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Our Ref: IM-FOI-2021-2775  
Date: 07 January 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.

### **Your policy on enforcing 20mph speed limit zones - do you enforce them, what is the threshold for issuing a speeding ticket, summons or prosecution?**

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

The necessary exemption in this case is Section 35 (1)(a) & (b) – Law Enforcement.

#### Section 35 (1)(a) & (b) – Law Enforcement

Information is exempt information if its disclosure under this Act would, or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders. If information relating to thresholds for the issuing of Fixed Penalty Notices or Reporting for Summons there is a clear risk that some people intent on disregarding the law may use this information to evade detection and thus impacting on the ability of police to apprehend offenders.

One of the main purposes of the Police Service is to prevent crime but to release this information would be contrary to that purpose.

This is a non-absolute exemption and requires the application of the public interest test.

#### Public Interest Test

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

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However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminals.

Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

However to be of assistance I can advise that, existing guidance highlights that it is imperative that Local Authorities & Trunk Road Operating companies give careful consideration to the selection of sites that require the introduction of a 20 mph speed limit. Such limits should be 'self-enforcing' and sustainable, either as a result of the current road layout, existing vehicle speed data or through the addition of appropriate physical speed reduction measures.

The guidance, issued by Transport Scotland, states that any decision to lower the speed limit to 20 mph should seek to avoid the need for extensive police enforcement, as 20 mph limits will not be routinely enforced, unless it is absolutely necessary and in the interest of casualty reduction. The only exception to this is the enforcement of 20 mph speed limits outside schools, which takes place on a regular basis.

The position of Police Scotland in respect of the enforcement of 20 mph aligns with the enforcement activity criteria for all published speed limits, contained within the Speeding Standard Operating Procedure which states:

'Deployment of resources must prioritise sites which represent the greatest risk and should only be undertaken where considered necessary and in the interests of casualty reduction'.

**How many drivers have been issued with speeding tickets, fines, summonses, prosecutions, awareness courses or other form of enforcement action in the past 12 months?**

Please see the tables below for the number of speeding offences recorded and subsequently detected by Police Scotland.

<b>Recorded Speeding Offences, Police Scotland <sup>1</sup></b>	
Period: 1st December 2020 - 30th November 2021	
<b>Offence</b>	<b>Period</b>
Speeding in restricted areas	7,266
Other Speeding Offences	16,303
<b>Total</b>	<b>23,569</b>
All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 9th December 2021.	
<sup>1</sup> The Recorded Crimes are extracted using the Date Raised, and then selecting the Stats Class Codes 730300 Speeding in Restricted Areas and 730400 Other Speeding Offences.	

<b>Detected Speeding Offences, Police Scotland <sup>1</sup></b>	
Period: 1st December 2020 - 30th November 2021	
<b>Offence</b>	<b>Period</b>

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Speeding in restricted areas	7,256
Other Speeding Offences	16,103
<b>Total</b>	<b>23,359</b>
All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 9th December 2021.	
<sup>1</sup> The Recorded Crimes are extracted using the Date Raised, and then selecting the Stats Class Codes 730300 Speeding in Restricted Areas and 730400 Other Speeding Offences.	

Should you require any further assistance please contact Information Management 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.