

Our Ref: IM-FOI-2022-0595  
Date: 30 March 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.

- 1. How many e-scooters has Police Scotland seized in each of the last three financial years, including so far in this current financial year?**
- 2. How many of those e-scooter seized were destroyed in each of those years, including so far in this current financial year?**

Having considered these questions in terms of the above 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, there is no facility available on Police Scotland's systems which allow for productions which have been seized to be searched by type, i.e. scooter/e-scooter/vehicle etc.

The only way to provide an accurate response to your request would be to carry out case by case assessment of all potentially relevant crimes, of which there would be thousands. A vehicle could be seized in relation to all manner of crime investigations i.e. Misuse of Drugs Act, Road Traffic Offences, Proceeds of Crime etc. and as such each would have to be examined. To illustrate, even if we restrict the search to just road traffic offences, there were 3, 544 recorded offences of Dangerous Driving for the year 2020/21. As such this is an exercise which would far exceed the cost limit set out in the Fees Regulations.

You can access our published crime statistics via the following link: [Our performance - Police Scotland](#)

- 3. In each of the last three financial years, including so far in this current financial year, how many people in Scotland have been arrested for driving an e-scooter illegally? How many of those were charged.**

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In response to this question, as above, 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, the relevant offence, which is set out at Section 34 of the Road Traffic Act 1988, is covered by a Scottish Government Justice Department (SGJD) offence classification code - *Motor Vehicles, Other Offences* and a general FPN code - *Driving on Footway/ Driving elsewhere than on a road*.

Unfortunately, the only way to determine whether any of these offences involved an electric scooter would be to carry out case by case assessment of each, which is an exercise that I estimate would exceed the cost limit set out in the Fees Regulation.

To be of some assistance, crime statistics including those relating to Motor Vehicles, Other Offences are publicly available on the Police Scotland website, via the above link.

You may also be interested to know that in Scotland, the [Electric Scooter Trail and Traffic Signs \(Coronavirus\) Regulations and General Directions 2020](#) came into force on 4 July 2020, legislating for the use of rental e-scooters on the road as part of a 12 month trial.

The Department for Transport has a useful guidance [document](#) which may be of interest

Should you require any further assistance please contact Information Management - Dundee on [foidundee@scotland.pnn.police.uk](mailto:foidundee@scotland.pnn.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.pnn.police.uk](mailto: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](mailto: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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