| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1110  Responded to: xx June 2025 |
| --- | --- |

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

**To estimate the projected costs for quashing convictions under Section 46, I would appreciate your clarification on the following:**

1. **How long you hold records for convictions under Section 46 and any other related records.**

If a police warning was given it would be retained for 2 years, given the crime type this would also be the same for a fiscal outcome.

If an individual is fined at Court for the crime in question, this would weed at 40 years from date of birth OR 20 years from date of disposal (whichever calculation retained the case for the longest period).

If there was a custodial sentence applied this would weed at 70 years from date of birth OR 30 years from date of disposal (whichever calculation retained the case for the longest period).

While the Crime Type of the charge is not sexual in nature, if a sexual aggravator has been applied the case will weed at 100 years from the individuals DOB.

Weeding on CHS in a sliding scale based on severity of the charge, the organisation disposing the case and the type of disposal being applied.

1. **Whether you hold any paper records of historic convictions under Section 46, alongside digital records.**

There are no paper records pertaining to criminal records retained by Police Scotland.  When the project to digitise the paper record collection was completed (back in 1987/88), any paper records were destroyed ensuring that the Criminal History System for Scotland became the single point of record for criminal records in Scotland.

1. **If any records (paper and digital) do exist, how many are currently held.**

With regards the data we do hold in the Criminal History system:

There are 791 individuals where they have at least one case which holds a reference to Civic Government (Scotland) Act 1982 Section 46.  Section 46 can relate to any part of Section 46, for example recorded as ‘Section 46’, ‘46(1)(A)’ or  ‘46(1)(B)’.

There are 2773 cases where the case (which may be a case with rolled cases) has at least one charge relating to Civic Government (Scotland) Act 1982 Section 46.

1. **What processes and costs would be incurred by Police Scotland if records for these convictions were to be amended to reflect their quashing.**
2. **What processes and costs would be incurred by Police Scotland to confirm that a record for an offence under Section 46 has been amended or destroyed.**

As you may be aware, the Act provides a right of access to recorded information only.  Questions seeking the creation of comment or opinion in relation to a particular query, are not therefore valid in terms of [section 8 of the Act](https://www.legislation.gov.uk/asp/2002/13/section/8).

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](mailto:foi@scotland.police.uk) 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](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) 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.