| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0878  Responded to: 21 April 2023 |
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Your recent request for information is replicated below, together with our response.

## The number of prosecutions in relation to the use of mobile phones while driving under the regulations effective 25th March 2022. This can include information relating to people who have also been prosecuted since 25th March 2022 under regulations in place before this date.

**Please provide a total number of prosecutions since March 25th 2022.**

## The number of prosecutions in relation to the use of mobile phones while driving under the active regulations between 25th March 2021 and 24th March 2022.

## Please provide a total number of prosecutions between 25th March 2021 and 24th March 2022.

Police Scotland does not hold prosecution 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.

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](mailto:foi@copfs.gsi.gov.uk)

You also may be interested in our published crime statistics which show recorded and detected offences including driving whilst using a mobile phone: [How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/) (group 7)

## The number of incidents where police gave ‘words of advice’ to motorists found in contravention of Road Vehicles (Construction and Use) Regulations 1986 relating to the use of a mobile phone when in charge of a car since 25th March 2022.

## Please provide breakdown by calendar month of the number of incidents where ‘words of advice’ were given to motorists since March 25th 2022.

Having considered question 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, there is no central system where advice given to motorists is recorded and as such the only way to provide an accurate response to your request would be to examine each and every police officers notebook(s). Given that there are over 16,000 police officers within Police Scotland, this an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

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](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) 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.