

Our Ref: IM-FOI-2022-2562  
Date: 21<sup>st</sup> December 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.

**Please give me details of how many motorists have been recorded speeding on the A9's Tain bypass since the 50mph reduced speed limit was brought into use on January 15, 2021.**

**Please also provide details of how many of these were recorded in the period from January 15 2021 until January 15 2022; and also the details of how many were recorded from January 15 2022 until the present date (November 25, 2022). If they are not available up until the present date, can you provide them up to the most recent date available (and also highlight what date this was for reference please).**

**What were the highest speeds recorded? Please include any details (if you are able to provide such a breakdown) of each speed recorded by those breaking the speed limit.**

The table below provides the number of drivers caught speeding on the A9's Tain bypass from 15<sup>th</sup> January 2021 to 25<sup>th</sup> November 2022. This information relates only to recorded speeding offences detected by Safety Cameras Scotland and **not** by police officers at the roadside.

The information is taken from a live database and is correct as at 2<sup>nd</sup> December 2022 and is subject to change as updates are received.

| Date Range                                            | Total     |
|-------------------------------------------------------|-----------|
| 15 <sup>th</sup> Jan 2021 – 15 <sup>th</sup> Jan 2022 | 59        |
| 15 <sup>th</sup> Jan 2022 – 25 <sup>th</sup> Nov 2022 | 7         |
| <b>Total</b>                                          | <b>66</b> |

Please note that I am unable to provide you with the exact speeds drivers were detected at as this information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

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

If we were to disclose the information requested above it would give a clear indication of the level of enforcement of a particular camera and furthermore would set a precedent for the disclosure of the same information at every site across the area, which would severely prejudice the prevention and detection of crime and the apprehension or prosecution of offenders. Accordingly, the information you have requested is exempt.

This is a non-absolute exemption which requires a public interest test.

**Section 39 (1) – Health, Safety and the Environment**

This information is exempt as its disclosure would or would be likely to endanger the physical health or safety of an individual. If the above information was disclosed it would indicate the level of enforcement at a specific site and show any patterns or trends in the use of the equipment which would encourage road users to commit offences, thereby endangering other road users and pedestrians and render the safety camera ineffective as a road safety measure.

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

**Public Interest Test**

It could be argued that public awareness and safety camera partnership accountability would favour disclosure. That said, the application of the exemptions listed above, the efficient/effective conduct of Police Scotland and overall public safety favour non-disclosure of the information.

On balance it is considered that the public interest in disclosing site-specific data is outweighed by the potential consequences to law enforcement and the impact such a release would have on road safety measures.

As such, a breakdown by speed range has been provided only:-

51mph – 70mph = 64  
71 mph and above = 2

I can confirm that highest speeds recorded were 73mph and 71mph.

The table below provides the number of speeding offences for Police Beat NE064 within North Highlands, which are recorded on Police Scotland's crime recording system, from the 15<sup>th</sup> January 2021 to 25<sup>th</sup> November 2022.

**OFFICIAL**

| Beat         | Offences                     | 15 JAN 2021 - 14 JAN 2022 | 15 JAN 2022 - 25 NOV 2022 |
|--------------|------------------------------|---------------------------|---------------------------|
| NE064        | Speeding in Restricted Areas | 58                        | 6                         |
|              | Other Speeding Offences      | 55                        | 30                        |
| <b>Total</b> |                              | <b>113</b>                | <b>36</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 13th December 2022.*

*The Detected Crimes are extracted using the Date Detected, and then selecting the Police Beat NE064, within North Highlands.*

Please be advised that each of these records would have to be individually examined to determine the exact location of the offence and the speed recorded.

As such, I regret to inform you that I am unable to provide you with the information you have requested in relation these offences, 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.

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.

**OFFICIAL**

**OFFICIAL**

**OFFICIAL**