

Our Ref: IM-FOI-2022-0956
Date: 24 May 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.

Can you please provide a monthly breakdown for each year from 2018 to present of how many motorists were prosecuted for using mobile devices while driving?

Police Scotland does not hold prosecution/conviction 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

However to be of assistance, please see the tables at the end of this letter for recorded and detected mobile phone offences.

Can you please state how many of these each year were fixed penalty notices and how many were taken to court?

Having considered this 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, the only way to provide an accurate response to your request would be to examine each and every offence detailed in the tables provided to establish whether the accused had been offered a Conditional Offer of Fixed Penalty Notice in the first instance. Please be aware that if an individual declines or refuse to accept COFPN the offence can be reported to COPFS. Given the volume of reports, this an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

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For each year, can you also state how many motorists were given verbal warnings for committing the same offence please?

Having considered this 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, the only way to provide an accurate response to your request would be to examine each and every police officer's notebooks to establish whether an individual was spoken to and what action was taken. Given that there are over 23,000 police officers, this is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

Can you please provide the same data in Q1-3 for the period March 25 2022 to April 25 2022?

Please see the answers to Q1-3 above.

Of these, can you please state how many were prosecuted under the new law which came into effect on March 25 2022 prohibiting the use of mobile phones while driving in almost all circumstances?

Police Scotland does not hold prosecution/conviction 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 Fiscal 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

I can further advise you that the legislation is not new but an amendment to existing wording. The offence is the same and are included in the recorded/detected stats provided.

Should you require any further assistance please contact Information Management - Dundee on foidundee@scotland.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

OFFICIAL

OFFICIAL

foi@scotland.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 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.

Recorded Mobile Phone Offences, 1st January 2018 - 25th April 2022 (Year/Month)

Offence	Year	Month	Recorded
Mobile Phone Offences	2018	Jan	196
Mobile Phone Offences	2018	Feb	245
Mobile Phone Offences	2018	Mar	240
Mobile Phone Offences	2018	Apr	281
Mobile Phone Offences	2018	May	313
Mobile Phone Offences	2018	Jun	259
Mobile Phone Offences	2018	Jul	266
Mobile Phone Offences	2018	Aug	280
Mobile Phone Offences	2018	Sep	272
Mobile Phone Offences	2018	Oct	242
Mobile Phone Offences	2018	Nov	239
Mobile Phone Offences	2018	Dec	148
Mobile Phone Offences	2019	Jan	169
Mobile Phone Offences	2019	Feb	203
Mobile Phone Offences	2019	Mar	214
Mobile Phone Offences	2019	Apr	273
Mobile Phone Offences	2019	May	284
Mobile Phone Offences	2019	Jun	255
Mobile Phone Offences	2019	Jul	265
Mobile Phone Offences	2019	Aug	218
Mobile Phone Offences	2019	Sep	240
Mobile Phone Offences	2019	Oct	214
Mobile Phone Offences	2019	Nov	190

OFFICIAL

OFFICIAL

Mobile Phone Offences	2019	Dec	144
Mobile Phone Offences	2020	Jan	140
Mobile Phone Offences	2020	Feb	122
Mobile Phone Offences	2020	Mar	116
Mobile Phone Offences	2020	Apr	93
Mobile Phone Offences	2020	May	166
Mobile Phone Offences	2020	Jun	172
Mobile Phone Offences	2020	Jul	220
Mobile Phone Offences	2020	Aug	170
Mobile Phone Offences	2020	Sep	183
Mobile Phone Offences	2020	Oct	147
Mobile Phone Offences	2020	Nov	156
Mobile Phone Offences	2020	Dec	89
Mobile Phone Offences	2021	Jan	72
Mobile Phone Offences	2021	Feb	99
Mobile Phone Offences	2021	Mar	127
Mobile Phone Offences	2021	Apr	179
Mobile Phone Offences	2021	May	154
Mobile Phone Offences	2021	Jun	124
Mobile Phone Offences	2021	Jul	160
Mobile Phone Offences	2021	Aug	158
Mobile Phone Offences	2021	Sep	146
Mobile Phone Offences	2021	Oct	110
Mobile Phone Offences	2021	Nov	101
Mobile Phone Offences	2021	Dec	76
Mobile Phone Offences	2022	Jan	137
Mobile Phone Offences	2022	Feb	124
Mobile Phone Offences	2022	Mar	141
Mobile Phone Offences	2022	Apr	197
TOTAL			9529

Detected Mobile Phone Offences, 1st January 2018 - 25th April 2022 (Year/Month)

Offence	Year	Month	Detected
Mobile Phone Offences	2018	Jan	203
Mobile Phone Offences	2018	Feb	236
Mobile Phone Offences	2018	Mar	253
Mobile Phone Offences	2018	Apr	276
Mobile Phone Offences	2018	May	313
Mobile Phone Offences	2018	Jun	278
Mobile Phone Offences	2018	Jul	244
Mobile Phone Offences	2018	Aug	290
Mobile Phone Offences	2018	Sep	270
Mobile Phone Offences	2018	Oct	246
Mobile Phone Offences	2018	Nov	210

OFFICIAL

Mobile Phone Offences	2018	Dec	148
Mobile Phone Offences	2019	Jan	168
Mobile Phone Offences	2019	Feb	221
Mobile Phone Offences	2019	Mar	214
Mobile Phone Offences	2019	Apr	278
Mobile Phone Offences	2019	May	288
Mobile Phone Offences	2019	Jun	243
Mobile Phone Offences	2019	Jul	249
Mobile Phone Offences	2019	Aug	226
Mobile Phone Offences	2019	Sep	235
Mobile Phone Offences	2019	Oct	212
Mobile Phone Offences	2019	Nov	187
Mobile Phone Offences	2019	Dec	132
Mobile Phone Offences	2020	Jan	133
Mobile Phone Offences	2020	Feb	129
Mobile Phone Offences	2020	Mar	109
Mobile Phone Offences	2020	Apr	107
Mobile Phone Offences	2020	May	173
Mobile Phone Offences	2020	Jun	184
Mobile Phone Offences	2020	Jul	216
Mobile Phone Offences	2020	Aug	173
Mobile Phone Offences	2020	Sep	190
Mobile Phone Offences	2020	Oct	129
Mobile Phone Offences	2020	Nov	138
Mobile Phone Offences	2020	Dec	94
Mobile Phone Offences	2021	Jan	69
Mobile Phone Offences	2021	Feb	96
Mobile Phone Offences	2021	Mar	143
Mobile Phone Offences	2021	Apr	166
Mobile Phone Offences	2021	May	158
Mobile Phone Offences	2021	Jun	123
Mobile Phone Offences	2021	Jul	160
Mobile Phone Offences	2021	Aug	150
Mobile Phone Offences	2021	Sep	141
Mobile Phone Offences	2021	Oct	109
Mobile Phone Offences	2021	Nov	106
Mobile Phone Offences	2021	Dec	74
Mobile Phone Offences	2022	Jan	141
Mobile Phone Offences	2022	Feb	118
Mobile Phone Offences	2022	Mar	136
Mobile Phone Offences	2022	Apr	192
TOTAL			9477