| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1118  Responded to: 17 April 2025 |
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Your recent request for information is replicated below, together with our response.

**I am submitting this request under the Freedom of Information Act 2000 on behalf of 5 News. Please provide the following information relating to the use of nitrous oxide (N₂O) while driving:**

**If possible, please provide the data broken down by year.**

* **The number of road traffic collisions recorded in the past three years (2022, 2023, 2024) where nitrous oxide was listed as a suspected factor.**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation, closest we can search on is the general contributory factor of 'Impaired by drugs (illicit/medicinal)​' and that for the 3-year period covered by request that would be several hundred RTC reports and associated records to review.

* **The number of individuals arrested or charged under Section 5 of the Road Traffic Act 1988 (Driving or Being in Charge of a Motor Vehicle with Excess Alcohol or Drugs) where nitrous oxide was recorded as the substance involved.**
* **The number of individuals arrested or charged under Section 2 (Dangerous Driving) and Section 3 (Careless or Inconsiderate Driving) of the Road Traffic Act 1988, where nitrous oxide was suspected or confirmed as a contributing factor.**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation, we would have to review all crime reports for relevance.

* **Whether your force has conducted any specific roadside operations or drug-driving tests targeting nitrous oxide use while driving.**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation, Police Scotland do not have a central system for recording roadside operations.

To provide a response would require a search of all officer notebooks in Police Scotland to ascertain if there were any specific roadside operations. As such, this is an exercise which would exceed the cost limit set out in the Fees Regulations.

The Home Office approved roadside drug testing devices used by Police Scotland (‘DrugWipes’), and other UK forces, do not test for nitrous oxide.  Driver cognitive impairment due to nitrous oxide, as with impairment from any other substance, may possibly be revealed during completion of Drug Influence Recognition and Preliminary Impairment Testing by Road Policing officers trained and authorised in the application of these systematic and standardised physical co-ordination and response procedures carried out with suspect drivers.

Police Scotland do not have a central system for recording DIRPIT procedures / outcomes.

* **Whether nitrous oxide is included in standard drug impairment testing for drivers. If not, has there been any internal discussion or policy review about adding it?**

**I would appreciate any relevant internal policy documents or guidance on enforcement related to nitrous oxide and driving offences.**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies.

By way of explanation, Driver drug toxicology testing practice and policy is a matter for the Scottish Police Authority (SPA), who can provide a more detailed response on request.

We can, however, advise that nitrous oxide is a volatile substance rapidly metabolised in the body after inhalation, which generally means it is only possible to detect it for a very short time after it is inhaled.

By the time any blood or urine sample is subsequently collected nitrous oxide may be undetectable.

Post-mortem detection may be more readily achievable, due to metabolism ceasing at time of death.

If further detail is sought in this regard, we would recommend contacting SPA - [Freedom of Information | Scottish Police Authority](https://www.spa.police.uk/what-we-do/public-body-duties/access-to-information/freedom-of-information/)

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.