



Home Office

Rt Hon Chris Philp MP  
Minister of State for Crime, Policing  
and Fire

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Professor Owen Bowden-Jones,  
Chair, Advisory Council on the Misuse of Drugs (ACMD)  
Professor Roger Knaggs  
Chair of Technical Committee, ACMD  
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By email only [ACMD@homeoffice.gov.uk](mailto:ACMD@homeoffice.gov.uk)

09 April 2024

Dear Professor Bowden-Jones and Professor Knaggs

### **Reform to the fees applicable under the hemp licensing regime**

The Home Office is working with partners in government, including the Department for Environment, Food and Rural Affairs (DEFRA), to develop proposals to improve the licensing regime for industrial hemp, which is administered by the Home Office Drugs and Firearms Licensing Unit (DFLU).

The proposals include a change to secondary legislation made under the Misuse of Drugs Act 1971 (“the 1971 Act”) and the Misuse of Drugs (Licence Fees) Regulations 2010 (“the 2010 Regulations”). To aid the ACMD, and to ensure that wider stakeholders understand the scope of what is proposed, I have set out the background to cannabis cultivation licensing.

### **Background**

It is unlawful to cultivate or possess cannabis plants without the requisite Home Office licence. Cannabis is defined in section 37(1) of the 1971 Act. There are two separate licensing regimes relating to cannabis cultivation.

#### ***Industrial hemp cannabis cultivation licensing regime***

Home Office policy provides that licences may be granted for the outdoor cultivation of cannabis plants with a low THC content where only the non-

controlled parts of the plant are used. The non-controlled parts of the cannabis plant are the mature stalk; fibre produced from the mature stalk; or the seed of any such plant. The controlled parts (which include the leaves and flowers) must be retted at the licensed location or otherwise lawfully disposed of.

There needs to be a defined commercial end use. This can be, for example, for the production of hemp fibre for industrial purposes or the obtaining of seeds which are then pressed for their oil. Licences are granted for outdoor cultivation only. The Home Office presently only issues industrial hemp licences for cultivation of plants from approved seed types with a THC content not exceeding 0.2%. The '0.2%' reference is used to identify varieties which may potentially be cultivated, within the scope of this policy, and to differentiate between the fee levels applicable under the 2010 Regulations.

The 1971 Act and the 2001 Regulations do not include an exemption for a permitted 0.2% percentage of controlled cannabinoids in products or for 0.2% THC cannabis plants. The controlled parts of the cannabis plant, including the leaves and flowers, are controlled drugs under UK legislation no matter what their THC content.

Licences issued under the industrial hemp regime last for up to three growing seasons and the fees are lower than those applicable under the standard cannabis cultivation regime.

### ***Standard cannabis cultivation licensing regime***

Home Office policy provides that licences may be granted for the cultivation of the cannabis plant for the use of the controlled parts of the plant (i.e., any part of the plant other than the mature stalk, fibre and seeds, including, for example, the flowers and leaves). There must be a lawful end use, for example, research purposes or to enable the lawful extraction of controlled cannabinoids for use in pharmaceuticals. This regime is applicable for all cultivation proposals, except those falling wholly within the terms of the industrial hemp policy.

### **Reform of industrial hemp licensing**

Given the potential economic and environmental advantages of hemp fibre, including its potential contribution to the government's ambitions for net zero carbon emissions, we are considering reforms to the licensing process to simplify the regime.

As part of this, we would like to seek ACMD views on raising the THC permissible in seed types used to grow industrial hemp varieties to at least 0.3% in line with, for example, the EU and Canada. It should be noted that DEFRA-led agricultural regulation will continue to govern which seed types can be marketed in the UK, and the Home Office policy will relate only to seed types that are otherwise lawful.

We also seek the ACMD's advice on amending the 2010 (Fees) Regulations so that the lower fee (of £580) applies to licences issued for the cultivation of any plant within the scope of the proposed revised industrial hemp licensing policy.

I would welcome the ACMD's advice on this issue by October this year.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Philp', written in a cursive style.

**Rt Hon Chris Philp MP**  
**Minister of State for Crime, Policing and Fire**