| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2984Responded to: xx January 25 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

Police Operations have taken place in Leith, Edinburgh City, Glasgow and Dundee with other seizures and offences discovered on a regular basis.

## How many e-scooters has Police Scotland seized in the most recent 12-month reporting period with regards to Road Traffic Offences? If this presents too large a geographical area for you to provide data on, under Section 12(1) of the FoISA Act, please restrict the search to Division ‘J’.

I must first advise you that when dealing with offences relating to powered transporters and off-road vehicles, consideration is given to their intended use as defined by section 185 of the Road Traffic Act 1988, i.e. whether it is a mechanically propelled vehicle intended or adapted for use on roads or is it a mechanically propelled vehicle (MPV).

When an officer intends to use any legislation relating to a motor vehicle they must ensure they provide sufficient evidence to meet the definition at section 185.

Where the vehicle is mechanically propelled and sufficient evidence cannot be provided to meet the definition of a motor vehicle (and it cannot therefore be seized) officers should consider alternative legislation e.g. section 4 of the Road Traffic Act 1988 or section 127 of the Antisocial Behaviour etc. (Scotland) Act 2004.

Police Scotland is committed to dealing with the illegal use of e-bikes and e-scooters and have been carrying out various initiatives in different parts of the country to respond to complaints of increasing volumes on public footpaths and roads, causing anti-social behaviour and committing road traffic offences.

I can advise you that the number of e-scooters seized by Police Scotland in the last financial year (reporting period 2023/24) was 61.

1. **In the most recent 12-month reporting period, how many people has Police Scotland arrested for riding an e-scooter with regards to Road Traffic Offences? If this presents too large a geographical area for you to provide data on, under Section 12(1) of the FoISA Act, please restrict the search to Division ‘J’.**

The Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practicable, and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested and not cautioned and charged. They are ‘Officially Accused’ once arrested and cautioned and charged.

If conveyed to a police station, the arrested person will have their details recorded in our National Custody System.

There are situations however whereby a person must be released from police custody prior to their arrival at a police station - effectively they are ‘de-arrested’ - where the reasonable grounds for suspicion no longer exist. In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensive arrest data, as case by case assessment of all officer notebooks would be required - in addition to the partial arrest data held in the National Custody System.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

For the reasons outlined above, Police Scotland do not collate data on arrests.

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 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 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.