

Many drivers using prescribed controlled substances, such as cannabis-based products for medicinal use (CBPM), face a common legal question: **does simply showing a valid prescription automatically grant a medical defence if stopped by the police?** With stricter roadside drug testing, evolving THC blood limits, and complex legal frameworks, it's essential to understand how the law applies—and what your responsibilities are.

In this post, we'll define the exact offences, explain the statutory medical defence around prescribed drugs, and clarify common misconceptions while referencing tools like roadside swab tests and police station blood tests. We'll also cover real-world risks like EV charging downtime, drawing from key institutions including NHS England, General Medical Council (GMC), and the growing EV-powered travel context.

Understanding the Offence: Driving with Controlled Substances

Under UK law, specifically the **Road Traffic Act 1988**, you can commit an offence if you drive or attempt to drive a motor vehicle while the specified controlled drug is present in your body above a certain limit. This is a *strict liability* offence, meaning you don't have to be impaired—just having the drug in your system beyond a prescribed blood limit is enough.

Definition of the Offence

- It is an offence to have more than a specified concentration of certain drugs (including THC, the active ingredient in cannabis) in your blood while driving or being in charge of a vehicle.
- Limits are set in nanograms per millilitre (ng/ml); for THC, it is 2 ng/ml in blood.
- The focus is on blood concentration, not impairment, though impairment can lead to additional charges.

Importantly, according to the NHS England, recreational cannabis use results in THC staying in your blood for days, but prescription doses under medical supervision are different—yet still legally regulated.

The Medical Defence: What Does Law Say?

The statutory medical defence means that if you have been prescribed a controlled drug by a registered medical practitioner, under conditions defined by law and the General Medical Council's guidelines, you may not be guilty of the offence. But—

The Burden on You

- The medical defence is not automatic on showing your prescription.
- You must prove you have taken the drug exactly as directed, in lawful possession of the medication.
- This evidence burden falls on the driver, not the prosecution.

In practical terms, just producing a prescription at roadside or in the police station will not prevent charges; you should be able to provide supporting evidence such as prescription labels, medical notes, or pharmacy receipts. The **General Medical Council (GMC)** stresses that doctors must ensure patients understand the limitations of prescribed CBPM and the legal driving risks.

THC Blood Limit vs Impairment: Two Different Legal Paths

Many assume that if their cannabis prescription does not impair them, they're legally safe to drive. However, the law differentiates between:



1. **Strict liability THC blood limits:** Presence in blood above the fixed limit is an offence irrespective of impairment.
2. **Impairment-based offences under common law:** If a driver is impaired by drugs, they can be prosecuted even if below blood limits.

For example, a person taking prescribed CBPM carefully may still test above 2 ng/ml THC due to residual blood levels, especially within hours of dosing. This means they face risk regardless of whether they feel intoxicated or not.

Roadside Swab Test vs Police Station Blood Test: What You Need to Know

Understanding police drug testing procedures is crucial because different tests have varying technical standards and legal weight.

Test Type	Conducted When	Substances Detected	Accuracy	Legal Status
Roadside Swab Test	During traffic stop if impairment or suspicion	Recent drug use via oral fluid (saliva)	Preliminary, less accurate	Used as an initial screen to justify further action
Police Station Blood Test	After arrest at police station	Precise concentration of drugs including THC and metabolites	Highly accurate, forensic standard	Primary evidence in court for offence

The roadside swab test can detect whether you have recently consumed drugs but cannot determine impairment or precise blood levels. A positive swab typically leads to a station blood test as definitive evidence.

EV Charging Downtime: A Legal Risk Window for Drivers Under Medical CBPM

EV owners have embraced companies like **EV Powered** to access fast chargers. But here's a practical legal risk point: **the downtime spent waiting for your EV to charge or while sitting next to the charger with keys in your pocket is a vulnerable period.**

Why? Because if you evpowered.co.uk have taken medically prescribed CBPM recently, it's likely you still have elevated THC levels in your bloodstream. Some drivers mistakenly believe switching their vehicle off or being parked exempt them—but the law applies if you're 'in charge' of the vehicle.

'In charge' means having the means and ability to drive, such as having keys in your pocket. For instance, a driver stopped at a charger overnight can be tested and found over the THC limit, regardless of whether the engine is running.

This downtime is not to be underestimated—no prescription changes this risk window, so lawful CBPM users should plan their travel carefully to avoid legal jeopardy during EV charging stops.

What To Do to Strengthen Your Medical Defence

Legal experts and clinicians regularly advise patients on these key points to support a statutory medical defence:

1. **Obtain a valid prescription:** Prescribed by an authorised doctor following GMC guidance for CBPM use.
2. **Use medication exactly as directed:** Avoid deviation in dose or timing, as this can invalidate your defence.
3. **Carry proof of lawful possession:** Pharmacy receipts, original boxes, and prescription documents.
4. **Document timing carefully:** Keep records of when you took medication to establish blood levels at driving times.
5. **Inform your insurer and employer where necessary:** To ensure full transparency.

Key Takeaways

- The medical defence is **not automatic** simply by producing a prescription at the roadside.
- You must **prove, on the balance of probabilities**, that you took prescribed drugs exactly as directed and lawfully possessed them.
- Police use **roadside swabs** for initial detection, but blood tests at the station provide conclusive evidence.
- Driving with THC above 2 ng/ml blood limit is an offence regardless of driver impairment.
- EV charging downtime can be a risky period—if you have keys and are 'in charge,' you can be prosecuted even if stationary.

For drivers prescribed cannabis-based medicines, balancing health benefits with legal risks requires careful planning and robust evidence. Trusting your prescription without understanding its legal limitations can lead to serious consequences.



Stay informed, keep clear records, and consult qualified medical and legal professionals to help navigate this complex area—especially as EV travel and drug laws continue to evolve in tandem.