| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1326  Responded to: 13 June 2023 |
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Your recent request for information is replicated below, together with our response.

## Police response to illegal exhausts on vehicles, that is to say ones that have been modified to be louder than their original manufacture and thus breaching the Road Vehicles (Construction and Use) Regulations 1986 s 54(2).

**Clearly there are two potential scenarios where the register keeper is known and unknown when the VRM is supplied.**

**1. I would appreciate just a brief explanation as to what action the police would take if a member of the public called 101 with the VRM, reporting it for an illegal exhaust.**

**2. Does your Chief Constable agree that such illegal exhausts may frighten horses putting lives and property at risk?**

Having considered your request, I must advise you that in terms of the Freedom of Information (Scotland) Act 2002, a public authority is only obliged to provide recorded 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.

I can also advise that under Section 8 of the Act, information which requires an opinion is not in essence a valid request. To be of assistance, we can provide the following.

All observed road traffic offences should be reported, to allow enquiries to be made and appropriate action taken, by calling 101 (non-emergency) or 999 if appropriate. An individual can also utilise the ‘Contact Us’ service on our website, attend in person at a police station or report the matter to an officer on the street. The response to a report of an illegal exhaust may be contingent upon available resources, competing demands and the extent and accuracy of the information provided by the reporter. Depending on the presenting circumstances, the matter may be dealt with by guidance or enforcement action. Legislative powers exist to allow officers to deal with offences relating to excessive noise from modified vehicles. The Antisocial Behaviour (Scotland) Act 2004 Section 126, creates an offences for a vehicle to be used in a manner causing alarm, distress or annoyance. There are also offences under the Road Vehicle Construction and Use Regulations 1986 for exhaust offences such as no silencer fitted, defective exhaust and unnecessary or excessive noise.

Road Policing officers, who are trained in dealing with vehicle modifications that are potentially illegal or a danger to other road users, may be tasked to attend and / or consulted with Local Policing colleagues who attend such a report.

Officers are conscious that an unduly noisy exhaust could cause distress to a horse, its rider or other vulnerable road users.

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.