

Our Ref: IM-FOI-2022-2315  
Date: 22 November 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.

**We would like any information you hold on the following questions for the period of 1 January 2017 to 31 December 2021.**

**Your organisation may not record and hold information covering all the questions, please answer N/A for any that you do not have any relevant data. The full list of questions we are requesting information on have been included to provide context for the data we are seeking to obtain.**

- 1. Number of deaths, split by year, caused by electrocution or fire due to interference or damage to the electricity metering installation and/or incoming supply cable and general geo-location of each death.**
- 2. Number of deaths, split by year, caused by gas exposure, gas explosion or fire due to interference or damage to the gas metering installation and/or incoming supply pipe and general geo-location of each death.**

I can advise you that sudden death reports are submitted by Police Scotland to the Crown Office and Procurator Fiscal Service.

In respect of those, 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 systems that we have in place, cannot search death reports to COPFS by the *alleged* circumstances of the death, meaning each report would have to be individually assessed - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulation given the scope of your request.

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- 3. Number of injuries, split by year, caused by electrocution or fire due to interference or damage to the electricity metering installation and/or incoming supply cable and severity and general geo-location of each injury.**
- 4. Number of injuries, split by year, caused by gas exposure, gas explosion or fire due to interference or damage to the gas metering installation and/or incoming supply pipe and severity and general geo-location of each injury.**

In response to these questions, as per above 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 incident classification for 'injury' specifically and such incidents could be recorded under various STORM categories, each of which would have to be reviewed to establish circumstances. As such this is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

- 5. Number of reported crimes to the police relating to energy or gas theft, dishonest use or abstraction of electricity, interference or damage to electricity or gas meters and/or incoming cables or pipes, split by year, and general geo-location of each instance.**
- 6. Number of crimes investigated by the police relating to energy or gas theft, dishonest use or abstraction of electricity, interference or damage to electricity or gas meters and/or incoming cables or pipes, split by year, and general geo-location of each instance.**

In response to these questions, I can first of all advise you that crimes of this type tend to be dealt with in terms of the illegal action the suspect has taken under Electricity Act 1989 or Gas Act 1986/1995 as opposed to what they haven't paid for. An offence is committed:

If any person intentionally or by culpable negligence -

- (a) alters the register of any meter used for measuring the quantity of electricity supplied to any premises by an electricity supplier; or
- (b) prevents any such meter from duly registering the quantity of electricity supplied.

Similarly under Gas legislation:

If any person intentionally or by culpable negligence -

- (a) injures or allows to be injured any gas fitting provided by a public gas transporter or gas supplier; or any service pipe by which any premises are connected to such a transporter's main;
- (b) alters the index to any meter used for measuring the quantity of gas conveyed or supplied by such a transporter or supplier; or
- (c) prevents any such meter from duly registering the quantity of gas conveyed or supplied,

Therefore I can provide the following for the period 1 January 2017 to 31 December 2021 for the related offence 'Public utilities gas electricity etc legislation':

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Division/ Local Authority Area	Recorded Crimes					Detected Crimes				
	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021
<b>Argyll &amp; West Dunbartonshire</b>	<b>14</b>	<b>13</b>	<b>9</b>	<b>14</b>	<b>7</b>	<b>14</b>	<b>11</b>	<b>9</b>	<b>12</b>	<b>6</b>
Argyll & Bute	5		3	5	1	5		3	4	1
West Dunbartonshire	9	13	6	9	6	9	11	6	8	5
<b>Ayrshire</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>		<b>6</b>	<b>1</b>	<b>2</b>	<b>2</b>	
East Ayrshire	2	0	1	1		4	1	1	1	
North Ayrshire	2		0			1		1		
South Ayrshire	1			1		1			1	
<b>Dumfries and Galloway</b>	<b>5</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>3</b>
Dumfries & Galloway	5	7	5	3	5	5	5	4	2	3
<b>Edinburgh</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>4</b>
City of Edinburgh	3	5	3	4	7	2	3	2	3	4
<b>Fife</b>	<b>34</b>	<b>16</b>	<b>16</b>	<b>14</b>	<b>16</b>	<b>30</b>	<b>17</b>	<b>12</b>	<b>15</b>	<b>10</b>
Fife	34	16	16	14	16	30	17	12	15	10
<b>Forth Valley</b>	<b>28</b>	<b>23</b>	<b>20</b>	<b>13</b>	<b>13</b>	<b>25</b>	<b>22</b>	<b>19</b>	<b>13</b>	<b>12</b>
Clackmannanshire	4	7	4	4	2	5	7	4	3	2
Falkirk	24	14	14	9	10	20	14	13	10	8
Stirling		2	2		1		1	2		2
<b>Greater Glasgow</b>	<b>13</b>	<b>5</b>	<b>8</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>1</b>
East Dunbartonshire	1	1				1	1			
East Renfrewshire		1					1			
Glasgow City	12	3	8	3	6	8	1	5	2	1
<b>Highland and Islands</b>	<b>4</b>	<b>1</b>		<b>1</b>	<b>2</b>	<b>5</b>	<b>1</b>		<b>0</b>	<b>0</b>
Eilean Siar	1					1				
Highland	3	1		1	2	4	1		0	0
<b>Lanarkshire</b>	<b>13</b>	<b>12</b>	<b>8</b>	<b>4</b>	<b>3</b>	<b>8</b>	<b>11</b>	<b>6</b>	<b>5</b>	<b>3</b>
North Lanarkshire	8	4	2		2	4	5	2		2
South Lanarkshire	5	8	6	4	1	4	6	4	5	1
<b>Lothian and Borders</b>	<b>21</b>	<b>22</b>	<b>9</b>	<b>11</b>	<b>9</b>	<b>20</b>	<b>17</b>	<b>9</b>	<b>11</b>	<b>9</b>
East Lothian	2	1	1			2	1	1		
Midlothian	1	2		1		1	2		1	
Scottish Borders	2	1	2	4	1	2	0	1	4	1
West Lothian	16	18	6	6	8	15	14	7	6	8
<b>North East</b>	<b>2</b>	<b>7</b>	<b>5</b>	<b>7</b>	<b>10</b>	<b>4</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>10</b>
Aberdeen City	1	3	2	3	6	2	3	0	4	5
Aberdeenshire	0	4	3	2	3	1	3	3	1	4
Moray	1			2	1	1			1	1
<b>Renfrewshire &amp; Inverclyde</b>		<b>5</b>	<b>1</b>	<b>2</b>	<b>1</b>		<b>5</b>	<b>2</b>	<b>2</b>	<b>1</b>
Inverclyde		3	1				3	2		
Renfrewshire		2		2	1		2		2	1
<b>Tayside</b>	<b>22</b>	<b>27</b>	<b>14</b>	<b>5</b>	<b>3</b>	<b>21</b>	<b>20</b>	<b>17</b>	<b>4</b>	<b>0</b>
Angus	7	2	3	1		8	2	3	1	
Dundee City	11	17	7	2	3	10	13	8	1	0
Perth & Kinross	4	8	4	2		3	5	6	2	
<b>Grand Total</b>	<b>164</b>	<b>143</b>	<b>99</b>	<b>83</b>	<b>82</b>	<b>149</b>	<b>122</b>	<b>90</b>	<b>77</b>	<b>59</b>

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Offences of this type may be dealt with directly by the energy supplier as many are Specialist Reporting Agencies in their own right. If this is the case and they have primacy over the investigation they may not make contact with police. Any losses incurred by the energy suppliers tend to be dealt with directly with the customer. If an offence is reported to police the cost of the “free” energy is likely to be subsumed into the offence of bypassing the meter.

In Scotland, crimes are recorded using the Scottish Government Justice Department crime classification codes. There may be other potentially relevant crimes but there are not searchable in an automatic way which would allow the retrieval of this level of information.

**7. Number of cautions given by the police relating to energy or gas theft, dishonest use or abstraction of electricity, interference or damage to electricity or gas meters and/or incoming cables or pipes, split by year, and general geo-location of each instance.**

A caution in Scotland has a different meaning to that in England and Wales.

In England and Wales, the term relates to a formal police warning.

In Scotland a caution is common law, used when interviewing a suspect, taking a statement from someone who may end up being an accused person, or when charging someone.

The caution is simply informing that person of their rights. 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.

**8. Number of prosecutions attempted by the CPS relating to relating to energy or gas theft, dishonest use or abstraction of electricity, interference or damage to electricity or gas meters and/or incoming cables or pipes, split by year, and general geo-location of each instance.**

**9. Number of prosecutions the CPS that were successful relating to energy or gas theft, dishonest use or abstraction of electricity, interference or damage to electricity or gas meters and/or incoming cables or pipes, split by year, and general geo-location of each instance.**

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

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- 10. Number of fires or explosions attended where the cause may be attributed to the interference or damage to the electricity metering installation and/or incoming supply cable, split by year, and general geo-location of each instance.**
- 11. Number of fires or explosions attended where the cause may be attributed to the interference or damage to the gas metering installation and/or incoming supply pipe, split by year, and general geo-location of each instance.**

In response to these questions, as per above 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 incident on our STORM incident recording system which is categorised as fire/explosion for relevance - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

Should you require any further assistance please contact Information Management - Dundee at [foidundee@scotland.police.uk](mailto: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 [foi@scotland.police.uk](mailto: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](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.

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