| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2770Responded to: xx November 2024 |
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Your recent request for information is replicated below, together with our response.

Police Scotland has prescriptive obligations in regard to allowing members of the public access to information.

The Freedom of Information (Scotland) Act 2002 is the legislation that provides a right of access to all types of recorded information held by public authorities.

Any request for public (as opposed to personal) information made to Police Scotland will automatically fall under the Act and we are obliged to respond accordingly.

On that basis your recent request for information is summarised below, together with our response:

## The information I require from Police Scotland is information about your attitude and approach to the ongoing problem of e-scooters:

## What approach and policy is Police Scotland employing to enforce the law with regards to the illegal use of e-scooters.

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.

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

## What is Police Scotland doing to proactively prevent the illegal use of e-scooters on public roads and pavements?

Police Scotland currently does not provide awareness or briefings to the public in relation to the illegal use of e-scooters on public roads or private roads (with public access) as it is the responsibility of the owner/user or e-scooters and e-bikes to ensure they are operating these in accordance with restriction on speed and power output.

As such information is not held by Police Scotland, section 17 of the Act therefore applies.

If persons decide to use off-road electric bikes, or an e-bike or e-scooter that has been de-restricted or adapted, which can exceed 15.5mph without pedalling or has a power output greater than 250 watts, these would be regarded as mechanically propelled vehicles under Section 185 of the Road Traffic Act 1988 and capable of being stopped and seized with the rider reported for road traffic offences.

## When a Police Officer sees such illegal activity, what is the guidance issued to them by Police Scotland?

Whilst many people use e-bikes and e-scooters legally and responsibly, there are clearly occasions where these machines are being used outside of their specification with higher speeds and greater power outputs being achieved.

Police Scotland will continue to pursue those who put themselves and others at risk by using e-bikes and e-scooters illegally and irresponsibly.

In terms of how any illegal activity is dealt with, officers will use the range of options available to them under pre-existing Road Traffic legislation as there is currently no legislation specific to electric scooter use.

It is important that the public are aware that the Police have a level of discretion to be able to deal with offences proportionately and without the need to 'criminalise' every offender.

## Are Police Scotland officers receiving guidance to stop people using e-scooters in public areas and confiscating their vehicle? If not, why not?

Divisional guidance to provide clarity on ‘powered transporters’ has been made available to all officers by Police Scotland’s road policing departments in line with the response at Q1.

Please be advised that further information which may be of interest is publicly available on our Disclosure Log and similar data can be provided on request.

I have not attached copies in terms of section 16(1) of the Act, on the basis that a section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”

The information you are seeking is available on the Police Scotland website by using e.g. the search terms ‘e-scooter’ or ‘vehicle seizure’ via the following link:

[Website search results - Police Scotland](https://www.scotland.police.uk/search/?query=e-scooter)

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.