



Low THC Cannabis (Industrial Hemp) Licensing Factsheet

This factsheet provides information on the Licensing process for Low THC Cannabis (industrial Hemp). It is intended for existing licensees and prospective growers who need to apply for a licence.

I want to grow cannabis (industrial hemp): do I need a licence?

Yes:

- A licence is required to cover both cultivation and possession.
- The genus *Cannabis* is a controlled drug in Class B of The Misuse of Drugs Act 1971 (MDA and Schedule 1 of The Misuse of Drugs Regulations 2001). Under these Regulations, a licence may be issued authorising cultivation. Low THC cannabis grown for the commercial production of industrial hemp fibre or the pressing of seed for oil is an “other special purpose” within the meaning of Section 7(4)(a) of the MDA.
- Each grower must be individually licensed.

How do I apply?

- Online, via the Home Office Drugs Licensing website: www.homeoffice.gov.uk/drugs/licensing/domestic-licences/companies
- We do not accept applications by post or e-mail.
- We will exceptionally accept applications made by a third party on your behalf (e.g. as a co-operative or from a processing company such as Hemp Technology). The third party must be satisfied that the information they are providing is accurate and that you have authorised them to apply on your behalf.
- All applicants- whether individuals or third parties- must register with us and obtain a ‘web app’ user name and password to enable them to apply.

What is the process for making a licence application?

This is the same whether applying as an individual or on behalf of a third party:

- Obtain a ‘web app’ login
- Complete as fully as possible the MD 29 application form and submit electronically (minimum fields for substantive completion for Low THC Cannabis licenses only are Q1-5, 8, 20-22 and 40). You may need to enter ‘yes/no’ or ‘n/a’ in some other fields to be able to move to the next step- please see the attached ‘MD29 completion guide’
- Ensure Q21 & 22 are completed as fully as possible e.g.

21- “to grow low THC Cannabis (industrial hemp) of variety A (state seed type) to produce (give end use-e.g. fibre, seed for culinary use)”

22-“ seed sourced from (insert company), (state product) being sold to (company name)”

- Record and retain your application reference number
- Forward by email: i) field location numbers/ names/ grid references, ii) hectare details iii) farm map with growing area identifiable/ marked iv) seed type, THC content and statement confirming this is an EU approved seed variety for this purpose to Industrialhemplicensing@homeoffice.gsi.gov.uk
- Apply for your enhanced CRB check using the links available on the Home Office website, ensuring the Home Office is noted as the relevant body.
- Provide payment details for the licence fee, when contacted by the Home Office (see How do I pay a fee? below)

Is there a fee payable?

- Yes, there is a fee payable for a low THC content cultivate/ possess licence. A new licence application to cultivate cannabis with a THC content of 0.2% or lower will cost £580. If you have previously grown in the 2010 season the 'renewal' fee of £326 will apply. If a compliance visit is required the fee will be £1371 but we envisage most applications will not need a visit.
- This fees structure is considerably lower than a new licence application to cultivate high THC Cannabis which costs £4700 and recognises the light touch licensing regime applied. Fee levels have been calculated on a full-cost recovery basis and will be periodically reviewed.

How do I pay a fee?

- We will notify you when an application is received the likely fee that will be payable.
- Where the application is submitted by a third party (e.g. a processing company) we will contact the third party for invoicing purposes unless specifically advised by the third party their preference is for us to invoice growers directly.
- In all cases, individuals and third parties must supply the requested payment information to enable their registration for invoicing purposes.
- Licences will not be issued without payment being received.
- If you cultivate before paying for, and receiving your licence, you will be doing so unlawfully

What is the light touch regime?

- This refers to the proportionate processes by which licence applications are generally considered on the papers; and reflects the fact that in the vast majority of applications we do not expect to have to undertake a site or compliance visit.

What restrictions are there on where I plant the crop?

- In the past the crop has been screened and must have been planted in locations away from schools, public rights of way or vehicular access. In recognition of hemp fibre becoming a more widely used industrial crop, we do not wish to be prescriptive. However, we ask you to site the crop sensitively.

Do I need to inform you of where I plant the seed? What if this changes?

- We need to maintain a record of planting locations, so you should inform us of any changes within the growing season. Please email Industrialhemplicensing@homeoffice.gsi.gov.uk quoting your application reference or licence number with full details of any changes.
- We intend to issue the licence itself to cover a whole farm location so we should not need to amend the licence itself.
- You should inform your local police of your growing locations

How long is a licence valid for?

With effect from the 2012 growing season, we will issue a licence valid for **three growing seasons**- so for up to three years validity.

- Licences for the cultivation of low-THC hemp are always issued to expire on 31 December. If a licence application is approved on 31 March 2012, we would issue a licence to expire on 31 December 2014, covering the 2012, 13 and 14 growing seasons.
- However, if an application is made late and approved on 31 July 2012, a grower may lose the benefit of that growing season as a licence would be issued to expire on 31 December 2014.
- It is therefore in growers interests to ensure applications are submitted in a timely fashion.
- The fee payable for a licence is not affected by the move to issue licences with up to three years validity.
- However, if there are substantive changes to a licence- for example amending growing locations outside of your farm's extent- a fee may be payable for this change as a new licence may need to be issued.

Are there any special requirements with a '3 year' licence?

Yes. Holders of a multi-growing season licence will be required to complete an 'Annual Licence Review Statement' at the start of growing season, typically by 1 May. Completion and submission of this proforma will be a mandatory requirement of the licence and without submission a licence may be revoked.

We will finalise the details of this form within the course of the 2012 growing season.

Do I need to have a CRB check?

Yes. Since 12 October 2009 satisfactory completion of an enhanced CRB check has been a requirement applicable to all Controlled Drug and Precursor Chemical licence applicants.

- An enhanced CRB check costs £60.80 inc VAT.
- Applications must be made via Capita recruitment vetting services, and the Home Office Drugs Licensing must be noted as the Registered Body. If this process is not followed, any check completed elsewhere is not transferable.
- We do not anticipate those who undertook the enhanced CRB check for the 2010 growing season to submit further disclosure application for the 2012 growing season, unless there have been a change in the individual's circumstances.
- A concession was agreed for the 2010 growing season such that growers of industrial hemp were given until the end of August 2010 to complete the CRB process, and licenses were issued in advance of a CRB check result being received. A similar arrangement will operate for 2012 where licenses may be issued before receipt of a CRB check. However, the CRB check application

must have been made and notified to us at or shortly after the time of application. We will not issue a licence without the CRB check application being lodged.

- If a CRB disclosure 'expires' within the extancy of licence, licensees must obtain a new disclosure in the course of any subsequent licensing application.

I rent the land: who needs a licence?

- The grower, as opposed to the owner of the land, must hold a Home Office licence.
- The grower may wish to notify his or her landlord of the cultivation and is responsible for ensuring they are complying with the terms of their lease or rental agreement.

I am growing at multiple locations- what should I do?

Each location must be properly and fully licensed. If you are growing within your farm extent, as a general rule this would be covered within your licence.

If you are growing at multiple locations, outside of your farm extent- for example renting land from a neighbour or in an adjacent village- you should contact us at Industrialhemplicensing@homeoffice.gsi.gov.uk and discuss the licensing arrangements that would apply to your situation. We may need to see copies of 'bare land' rental agreements.

When shall I apply?

Applications can be submitted immediately, and early application is encouraged. Please allow sufficient time for your application to be processed: you should allow a minimum of 2 weeks for a straightforward renewal application. Licences will not be issued until such time as the fee payment is received and time should be allowed for this process.

Contacts- Home Office- Drugs Licensing & Compliance:

Please use our dedicated enquiry e-mail in the first instance

Industrialhemplicensing@homeoffice.gsi.gov.uk

Duty Compliance Officer- 020 7035 8972

Senior Compliance Officer- Jill Frankham- 020 7305 8248

Head of Unit- Angharad Thomas Steff- 020 7035 3731