| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2513  Responded to: 20th October 2023 |
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Your recent request for information is replicated below, together with our response.

## How many drivers have been pulled over for 'middle lane hogging' in your force area, broken down by year for 2019, 2020, 2021, 2022 and 2023 to date?

## How many drivers have been penalised (e.g. issued a fine and/or points) for 'middle lane hogging' in your force area, broken down by year for 2019, 2020, 2021, 2022 and 2023 to date?

Having considered your request in terms of the above Act, 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.

By way of explanation, crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes. In this instance, I’m afraid there is no specific offence of ‘middle-lane hogging’. Such offences would be recorded under ‘Careless Driving’ or ‘Dangerous Driving’, etc. depending on the circumstances.

As such, the only way to provide an accurate response to your request would be to individually examine every crime report relating to careless driving etc. for the time period requested to determine whether they were relevant to your request.

## The total number of drivers caught/penalised for careless driving in your force area broken down by year for 2019, 2020, 2021, 2022 and 2023 to date

Please be advised that statistics regarding careless driving offences are publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available on the Police Scotland website, via the following links:

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/) – Multi-Member Ward area breakdown

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.