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When it comes to **Section 4 in charge** of a motor vehicle, many drivers wonder if having the *engine off* changes their legal risk. Commonly seen in scenarios like charging an EV at a public point (think EV Powered stations) or simply waiting in a vehicle, opinions often fluctuate between “engine off means safe” and “if keys are in pocket, you're done for.” In this detailed guide, we'll cut through the myths, reference authoritative sources like **NHS England** and the **General Medical Council (GMC)**, and explore key topics including THC blood limits versus impairment, statutory medical defences, and key evidential tools such as the roadside swab test versus the police station blood test.



## Understanding Section 4 Being in Charge

### What Is 'Being in Charge' Under Section 4?

Want to know something interesting? section 4 of the road traffic act 1988 defines the offence of "being in charge" of a mechanically propelled vehicle while under the influence of alcohol or drugs. Crucially, you do not need to be driving or even moving the vehicle to commit this offence. Your actual ability to drive is assessed, not just whether the vehicle is stationary or the engine runs.

In simple terms:

- **Being in charge**
- **It is irrelevant whether the *engine is running* or the *vehicle is moving***
- **Even *keys in pocket at a charger* count for being 'in charge'**

### False Assumptions About 'Engine Off'

A widespread myth is that if your engine is off, you cannot be convicted of Section 4 in charge. This is absolutely not true. The law focuses on your control and ability to drive, not if the vehicle is on or off. For example, a driver resting in the cab with the keys in pocket at an EV Powered charging point is still arguably in charge, even if the vehicle is off and stationary during the charging downtime.

# THC Blood Limit vs Impairment: What's the Difference?

When it comes to drugs, especially cannabis-derived tetrahydrocannabinol (THC), UK law is complex. Unlike alcohol, for which there are clear blood limits (35 micrograms per 100ml breath in England), the limits for THC focus on blood concentration levels established by Parliament, not direct impairment.

## Statutory THC Limits

For THC, the law sets specific blood limits, for example:

- 2 micrograms per litre for THC in blood (active form)
- 10 micrograms per litre for carboxy-THC (inactive metabolite)

However, detection of THC over the limit does not necessarily prove impairment. Someone might test positive due to residual metabolites days after use. This is why the police rely on further tests alongside roadside swabs.

## Impairment Assessment

The police and courts look for signs of impairment, such as poor coordination, slurred speech, or erratic behaviour. A statutory medical defence exists if a driver can show, on the balance of probabilities, that at the time of driving or being in charge, they were not impaired by the substance above the prescribed limits.

## Roadside Swab Test vs Police Station Blood Test

### How Does the *Roadside Swab Test* Work?

This reminds me of something that happened learned this lesson the hard way.. The roadside swab test is a preliminary method to detect the presence of specific drugs in saliva. Officers use this portable device during initial stops or checkpoints. If the test is positive, it often leads to arrest and a more conclusive blood test at the police station.

Pros:

- Quick and can be done roadside
- Identifies certain drug categories rapidly

Cons:

- Not definitive proof – only indicates presence
- Subject to false positives and environmental contamination

### Police Station Blood Test: The Gold Standard

The blood test taken at the station is legally the most reliable evidence for drug concentration levels. NHS England provides guidance on safe handling and sample integrity during this procedure, while the General Medical Council (GMC) oversees doctor involvement in medical assessments during these cases.

The blood sample analysis determines whether the THC concentration exceeds legal limits or if prescription drugs are present within safe levels.

## Charging an EV — A Legal Risk Window in Charging Downtime

## Your EV's Engine Does Not Need to Be Running

With electric vehicles, drivers often think that because the vehicle has no 'engine running' in the traditional sense, they're less at risk under Section 4. In reality, the vehicle's motor doesn't have to be active for you to be in charge.

Consider this scenario:

1. A driver pulls up to an EV Powered charging station.
2. They park the vehicle, plug in, and switch the car off.
3. The driver sits inside while the battery charges.

During this downtime, the driver retains control and ability to drive, despite the vehicle being stationary with no combustion engine running. This charging period—sometimes upwards of 30 minutes—presents a legal risk window, especially if police suspect drug or alcohol influence.

## Keys in Pocket Are Enough

The crux is that "engine not required" for Section 4 is the law. The offence focuses on your readiness and control, not the vehicle's mechanical status. If your keys are in your pocket during the charging session, you can be liable.

## Statutory Medical Defence and Burden of Evidence

### What Is the Statutory Medical Defence?

Section 5A of the Road Traffic Act allows for a statutory medical defence in certain cases where the presence of a drug can be accounted for by prescription medication, not recreational or illicit use.

This defence requires you to show that:

- You took the medication in accordance with a current prescription.
- You were not impaired while in charge of the vehicle.
- You had no reason to believe the drug impaired your driving abilities.

### Evidence Burden on the Driver

Critically, while the prosecution must prove you were "in charge" and over the limits, the burden shifts to the defendant to demonstrate the statutory medical defence. Records from your GP (using GMC guidance on prescriptions), prescription labels, and medical documentation become vital.

## Summing Up: Key Takeaways on 'Engine Off' and Section 4

Myth or Fact Explanation Engine off means no offence Myth – The engine does not need to be running for Section 4 offence. Keys in pocket with ability to drive = in charge. Vehicle must be moving Myth – The vehicle can be stationary, e.g., at EV Powered charger, and still be 'in charge'. Roadside swab confirms drug driving Myth – Roadside swabs are preliminary and may lead to blood tests for definitive proof. THC blood limit means impairment automatically Myth – Presence over limit triggers offence but may not prove impairment; medical defence possible.

## Final Thoughts

If you find yourself stopped at an EV Powered charging station or elsewhere with your vehicle's engine off, remember: the law considers your control, not the engine state. Being "in charge" under Section 4 depends on your readiness and keys possession, irrespective of the engine or movement.

Always comply **dispensing label proof prescription** with police requests for roadside swab tests, but know these are preliminary. If arrested, the station blood test provides definitive evidence. The burden is on you to provide a valid medical defence if taking prescribed THC or other substances recognised by the GMC and NHS England guidelines.

Don't rely on internet myths or vague reassurances; understanding the detailed legal framework can be your best defence on the road.



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