

With the rise of electric vehicles (EVs) and longer charging pauses, many drivers wonder how best to manage their keys during a charge to avoid the legal risk of being considered “in charge” while impaired. Is keeping the keys in the glovebox enough to demonstrate no intent to drive and reduce the risk of an offence under the Road Traffic Act? In this article, we’ll explore how the keys possession factor works, legal definitional boundaries around “in charge,” and the real implications of roadside swab tests and station blood tests for drivers, drawing upon guidance from EV Powered, NHS England, and the General Medical Council (GMC).

Understanding the Offence: ‘In Charge’ of a Motor Vehicle While Impaired

First, let’s clarify exactly what it means to be “in charge” of a vehicle under UK law.

Legal Definition

The key offence typically considered here is under **Section 4(1) of the Road Traffic Act 1988**: being “in charge of a motor vehicle on a road or other public place after consuming so much alcohol or drugs that the proportion in the blood exceeds the prescribed limit.” This includes alcohol and controlled drugs, including THC (the active compound in cannabis).

“In charge” does not necessarily mean “driving.” You can be charged if you have control or possession of the vehicle, even if stationary. Factors such as where your keys are, whether the engine is off, and what your intent was, come into consideration.

The Keys Possession Factor

One common interpretation is that if you have the keys on you, you are more likely to be considered “in charge” because you have control and immediate access to move the vehicle. But what if your keys are kept in the glovebox or another compartment inside the vehicle? Does that automatically protect you from an “in charge” charge?

Legally, not necessarily. The prosecution can argue that keeping the keys in the glovebox does not remove your control if you were still able and willing to drive. However, if you can demonstrate you left the keys somewhere inaccessible explicitly to show no intent to drive, that can be part of a statutory medical defence and can help reduce the burden of proof.



Real-World Scenario: Keys in the Glovebox at an EV Charging Stop

Imagine you are charging your EV at a public charger. The vehicle is stationary, plugged in, and you have popped out for a walk or a coffee. To reduce the risk of being “in charge,” you decide to put the keys inside the glovebox.

The “keys in the glovebox” approach could help demonstrate you took precautions to avoid driving while impaired during this charge downtime, but it’s important to understand the limitations.

- **Charging Downtime as a Legal Risk Window:** EV charging stops tend to be longer than a typical petrol stop, sometimes 30 minutes or more. This period can increase your window of risk for drink or drug driving offences if you do not take care with your keys and the vehicle.
- **Intent Matters:** If police attend and find you with keys in the glovebox but you admit or evidence shows you intended to drive afterwards, you can still be charged with being “in charge.”
- **Precautionary Measures:** EV Powered, a leading EV information platform, recommends physically removing keys from the vehicle or leaving them with a responsible person as the best practice during charging stops.

THC Blood Limit vs. Impairment

The topic of THC and driving is complex. Unlike alcohol, the legal blood limit for THC is explicit but its correlation with impairment is debated.

Substance	Legal Blood Limit	Impairment Considerations
Alcohol	80mg per 100ml blood (35µg per 100ml breath)	Well-established correlation between level and impairment
THC	2µg per litre of blood	Impairment can vary significantly; recent cannabis use more relevant than inactive metabolites

The Home Office sets the limit at 2 micrograms per litre of blood, but impairment can occur below or above this level depending on individual tolerance and timing of use. NHS England stresses caution given the impairment risk especially when combined with alcohol or medications.

Statutory Medical Defence and Evidence Burden

If charged with “in charge” while impaired, you may rely on a statutory medical defence available under the Road Traffic Act. This defence applies if you:

1. Took the vehicle out intending to drive it, but before you could drive you consumed impairing substances;
2. However, you stopped using the vehicle as soon as you knew your abilities were impaired;
3. You had no intention to drive while impaired;
4. You can demonstrate precautions (such as where the keys were kept) to support your lack of intent.

The burden of proof initially lies with the prosecution to show you were “in charge.” But once you raise this defence, the burden shifts to you to prove your lack of intent and that you took reasonable steps to avoid driving impaired.



Roadside Swab Test vs Police Station Blood Test

As part of enforcement, police now commonly use two testing methods for impairing drugs and substances.

1. Roadside Swab Test

- Non-invasive test of oral fluid that detects certain drugs.
- Provides immediate evidence of drug presence but is not definitive for impairment or blood concentration levels.
- Positive swab can lead to arrest and requirement to provide a blood sample.

2. Police Station Blood Test

- Considered the gold standard for measuring drug and alcohol levels in the blood.
- Provides scientific metrics for THC and alcohol concentration.
- Used as primary evidence in court proceedings.

The General Medical Council (GMC) advises clinicians and forensic experts involved in these tests to ensure accuracy and clarity, especially when interpreting THC levels against impairment. Drivers should be aware that failing to comply with testing can result in separate offences.

Charging Stop Precautions to Minimise Risk

When using EV chargers, drivers should take practical steps during the downtime to reduce exposure to “in charge” risk.

- **Remove Keys from Vehicle:** Don't just put keys in the glovebox or centre console; remove them and keep them on your person away from the vehicle or with another responsible person.
- **Turn Off the Vehicle:** Although stopping the engine helps, it doesn't alone protect against “in charge” charges, especially if keys remain accessible.
- **Document Actions:** Keep notes or evidence (like photos) of your non-driving activity during charging, helping to show no intent to drive impaired.
- **Plan Breaks Wisely:** Follow advice from EV Powered and NHS England to take sufficient rest and allow substances to metabolise before continuing your journey.

Summary: Can Keeping Keys in the Glovebox Help?

Simply putting your keys in the glovebox during an EV charging stop is a step toward demonstrating no intent to drive, but it is not a guaranteed shield against charges for being “in charge” while impaired.

Legal risk depends on your ability to show no control or intention to drive, the presence and results of roadside swab or blood tests, and the context of the stop. Taking comprehensive precautions—such as removing keys from the vehicle altogether and planning your charging downtime with care—remains the best advice.

For expert guidance, consulting resources from EV Powered, NHS England, and the General Medical Council is recommended, as staying informed about rules and testing procedures will help you stay safe and legal on the evpowered.co.uk road.