

Our Ref: IM-FOI-2022-0339
Date: 28 February 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

- **Who has legal power to take action against drivers who block access to a private driveway from a public road?**
- **Are Police Scotland responsible for issues where an obstruction on a public road occurs?**
- **Would parking across a dropped kerb (access to a private driveway) be regarded as an obstruction?**
- **Would Police Scotland take action against a driver who caused such an obstruction?**

I must first advise you that I have slightly rephrased the questions provided as any request that does not seek *recorded information*, but invites comment or opinion on specific examples, is not a valid request under the Act.

On that basis I can confirm that when Police Scotland receives any report of an obstruction on the road, police officers will attend and assess each individual set of circumstances to establish if there has been any offence committed.

I must reiterate that it is not possible to comment on specific scenarios but examples of some legislation which may apply are detailed below:

- Road Traffic Law, Road Vehicles (construction and use) regulations 1986 part IV, conditions relating to use, part F, section 103 Obstruction, states:-

No person in charge of a motor vehicle or trailer shall cause or permit the vehicle to stand on a road as to cause any unnecessary obstruction of the road.

- Road Traffic Act 1988 Part 1, leaving vehicles in a dangerous position, states:-

If a person in charge of a vehicle causes or permits the vehicle or trailer drawn by it to remain at rest on a road in such a position in in such a condition or in such circumstances as to involve a danger of injury to persons using the road, he shall be guilty of an offence.

OFFICIAL

- Rule 243 of the Highway Code states:-

You must not stop or park in front of the entrance to a property or where the kerb has been lowered to help wheelchair users and powered mobility vehicles.

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.