| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2903  Responded to: 29th November 2023 |
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Your recent request for information is replicated below, together with our response.

## I am interested in the statistics for this aspect of Road Traffic Law from 2010 when the initiative was first introduced in Scotland.

## The drink drive limits in Scotland were justifiably lowered as a method of attempting to tackle our country’s abysmal social issue.

## The same applies to driving under the influence of illicit drugs, particularly given that Scotland has the highest recorded number of drug deaths in Europe, which is a very strong indication of all Scottish government policies to tackle this failing abysmally for extremely vulnerable individuals and their families.

## Can you provide me with the number of forfeiture applications made by prosecutors from 2010 to 2023?

## How many have been granted by the courts?

## How much income, if any, is generated from this and, if any income is generated, how much does the Scottish Government get to keep in order to utilise the funds for victims and families?

## I contacted Crown Office and Procurator Fiscal Service with this request for information. They responded very promptly and advised that they could not provide me with this information as it would exceed the FOISA upper cost limit of £600. They also stated that COPFS did not hold this information but SCTS and the Scottish Government should.

## I sent the response below and await their comments.

## I would refer you specifically to s33A(1) and (2) where the main offences in Scotland to which forfeiture applies are for drink driving, being in charge of a motor vehicle whilst under the influence of drink or drugs, failure to provide a specimen for analysis, failure to stop or report an accident, offences punishable by imprisonment such as causing death by careless or dangerous driving, driving whilst disqualified and culpable homicide. This would also apply in cases of drug dealing where vehicles are involved.

As set out in your request, it is the Crown Office and Procurator Fiscal Service who can apply for forfeiture. 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.

To be of some assistance, you may be interested in a recent FOI Response which relates to Police seizure of vehicles :-

[23-2677 - Vehicle seizures by type/ returned/ sold - 2022 - Police Scotland](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2023/november/23-2677-vehicle-seizures-by-type-returned-sold-2022/)

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.