

Our Ref: IM-FOI-2022-1285
Date: 4th July 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.

During the 2021 calendar year:

1. How many times was police pre-charge bail granted by your force?
2. How many of these were conditional and how many were unconditional?
3. How many included a condition that the suspect would not be allowed to leave the country?
4. With relation to those cases where the suspect was prohibited from leaving the country, in how many instances was a travel document (eg. passport, EU ID cards etc.) confiscated or withheld by your force as part of enforcing bail conditions?
5. Please disclose any internal guidelines, operating procedures, or other documents, that relate to how your force deals with travel documents that have been seized/confiscated in order to enforce/as part of bail conditions (e.g. notify HMPO/Border Force, foreign authorities or embassy if the passport is non-UK, etc.). Please note that this would exclude other cases where police might come into contact with travel documents (e.g. lost/stolen, found at crime scene etc.)

The practice of 'police bail' is not exercised in Scotland.

The concept was introduced under Section 46A of the Police and Criminal Evidence Act 1984, which does not apply outside of England and Wales.

There is no equivalent policing power in Scotland and as such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

Should you require any further assistance please contact Information Management Dundee, quoting the reference number given.

If you 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.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

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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.

