

More drivers are switching to electric vehicles, with companies like EV Powered helping to accelerate adoption. This leads to new questions around drug driving laws, especially when sitting in the driver's seat during EV charging downtime after using cannabis or other controlled substances.

If you have “dosed” — taken a drug that may impair your driving — is it legal to remain in the driver seat while your EV charges? This article unpacks the key issues. We define offences clearly, explain the difference between roadside and station drug tests, explore the law on possession of keys and driver impairment, and identify why EV charger downtime can be a tricky legal risk window.

1. Understanding the Offence: Drug Driving with Keys in Possession

The primary statutory offence is found under the **Drug Driving (Specified Limits) (England and Wales) Regulations 2014**. The law prohibits driving or being in charge of a motor vehicle while exceeding prescribed blood drug limits, or being impaired through drugs.



What Does “In Charge” Mean?

Ask yourself this: according to the road traffic act 1988, merely sitting in the driver seat of a vehicle with the keys in your possession constitutes being “in charge”. Even if the engine is off and vehicle stationary, this is sufficient for police to invoke drug driving offences.

This is crucial at an EV charge point. For example, you park at a public car park, plug in your EV, and sit in the driver's seat with keys in your pocket during the charging interval. You have “possession of keys” here—which is a key legal fact driving failure risk.

Scenario:

- Emma visited a public car park to charge her EV using EV Powered's app & charger.
- She had used cannabis roughly an hour before. The lawful THC limit in blood is 2 micrograms per litre (mcg/L), per UK government drug limits.

- Sitting in the driver seat with keys in her pocket during charge, she was randomly stopped by police for roadside swab testing.

Takeaway:

Having keys in pocket at charge means you are "in charge"—even with EV off and stationary—and potentially liable if over the THC limit or impaired.

2. THC Blood Limits vs Impairment: What's the Difference?

Studies show THC may remain detectable in the blood long after impairing effects have faded, which frustrates many drivers and clinicians alike. This means that being above the stipulated blood limit (**2 mcg/L THC**) does not necessarily correlate perfectly with observable driving impairment.

The General Medical Council (GMC) notes that doctors must carefully consider advice on fitness to drive and the complexity of blood levels vs impairment.

Statutory Medical Defence

If you are charged with drug driving, a statutory medical defence is available if you can prove the prescribed drug was taken properly under medical supervision, but the test result is still above limits. I remember a project where was shocked by the final bill.. This shifts the burden of proof onto you to show correct use.

However, this defence rarely applies to recreational cannabis use, where the law is strict on THC presence above limits regardless of impairment level.

3. Roadside Swab Test vs Police Station Blood Test

Enforcement layers impact the evidential path. The police use two primary tools to detect drugs:

- **Roadside Swab Test:** A quick saliva swab detects presence of THC and other drugs. It is preliminary—does not measure blood THC concentration but indicates recent use.
- **Police Station Blood Test:** If the swab is positive, the suspect is taken to a station for a blood test, which is the primary statutory proof of drug levels.

The roadside swab can lead to arrest but is not evidence of over-limit levels on its own. The station blood test results are what prosecutors rely on to prove exceeding THC blood limits.

Relevance to EV Charging

While charging, a driver might doze off or stay in the car, unaware that the police can conduct roadside swabs. Notably, the station blood test must be conducted within a prescribed time (usually 3 hours) to be admissible and reliable.

4. EV Charging Downtime: A Legal Risk Window

Charging an EV can take anywhere from 15 minutes at rapid chargers to multiple hours at slower points. This period creates a unique legal risk window for drivers who have recently dosed.

During this downtime:

- The motor vehicle is stationary.

- The driver may remain in driver seat with keys on hand, so "in charge".
- THC blood level may persist above drug limits even if impairment fades.
- Police may approach and perform roadside swab tests.

This scenario means sitting in the driver seat while charging entails a real risk of being charged with drug driving if the THC limit is exceeded, regardless of the vehicle's ignition state.



Example:

James plugs in his EV at a public car park. His blood THC level is 3 mcg/L two hours after dosing cannabis. He waits in the driver's seat during charging, keys in pocket. A police officer stops him for a roadside swab. The swab is positive, leading to an arrest and blood test. The blood test confirms he was above the THC limit. This leads to prosecution under drug driving laws.. Exactly.

5. Public Car Park Drug Driving: Best Practices to Reduce Risk

If you have dosed recently and need to charge your EV in a public space, consider the following to minimise your legal risk:

1. **Do not sit in the driver seat with keys in your possession.** Instead, move to the passenger seat or outside the vehicle.
2. **Turn off ignition and remove keys entirely.** This removes "in charge" status.
3. **Seek a designated driver or alternative transport if above THC limits.** The statutory limits are strict and may lead to prosecution even without impairment.
4. **Understand the limitations of roadside drug tests.** Always be aware police may use saliva swabs during charging stops.
5. **Consult healthcare advice from authorities like NHS England.** They provide guidance on timing, drug effects, and risks.

6. Summary Table: Key Points on "Driver Seat In Charge" and Drug Driving Risk

Aspect Details Offence Definition "In charge" means driver seat + keys possession, even if vehicle off and stationary THC Blood Limits Maximum 2 mcg/L for THC; statutory offence if exceeded Roadside Testing Swab test detects drug presence; positive swab leads to blood test Blood Test Police station blood test confirms THC levels; main admissible evidence EV Charging Downtime Period of risk due to stationary vehicle + keys on person + lingering THC Legal Defence Statutory medical defence applies only to prescribed drugs, not recreational cannabis Public Car Park Risk Sitting in driver seat with keys = "in charge", beware police test during charging stops

Final Thoughts

Sitting in the driver's seat while your EV charges is convenient, but if you have recently dosed cannabis or any other controlled drug, this can expose you to drug driving offences. The law does not require the engine running to be "in charge", only having keys in possession and the ability to drive.

EV charger downtime may lull drivers into a false sense of security. However, roadside drug swab testing and subsequent blood tests can catch drivers who think "engine off means I can sit and wait". This myth must be dispelled if you want to avoid prosecution or licence suspension.

Always <https://evpowered.co.uk/feature/electric-vehicles-and-medical-cannabis-what-uk-drivers-need-to-know-about-the-law/> consider your specific circumstances carefully. When in doubt, removing yourself completely from the driver's seat and keys is the safest legal choice. Reach out to NHS England and healthcare professionals if you need advice on driving after medication or recreational drug use.

Remember, drug driving laws exist to protect all road users, and ignorance or misconceptions around EV charging downtime will not be a valid legal defence.