

Our Ref: IM-FOI-2020-1076
Date: 14th July 2020



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.

Under the Freedom of Information Act 2002, I would like to request data regarding the number of motorists issued Fixed Penalty Notices for vehicle modifications that are in violation of The Road Vehicles legislation.

Can I please receive each total individually for the time period of 01/04/2019 - 31/03/2020. Could this be specific to those recorded within the boundaries of Aberdeen, Dundee, Edinburgh and Glasgow individually.

Can I please receive a total count of FPNs issued to motorists for driving vehicles that violate the following regulations:

- 1. Exhausts - The Road Vehicles (Construction and Use) Regulations 1986, Regulation 54**
<http://www.legislation.gov.uk/ukxi/1986/1078/regulation/54/made>
- 2. Lights - The Road Vehicles Lighting Regulations 1989, Regulation 11**
<http://www.legislation.gov.uk/ukxi/1989/1796/regulation/11/made>
- 3. License Plate - The Road Vehicles (Display of Registration Marks) Regulations 2001, Regulations 5 & 6**
<http://www.legislation.gov.uk/ukxi/2001/561/contents>
- 4. Tinted Windows - The Road Vehicles (Construction and Use) Regulations 1986, Regulation 32, Paragraph 10**
<http://www.legislation.gov.uk/ukxi/1986/1078/regulation/32/made>

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

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By way of explanation, crimes in Scotland are recorded in accordance with the Scottish Government Justice Department [offence classification codes](#) and are not thereafter sub-categorised.

In this instance, the relevant offences are as follows:-

- 318/000 – Registration or Identification mark offences (not lighting)
- 319/000 – Lighting Offences, motor vehicle
- 320/000 – Construction and use regulations (other than lighting)

The below table provides the number of FPNs issued to motorists for violating the above regulations, broken down by council area, for the financial year 2019/20.

Council Area	Crime Type	Total
Aberdeen City	Registration or Identification Mark Offences, not lighting	109
	Lighting Offences, motor vehicle	96
	Construction & Use Regulations, other than lighting	395
Dundee City	Registration or Identification Mark Offences, not lighting	53
	Lighting Offences, motor vehicle	18
	Construction & Use Regulations, other than lighting	327
City of Edinburgh	Registration or Identification Mark Offences, not lighting	68
	Lighting Offences, motor vehicle	19
	Construction & Use Regulations, other than lighting	95
Glasgow City	Registration or Identification Mark Offences, not lighting	292
	Lighting Offences, motor vehicle	110
	Construction & Use Regulations, other than lighting	612
Total		2194

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 29/6/2020.

1. The data was extracted using the crime's raised date and by using SGJD codes 732000, 731900 and 731800.

Unfortunately, the only way to ascertain what each offence was specifically related to, i.e. tinted windows, exhaust etc. would be to individually examine each of the above offences.

This is 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 on 01382 596657 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

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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 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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