

Our Ref: IM-FOI-2022-1048
Date: 01 June 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.

I would like to know how many warnings, convictions and prosecutions there have been relating to motorcycles causing excessive noise in breach of The Road Vehicles (Construction and Use) Regulations Act 1986 by Police Scotland over the past 12 months (April 2021 - end April 2022). Please could you give the information in a table showing what the offence was and the action that was taken against the individual in question

Having considered your request in terms of the Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, Police Scotland record crimes using the Scottish Government Justice Department crime classification codes. With regard to your request, offences such as these would be classed as, Construction and Use Regulation (other than Lighting). Therefore the only way to provide an accurate response to your request would be to manually examine each and every crime report and fixed penalty notice issued to establish the reason and whether associate to motorcycles. As such this is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

I can also advise you with regard to warnings, each and every police officer notebook would have to be consulted to establish whether an individual was spoken to in relation to your request. Given that there are over 17, 000 police officers in Scotland, this alone would exceed the cost threshold.

I can further advise you that Police Scotland does not hold conviction information. 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.

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You may wish to contact the Crown Office and Procurator Fiscals Service (COPFS) which holds conviction information for Scotland. A request can be submitted to COPFS via email using the following address foi@copfs.gsi.gov.uk

Should you require any further assistance please contact Information Management - Dundee at foidundee@scotland.police.uk 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.

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.

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