| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0979  Responded to: 28 April 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## Can you tell me the amount of arrests, cautions or any other noteable infringements of The Wildlife and Countryside Act 1981 with regards to members of the public disturbing the Capercaillie from 2000-2023 ?

## I understand it is an offence to knowingly disturb the species while lekking, nest building, or with young around the nest.

In response to your request, I can advise first of all advise you that, Police Scotland record crimes using the Scottish Government Justice Department crime classification codes. The Wildlife and Countryside Act 1981 encompasses several different classifications.

Having considered your request 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 relevant crime report to establish whether Capercaillieis mentioned and in what context - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

To illustrate as at Q4 of the 2021/22 financial year there were 286 recorded crimes of Wildlife Offences. You can access our published crime statistics via the following link: [How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

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.