



**Freedom of Information request ref 01/FOI/25/3496
We received your request on the 04/07/2025.**

Request

You asked us:

Dear British Transport Police Justice Solutions Team,

Good evening.

I am writing to enquire about the policies and procedures that the British Transport Police follow in relation to passengers lawfully carrying prescribed medical cannabis while travelling on the UK rail network.

I would appreciate clarification on the following:

What documentation should a patient carry to satisfy BTP officers if questioned?

Are BTP officers trained to recognise and appropriately handle prescribed medical cannabis?

What is the process if a patient is subjected to a stop, search, or drug test in relation to prescribed medication?

I am seeking to fully understand my rights and responsibilities as a lawful medical cannabis patient when travelling by train.

If there are any official policies, internal guidance documents, or additional steps I should be aware of, I would be grateful if you could provide them.

We have handled your request under the Freedom of Information Act (FOIA)

Our response:

NPCC guidance has been previously published and would be followed.

BTP follow the Home Office guidance relating to medical cannabis. Please see the link below.

<https://www.gov.uk/government/publications/circular-0182018-rescheduling-of-cannabis-based-products-for-medicinal-use-in-humans>

Officers who are unfamiliar with any legislation regarding lawful possession of drugs can familiarise themselves via Police Visual Handbook, Legislation.gov.uk or accessing support via Supervisors.

Below is the aims and objectives of a drug possession lesson.

Lesson Aim	Learning Outcomes – Lesson Objectives
Discuss societal impact of misuse of Drugs, including how this can impact vulnerable individuals. Introduce learners to the various legislation concerning controlled drugs in order that they can correctly recognise and identify offences and police powers and procedures available to deal with these offences appropriately.	Summarise issues within society regarding misuse of drugs, including how this can impact vulnerable individuals.
	Explain what is meant by the term 'controlled drug' and classification of drugs.
	Outline how the offence of Possession of a controlled drug may be committed as defined by Section 5(1) Misuse of Drugs Act 1971 and identify if an offence has been committed in given circumstances.
	Define the statutory defences in relation to possession of Drugs as defined by Section 28 Misuse of Drugs Act 1971.
	Explain what lawful possession is and who may have lawful possession of a controlled drug as defined by Regulation 6(7) of the Misuse of Drugs Regulations 2001.
	Define the Powers in relation to possession of Drugs.
	Explain search and seize powers under sec 23 Misuse of Drugs Act 1971 and how searches should be carried out.
	Explain the procedures for dealing with 'simple possession' of cannabis.
	Explain procedures for dealing with people aged 17 or under found in possession of cannabis.
	Outline how the offence of Unlawful supply of a controlled drug may be committed as defined by section 4(3) misuse of drugs act 1971.
	Outline how the offence of Possession with intent to supply of a controlled drug may be committed as defined by section 5(3) misuse of drugs act 1971 and identify if an offence has been committed in given circumstances.
	Outline how the offence of Cultivating cannabis may be committed as defined by section 6(2) misuse of drugs act 1971 and identify if an offence has been committed in given circumstances.
	Outline how the offence of Importation of a controlled drug may be committed as defined by section 3 misuse of drugs act 1971 and identify if an offence has been committed in given circumstances.
	Outline how the offence of Production of controlled drugs may be committed as defined by section 4(2) misuse of drugs act 1971 and identify if an offence has been committed in given circumstances.
	Outline drug testing on arrest and what a trigger offence is, and authority required if arrested for a non-trigger offence.
	Summarise any control measures and sources of assistance.

Officers can also request to see a person's Cancard: [300-2023-cancard-information-for-police.-final.pdf](#)

Attached is a copy of two briefings shared to all BTP staff



Introduction of Cancard (Cannabis-Card)

Cannabis was legalised for medicinal use in 2018 by the [Misuse of Drugs \(Amendments\) \(Cannabis and Licence Fees\) \(England, Wales and Scotland\) Regulations 2018](#). While many individuals legally qualify for private prescription of medicinal cannabis, they cannot afford to purchase one.

As of 30th November 2020, **Cancard** (a holographic photo ID card) has been introduced to help police identify genuine medicinal consumers that cannot afford private prescription.

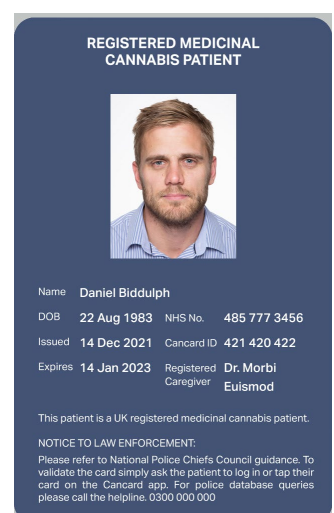
What actions should be taken by officers if someone is a Cancard holder?

The Cancard DOES NOT qualify as legal entitlement to possess cannabis, and it still remains an offence to possess controlled drugs (s.5, MDA 1971). However, the card should alert officers to treat individuals who cannot afford their private prescriptions with such discretion as outlined below.

1. Anyone found to be in possession of cannabis and a Cancard should be **asked to tap and log into the Cancard app (which the offender should have on their phone) to verify that their card is genuine**, and that they are indeed qualified to own the card.
2. If the person cannot access the app or officers are still unsure about the validity of the Cancard, a **Policing helpline number can be found on the back of the card**. This helpline will **offer guidance on how to deal with Cancard holders**, and will **operate from 9am to 9pm** (out of hour verification services will still be available)
3. Unless a more serious offence is suspected, officers **should avoid penalising individuals** for being unable to access a legitimate need for medicinal Cannabis. It is important to recognise that many people with the Cancard need cannabis to keep symptoms at bay.
4. Cancard holders have been given [guidance](#) on how to deal with police during a stop & search

When does someone qualify for a Cancard?

- A confirmed diagnosis by a GP
- A confirmation of trying to take at least two other types of prescribed medication **or** that alternatives have been discussed but discarded due to side effects
- Inability to afford private prescription





Medicinal Cannabis

In 2018, the 2001 regulations [were amended](#) to include a specific exemptions regarding some of the offences Misuse of Drugs Act 1971 (including [s.5, possession of controlled drugs](#)) in relation to prescribed medicinal cannabis. This was done by including [new s.16A in the 2001 regulations](#) and adding 'cannabis-based product for medicinal use' to [Schedule 2](#) of the regulations.

This briefing sets out the legality of medicinal cannabis and how officers may deal with matters when coming across those who claim to be in possession of lawfully prescribed cannabis.

What is lawfully prescribed medicinal cannabis?

- It will need to fall under the definition of '**cannabis-based product for medicinal use in humans**'. It cannot be home-grown or self-sourced. Full definition is outlined in regulation 2 [here](#).
- A **specialist doctor registered with the General Medical Council (GMC)** must be the one who has prescribed the medicinal cannabis, or it must have been prescribed under their direction ([reg.16A of the 2001 regulations](#)). A regular general practitioner will not be able to prescribe it.

Someone in simple possession of the above that is prescribed to them by specialist doctor will not be guilty of a possession offence under s.5, Misuse of Drugs Act 1971.

How do you know if someone is carrying lawfully prescribed cannabis?

While it will fall to officer discretion to ascertain legality, the main points to consider:

- Request to see **identification** and **copy of cannabis prescription (and a letter from specialist doctor who prescribed it)** - check that the names match. If person has no copy of prescription, **request to see the dispensing label** on any container which should confirm the prescription. **Refer to NPCC guidance [here](#)**. Has this been issued by or under direction of a specialist doctor?
- Officers **should also be weary of illicit or counterfeit labels and prescriptions**. Please see NPCC guidance [here](#). If doubtful, contact the private clinic/specialist doctor for any questions.
- A correct prescription or letter from specialist doctor and/or dispensing label (with ID) should usually dissipate suspicion that they are possessing non-legally prescribed cannabis, but **if you still have any doubt you could try to ascertain who prescribed the cannabis**:
 - If it is a specialist doctor from the NHS, check whether the product is something that the NHS currently prescribes [here](#) (their prescriptions are limited to certain conditions/products).
 - If it is a specialist doctor from a private clinician, their product types and what they prescribe for will vary significantly - you can get in touch with the specific clinic/doctor to check.
- If person has **no copy of a prescription on them (or no letter from specialist doctor) and no dispensing label on a container, this will be indication that cannabis is most likely unlawful** (or

at the very least, requires further investigation, whether via stop/search powers under s.23 of MDA 1971 or other legal avenues).

What if person is smoking cannabis?

Lawful cannabis medicine **cannot be consumed by smoking**. If you have evidence the individual has smoked their prescribed cannabis, it will not count as a lawful controlled drug possessed by them ([reg.16A\(3\)](#)). This is even if they adhere to the above requirements and present you with a correct prescription/dispensing label. While officers have discretion on how best to deal with someone smoking prescribed cannabis, an offence under [s.18, MDA 1971](#) will have been committed for breaching regulations and potentially [s.5, MDA 1971](#) for possession of a controlled drug.

However, it should be remembered that **lawful medicinal cannabis can be vaped**.

What if the cannabis products are ‘Epidyolex’ or ‘Sativex’?

The exemptions for possessing these are slightly different – please refer to the HO circulars [here](#) and [here](#) for further information. It is not an offence to possess ‘Epidyolex’ without a prescription. ‘Sativex’ must be prescribed by a qualified healthcare professional or the possession is unlawful.

Use of the ‘Cancard’?

A person may show you something known as a ‘Cancard’. This is a card which individuals can obtain to showcase that they qualify for private prescription of medicinal cannabis, but cannot afford it.

A ‘Cancard’ **does not** qualify as legal entitlement to possess cannabis, However, the ‘Cancard’ **does exist to alert officers to treat those who cannot afford their private prescriptions with discretion** (i.e. not penalising them for simple possession) if no more serious offence is suspected. Please refer to the briefing on ‘Cancard’ [here](#) for further detail as to what action should be taken by officers when they come across one, and how to ascertain if the card is legitimate. ‘Cancard’ does not apply in Scotland.

Road Traffic Offences

Where an individual has taken lawfully prescribed medicinal cannabis, the following can be considered when dealing with certain Road Traffic Act 1988 offences:

- [Section 5A](#) (*driving/being in charge of motor vehicle with concentration of specified controlled drug above specified limit*). For this offence, it is a defence for person charged to show that all of the below are fulfilled:
 - Specified controlled drug was lawfully prescribed for medical/dental purposes.
 - The person took the drug in accordance with any directions given by the prescriber/supplier/manufacture.
 - That possessing such a drug before taking was not unlawful under [s.5 of the MDA 1971](#) due to any sort of exemption in [s.7 of the MDA](#).
- [Section 4](#) (*driving/being in charge when under influence of drugs*). No explicit defence exist for this offence. If it can be proven that the person is unfit to drive (i.e. impaired) through drugs, then s.4 offence is made out even if the drugs taken were lawfully prescribed