time drug offence;
- Person must admit possession of what they believe to be a controlled drug, at the time;
- Garda member must have a basis for suspecting that the substance seized is a controlled drug;
- Circumstances must lead Garda member to believe that it is not in the public interest for a prosecution to proceed and that person found in possession will benefit from a health referral;
- Person must express a willingness to participate in the scheme;
- Personnel of An Garda Síochána and the Irish Defence Forces are not eligible for disposal of offences under the Health Referral Scheme.



3.3. Delivering the Health Referral

A Superintendent or an Inspector acting on their behalf shall decide on the health referral. Where a decision is made not to offer a health referral, the rationale for this must be clearly recorded by the decision maker and should be communicated to the person.

Where a decision to offer a referral is made, the person receiving the referral must be informed of the benefit of having the offence dealt with through health referral and the process for acceptance onto the scheme.

The offender should be told that the referral will involve an undertaking in writing by the offender that they agree to accept the health referral and will not object to the fact of its existence being recorded for internal Garda records. The referral will not be recorded for the purposes of vetting or previous convictions. The fact of a referral needs to be recorded so that on a subsequent arrest, a Garda member is aware that a referral opportunity has already been given to the offender. It may be made known to a Court in the event of further proceedings either criminal or civil where this information is requested by the judge.

Details on how to make a self-referral for a SAOR intervention shall be given to the person found in possession. They shall be informed that it is their personal responsibility to make an appointment.

The nature of a health referral is such that it should be offered only once to an offender. Second offences for Section 3 Possession of Cannabis **may** be eligible for the adult caution scheme.

3.4. Health Referral Review Procedure

Where an offender has been deemed unsuitable for a health referral in relation to an offence covered by the Scheme the offender may request that they are considered by a different Superintendent or the Inspector acting on their behalf.

4. Legal & Human Rights Screening

This document has been Legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

5. Ethical Standards & Commitments

An Garda Síochána Personnel must observe and adhere to the standards and commitments set out in the [Code of Ethics for An Garda Síochána](#) and uphold and promote this Code throughout the organisation.

6. Post-Implementation Review

This Pilot Scheme will be reviewed by the Director of Public Prosecutions in consultation with An Garda Síochána 18 months after implementation.

7. Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

8. Data Protection

All Garda Personnel will process personal data for legitimate business purposes only and in line with a clearly defined lawful basis under the [General Data Protection Regulation \(\(EU\) 2016/679\)](#) and/or [Data Protection Acts 1988-2018](#), as applicable. All necessary measures will be put in place to ensure



the personal data is kept safe and secure and only authorised personnel shall have access to personal data. Only relevant personal data will be processed and will not be retained for longer than is necessary. All personnel are required to ensure that individual's data protection rights are adhered to and to identify and mitigate against any suspected data breaches.

