| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-1579Responded to: xx July 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## Please provide us with the number of reported cases to the Procurator Fiscal in respect of contraventions of Road Vehicles (Construction and Use) Regulations 1986 in the past ten years, specifically from an area formally covered by Tayside Police Force.

Please be advised that data relating to detected crimes for 'Construction & Use Regulations Other Than Lighting​' is publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available on the Police Scotland website, by filtering all detected crimes for 'Construction & Use Regulations Other Than Lighting​' (and if required, relevant lighting offences are listed under 'lighting offences, motor vehicle').

To assist, the data can be accessed via the following link:

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

Please be advised that retrospective data dating back to 2013 is due to be included in the next publication.

Therefore, I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 27(1) of the Act - information otherwise accessible:

*“Information is exempt information if it is held with a view to its being published via performance reporting at a date not later than twelve weeks after that on which the request for the information is made.”*

For clarity the data described above represents all detected crimes and specific information relating to which cases were reported to the Procurator Fiscal is not available in an easily retrievable format. A sample of that data provides there were almost 200 such cases in the first three quarters of 2022/23 alone, confirming that any attempt to gather this level of detail would prove too costly within the context of the £600 fee regulations.

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.

Finally it should be noted that information is held for the period since the creation of Police Scotland in April 2013 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 for any earlier period is not held by Police Scotland.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.