

16th September 2013

Your Ref:

Our Ref: IM-FOI-2013-1031

Request-175417-d1b55991@whatdotheyknow.com



Sir Stephen House QPM
Chief Constable

FOI Central Processing Unit
173 Pitt Street
Glasgow
G2 4JS

xxx@xxxxxxxx.xxx.xxxxxx.xx

Dear Sir

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
SUBJECT: Legal vs. Lawful

I refer to your email dated 5th September 2013 regarding the above which has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOISA).

I have addressed each of your questions in turn below.

1. Can you tell me why and what law you use to refuse to supply a "person" a copy of an arrest warrant issued under the non-attendance of a court visit or non-payment of a fixed penalty notice?

It is not the responsibility of the Police to supply copies of warrants to the subject of said warrant. All warrants are granted by a court and as such remain the property of the issuing court. Therefore, the decision to supply a copy of a warrant to a subject would lie with the issuing court.

2. It is my understanding that a warrant is not lawful unless it has a wet ink signature from a sheriff/JP/Judge, are police Scotland enforcing warrants without a Sheriff/JP or judges signature?

All warrants require to be signed by the person issuing the warrant. Police Scotland does not enforce warrants which have not been signed.

3. It is my understanding that the Scottish police force has to uphold the safety of the "persons" living within "Scotland, if this is correct which law takes priority "legal" or "lawful" or "statute vs. common?"

The protection of the public within Scotland is a priority within Police Scotland and our focus is on keeping people safe. There is no distinction between the terms "lawful" and "legal" and there are no written instructions regarding the prioritisation of "statute" or "common law"

4. If a court enforced a "legal" law which caused fraud, extortion and breach of the peace against a "person" would police Scotland turn a blind eye to protect the "legal system"?

Within the existing Scottish legal framework it would not be possible for a situation such this to occur. Police Scotland will act lawfully at all times.

I trust that the information available is of assistance and should you require any further assistance concerning this matter please contact me on 0131 311 3901 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance and within 40 working days of receiving this letter to request a review of the decision made by the Force. Should you wish to do so, contact details are; Police Service of Scotland, FOI Central Processing Unit, 173 Pitt Street, Glasgow, G2 4JS. (Or email xxx@xxxxxxxxx.xxx.xxxxxx.xx)

Once informed of the Review decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; 'Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS', telephone 01334 464610.

Yours sincerely

Pete Malone
Information Management
Freedom of Information