| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1339  Responded to: 08 June 2023 |
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Your recent request for information is replicated below, together with our response.

## I write seeking information on the implementation of Section 97 of the Police, Crime, Sentencing and Courts Act 2022 (the 2022 Act). This provision empowers the police in Scotland to issue on-the-spot Fixed Penalty Notices (FPNs) as a disposal for road traffic offences.

## I note that there is commonplace conflation of FPNs and Conditional Offer of Fixed Penalty Notices (COFPNs), and thus make it clear that my request refers specifically to the new power enacted under the 2022 Act.

## The existing use of COFPNs causes excess administration as unnotified non-compliance necessitates the writing and submission of a Standard Prosecution Report (SPR). On the contrary, the existing use of FPNs as a disposal for various anti-social behaviour offences only requires this where an accused specifically requests a court hearing, otherwise increasing in monetary value on non-payment.

## I request a summary of Police Scotland’s response to this legislation and a timescale for implementation. In the event that no such response or timescale exists, I request an explanation of Police Scotland’s rationale behind this circumstance.

I can advise you that Section 97 of the Police, Crime, Sentencing and Courts Act 2022 does not extend to Scotland. 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.

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.