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Home Office

## Low THC Cannabis (Industrial Hemp) Cultivation- Application & Case Processing Guidance

This guidance has been issued to guide growers through the hemp cultivation drug licensing application and case process



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## **Home Office Controlled Drug Licence and Registrations - An Overview of the Industrial Hemp Application and Case Process**

Applications must be made online using the [designated application portal](#). We do not accept hard-copy applications or submission of documents by email in lieu of an application on the portal.

### **Registering for the drug licensing system**

You must first register as a user of the system and choose your own username. Each registration is considered carefully on its own merits, taking into account the applicant's ability to comply with regulatory standards in order to be issued with a licence under the terms of the Misuse of Drugs Regulations 2001. Therefore, it is important that you provide information that will support your proposals at this stage as it is where an initial view is reached as to whether your proposals have a prospect of success.

If your registration application is successful your password will be emailed separately to you. Home Office staff do not have access to these.

If you lose or forget your password, you must request another.

Please do not register more than once. It will slow the application process down.

Contact us by email at [DFLU.dom@homeoffice.gov.uk](mailto:DFLU.dom@homeoffice.gov.uk) if you have checked your spam/junk folder and have not received a response to your registration request within 5 working days. Please have all emails and registration numbers to hand.

### **Unsuccessful registration applications**

If your registration application is unsuccessful, you can apply to register again.

The new registration application would be considered according to its merit. However, you would need to address the points outlined in your unsuccessful registration application.

If any future registration applications are made on the same basis of an unsuccessful registration application, they will not receive a response.

If your registration is rejected, you will be informed by email and given a reason for this.

### **Applying for a licence**

Log into the application portal and select the correct form:

- **Industrial hemp (low THC Cannabis) cultivation licence**

There are typically nine 'stages' to the industrial hemp application form. You must complete these and the application declaration before submitting the form using the 'submit' button.

If you do not press 'submit' you have not made a valid application and your application will not have been submitted and you will not receive an email acknowledgement for your application.

If you do not receive an email acknowledgement for your application please check your spam/junk folder

Application forms can be saved in draft for up to five days. Please note that you do not receive a warning when that time is nearly up, so please ensure you submit the form to avoid the need to rekey your details. We cannot view forms in 'draft', only once you have submitted them.

### **The amendment form**

The amendment form must be used to make changes to an existing application you have lodged with us, but which has not been decided. For example, if you have given incorrect growing location/field reference or seed details.

Completing the amendment form is not an application in its own right. Nor can it be used to amend a licence which has already been issued or to apply for a further licence before the expiry of an existing one.

### **Information needed to make an application**

The following information is needed:

1. Person (grower) details - (names, business addresses, contact details, position) of the people to be included on a licence. For example, person in charge, authorised witness, person responsible for security, regulatory compliance etc.
2. Farm business/company or organisation details - what you do, type of business, funding sources (profit/charity etc), (company/charity) registration details e.g. Companies House certificates, other relevant licence details e.g., firearms licences/shot gun certificates. Please note: if a registration or certificate is open ended, you may still need to insert a future date in the box to proceed.
3. Licences requested - what you are asking for, in terms of activities (cultivate/possess low THC cannabis (industrial hemp)), and the reason you wish to hold licences i.e, produce hemp oil from pressing the seeds or produce hemp fibre - we need to understand why you are applying and be

confident you are asking for appropriate licences

4. Disclosure and Barring Service (DBS) - formerly Criminal Records Bureau (CRB) - check details - We require an enhanced DBS check to be in place at the point of an application and obtained within the last three years through [Security Watchdog](#) for drug licensing purposes. When completing the online DBS check, please enter **DLCU** in the organisation reference box and **licence** in the organisation code box. Details of the check - disclosure certificate, date, name the check is conducted in- must be provided for each person named on the application. If you have applied but not yet received the DBS disclosure, you should only input the DBS application reference details if you/named individuals have passed the 'completed identity (ID) stage' i.e., individuals have provided ID at the Post Office. If applications are submitted that have not passed this stage, they will be withdrawn. Please note a DBS application that is processing means that the overall hemp application process clock will stop. Failure to ensure that your DBS is complete will result in a delay to your application and if your application is withdrawn you will need to reapply. For further information on the 'update' service see below. If your DBS check is more than 3 years old the application form will not accept the date suggesting you will need to reapply. Please also note that DBS checks must be continuously valid throughout the life of a licence.
5. Premises details - be able to describe your premises, including details of any other businesses registered or operating within the extent of the land of your intended cultivation site, and any physical security arrangements and details of the cultivation location- field references, size etc.
6. Record keeping and audit - what records, hard copy, electronic etc. Photos/images must be submitted with the application.
7. Supplier/customer details - where you are getting the seed from, and to whom you are intending to supply the products of cultivation (industrial end use).
8. Seed details and end use- what seed type and what industrial end use you have for the product.
9. Documents- for example aerial photos and site maps which identify the OS grid references and field numbers, photos/images of the perimeters of the fields, photos/images of your record keeping documents, photos/images of your record keeping, copy of seed invoices, confirmation of your onward supply chain - you can upload these to your application via the portal and should provide any relevant at the outset. There is a 10MB size limit.
10. Fee payment and refund details - who we send the invoice to, their contact details including email address and any purchase order number you need us to quote. We also ask for details to send you a refund if a situation arises where we need to return some or all of your payment to you.
11. Where the licence is to be sent to – who we send the licence to and their contact details including email address.

You must be aware that we hold all information securely and do not routinely share

with third parties (except for the prevention of the diversion of drugs) in accordance with the data protection legislation including the General Data Protection Regulation but are bound by Freedom of Information principles.

[Read more about how we handle your personal information.](#)

### **The DBS update service**

DBS checks are not portable unless you have subscribed to the recently launched 'update' service.

Information about this service should be dispatched with your disclosure certificate. You have a limited window to 'opt in' and there is a fee for this service. If you are part of a large organisation and may not see the letter directly, ask your employer.

Please note Drug Licensing do not handle the physical checks or any documents associated with your DBS application.

If you have subscribed to the update service, please note this in your application. We will contact you for specific written (email) permission to verify/check your details.

### **After the form is submitted**

You should receive an email acknowledgement confirming submission within 48 hours. If not, check your spam/junk folder and email us with a screen shot of the 'code' shown on the submission form including the date and the time on your device.

Please note the reference number that is automatically generated on our web portal when completing your application does not mean that your application has been successfully received. The reference number denotes the fact that you have begun/fully completed a form. If you have not heard from us within 5 working days, please contact [DFLU.dom@homeoffice.gov.uk](mailto:DFLU.dom@homeoffice.gov.uk). If you contact DFLU without the evidence required and/or after 5 days your application will be considered late where it is a renewal.

If your application has been submitted and is considered as 'complete' as all component parts are in place for example completed DBS checks, field maps and photographs., the following steps will occur.

#### **> Validation-**

We will firstly check your form and ensure it is valid. Improperly completed forms may be rejected. Please fully complete the form with accurate information.

#### **> Triage-**

We will carry out an initial appraisal of your application and decide which 'track' it will follow i.e., whether we need to visit your premises or whether we can consider your

application on paper. At this stage it will be assigned for a compliance visit or to a caseworker for a paper-based consideration (no visit).

> Visits: as required

We do not envisage routinely needing to visit growers but will inform you if we consider this necessary and tell you why.

> Further information: as required

If you are asked to submit further information or confirm details, we will ordinarily give you a set timescale for this to be done. This may be done at a compliance visit, and/or by email if we are not visiting you.

> Consideration and decision making

We will make a full and balanced decision on your application for a licence. Where cases are complex this can take time. All recommendations will be subject to approval by a senior officer.

> Fees payment

Occasionally, you may be asked to pay in full when we receive your application, and this payment may be required before your application is considered further. If this applies to your application, you will be informed by email as soon as possible. If you want to withdraw your application at this stage, you will not be charged.

If we refuse your licence application, any fees already paid will be refunded.

Assuming your application is successful, you will be issued an invoice by email for immediate payment. We will not issue a licence until we receive full payment and you will not be able to lawfully operate without a licence being issued.

If at any stage, you wish to cancel your application, a cancellation fee may be applied to your application.

For further information please [view the After I apply section](#) on our website.

### **Withdrawal of applications on account of failure to comply**

We will withdraw an application where requested actions have not been undertaken in a reasonable or specified time. We will always contact you in writing (typically email) setting out a timescale for an action to be taken, where we are intending to withdraw your application, so you have the chance to act.

It is your responsibility to ensure that DBS checks are complete at the time of application and that any actions required by you to obtain the DBS certificate are carried out in a timely fashion. For example, by taking identification to the Post

Office.

Failure to manage your DBS application appropriately and ensuring that DBS checks are completed will result in either your application being delayed and/or your application being withdrawn. This is one of the most common reasons for an application being withdrawn and applications cannot be reinstated.

## **Refused applications**

If your application is refused, you will have 30 calendar days from the date of the refusal letter to submit any further representations in respect of the decision if you wish to. These will be considered accordingly.

You are free to re-apply but should only do so when you are in a position to provide additional information and directly address the reasons for refusal provided to you.

There is no option to appeal our decision to refuse an application or a decision to uphold that refusal following the submission of further representations. You have the option to take further action by following the pre-action protocol for judicial review proceedings.

## **What the licences covers**

Low THC Cannabis (industrial hemp) cultivation licences are:

- time limited – valid for typically 3 growing seasons and always issued to expire on 31 December
- premises (farm) and company specific (i.e., A B Drugs at AB Farm)
- schedule and activity specific (i.e., cultivation and possession of plants of the genus cannabis)
- non-transferable (between premises (farm) or across drug schedules)
- conditional - some conditions are standard to all licences, some may be dependent on schedules and activities and others are specific to the individual case situation. Conditions are reasonable, rational and proportionate and not for negotiation.

## **Top tips for licensees or prospective licensees**

- If you are a new/prospective licensee, remember to complete both the registration and application processes outlined above. If you do not, we will not have an application to consider.
- Do not apply to register as a user of a system unless you can show your proposals are compliant with all applicable UK laws and policies. We will not approve registrations or applications when there is no lawful route to market for a proposed product.
- Do not submit an industrial hemp (low THC) cultivation licence application



unless you are intending to cultivate EU/UK-approved seed varieties, subject to any UK marketing restrictions, of less than 0.2% THC, outdoors, and for use

of the fibre and/or seed only. It will be liable for rejection as it does not fit the published policy for this type of licence. If you intend to use controlled parts of the plant (flower and leaf - irrespective of whether that is from an 'industrial hemp' variety - you must seek to apply for a standard controlled drug/cannabis cultivation licence.

- Read the guidance on our website, especially information about fees and the hemp grower notes.
- Apply at the point the application window opens and within the specified date parameters as set out on our website under the [section 'important dates for prospective applicants'](#). We will work to sowing times wherever possible but need a reasonable period of time to consider applications. Seed should not be sown before a licence is granted.
- To note, if you apply for a further licence prior to the expiry of your current licence, the conditions or validity of the previously issued licence does not continue whilst a 'renewal' application is pending, irrespective of whether the application was made before the previous licence expired.
- Provide us with as much information as you can at the outset and use the facility to upload documents through the licensing form.
- Settle your invoices promptly - we will not issue a licence until we have received full payment of the licence fee. Approval in principle of a licence application conveys no authority to cultivate - that is only in place when a licence is issued.

### **What happens if my company changes its name?**

If you change your company name, this will invalidate your controlled drug/precursor chemical licence even where the Companies House number remains the same.

If your company is changing name and is being given a new companies house number this is considered to be a new legal entity. You will need to register for the drug licensing system under the new legal entity company name. Please do not re-register as a system user unless you are a new legal entity.

If your company name change remains the same legal entity, it is important you apply to amend your licence at the earliest opportunity. **Do not wait until this has been completed by Companies House, if you do so, this will be at your operating risk as there is no licensing coverage.**

When completing the application form please, complete the 'Are you requesting a change of name' box in 'Step 1' and in the 'Additional Comments' box you must provide the date the change is planned to occur. You must allow enough time for your \_\_\_\_\_

**application to be processed- we will not expedite late submissions.** You should check the covering letter issued with your previous licence and if it indicated a compliance visit was needed at the next renewal point you must apply in adequate time for this to happen (Please refer to our website for timelines).

When you receive notification of a 'decision in principle' you should immediately pay the required fee and then contact DFLU 48 hours after payment. This is to ensure payment has been received and to formally notify us of your intention to proceed with the change at Companies House. You must provide us with a copy of the relevant Companies House documentation by replying to the email notifying you that a decision in principle has been reached. Upon receipt of this, and payment, we will issue the licence(s).

### **What happens if my company registered address changes?**

If you change your company registered address at Companies House this will invalidate your controlled drug licence. It is therefore important you apply to amend your licence at the earliest opportunity. **Do not wait until this has been completed by Companies House. If you do so, this will be at your operating risk as there is no licensing coverage.**

When completing the application form please provide your existing Companies House registration details, complete the 'Are you requesting a change of registration details' box in 'Step 1' and in the 'Additional Comments' box you must provide the date the change is planned to occur. **You must allow enough time for your application to be processed- we will not expedite late submissions.** You should check the covering letter issued with your previous licence and if it indicated a compliance visit was needed at the next renewal point you must apply in adequate time for this happen (Please refer to our website for timelines).

When you receive notification of a 'decision in principle' you should immediately pay the required fee and then contact DFLU 48 hours after payment. This is to ensure payment has been received and it if has to formally notify us of your intention to proceed with the change at Companies House. You must provide us with a copy of the relevant Companies House documentation by replying to the email notifying you that a decision in principle has been reached. Upon receipt of this, and payment, we will issue the licence(s).

### **If you need more help**

If this document, or the other resources on our website do not fully answer your question, you can contact us on our telephone number which can be found on our web page: [Controlled drugs: domestic licences - GOV.UK \(www.gov.uk\)](https://www.gov.uk) or email: [industrialhemplicensing@homeoffice.gov.uk](mailto:industrialhemplicensing@homeoffice.gov.uk)

If you know who your case has been assigned to, please contact the Compliance

Officer or caseworker directly by using the email address that was used to send out your application acknowledgement letter.