

Crown Office and Procurator Fiscal Service submission of 6 February 2023

PE1971/C: Take Robust Action to Stop Motorcycle Theft

I refer to your letter of 9 January 2023 regarding the above petition seeking information on the number of cases relating to motorcycle theft reported to the Crown Office and Procurator Fiscal Service (COPFS) over the course of the past five years and the associated outcomes of those cases.

As the Committee will be aware there is no specific common law offence of theft of a motorcycle.

The following seven offences may relate to theft of a motorcycle:

1. Attempted theft
2. Attempted theft of a motor vehicle
3. Section 178 (1)(a) of the Road Traffic Act 1988 – taking and driving away
4. Section 178 (1)(b) of the Road Traffic Act 1988 – allow to be carried in a stolen vehicle
5. Section 178 (1)(b) of the Road Traffic Act 1988 – drive a stolen vehicle
6. Theft of a motor vehicle and theft
7. Theft of a motor vehicle

The following figures are provided with the caveat that the COPFS database is an operational database designed for case management purposes. It is not designed for statistical purposes and the information contained within it is structured accordingly. Information provided may therefore be subject to change as our systems are updated for operational reasons.

In order to provide the figures requested by the Committee, charges relating to the above offences for the last 5 years were identified. An additional filter was then applied to identify where the term “motorcycle” was used in the text of the charge. A manual interrogation of all relevant offences was not undertaken. The Committee will also note that the

data does not include the charges of robbery or assault and robbery, covering circumstances where property is taken by force.

Based on the methods described above, we note that in the last five years there were a total of 47 of the above charges reported to prosecutors. The breakdown is as follows:

- 2017-18 – 10 charges
- 2018/19 – 11 charges
- 2019/20 – 7 charges
- 2020/21 – 7 charges
- 2021/22 – 12 charges

The Procurator Fiscal marked 36 of those charges for court proceedings, with five being marked “no further action”. Six charges were not separately actioned, meaning that action was taken in relation to other charges in the case, for example the prosecutor took the view that an alternative charge was more appropriate, or, for evidential reasons, details of the offending behavior were included within the body of another charge.

The geographical spread of areas affected by these offences is varied. It is noted that the highest proportion (32 percent) of relevant police reports originated from the Edinburgh area.

The Scottish Courts and Tribunal Service (SCTS) would be the appropriate body to confirm the procedural outcomes of the 47 prosecutions and we can provide a list of the relevant offences to SCTS to facilitate obtaining these outcomes, should that be useful to the Committee.

I hope this information is of assistance.