| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0087  Responded to: 31 January 2023 |
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Your recent request for information is replicated below, together with our response.

## How many road-users were caught lane hogging in the past four calendar years? (2018-2022)

## Please provide the number of incidents recorded each year, the number of fines handed out and the number of prosecutions.

## Please break it down by calendar year.

In response to your request, 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, crimes in Scotland are recorded in accordance with the Scottish Government Justice Department Offence Classification Codes, and not the Highway Code.

In this instance, I’m afraid that there is no specific offence of lane hogging or unnecessarily staying in an overtaking lane. Such offences would be recorded under Careless Driving or Dangerous Driving etc. depending on the circumstances.

Statistics for all recorded and detected Careless Driving and Dangerous driving offences are publicly available on the Police Scotland website:-

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

Unfortunately, the only possible way to provide you with an accurate response would be to individually examine each of these offences to establish the circumstances and determine whether they were relevant to your request - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

I can also advise you that 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)

And with regard to fines: Scottish Court and Tribunals Service: [foi@scotcourts.gov.uk](mailto:foi@scotcourts.gov.uk)

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.