

Protection from Violence at Work (Scotland) Bill
[AS INTRODUCED]

CONTENTS

Section

- 1 Assault of an employee providing a public service
- 2 Assault motivated by victim's employment
- 3 Penalties
- 4 Savings for certain other offences
- 5 Commencement and short title

Protection from Violence at Work (Scotland) Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to make it an offence to assault or impede persons working to provide services to the public; and for connected purposes

1 Assault of an employee providing a public service

- (1) A person who assaults another person acting in a capacity mentioned in subsection (3) below commits an offence, to be known as the offence of assault of an employee providing a public service.
- (2) No offence is committed under subsection (1) above unless the person who assaults knows or ought to know that the person being assaulted is acting in that capacity.
- (3) The capacity referred to in subsection (1) above is—
 - (a) acting in the course of employment;
 - (b) where that employment contributes to the provision of goods or a service to the public, whether on payment or otherwise, and regardless of whether that individual would be expected personally to provide such goods or a service to members of the public or ordinarily to come into contact with members of the public in the course of his employment.

2 Assault motivated by victim's employment

- (1) A person who assaults another person by reason of that person being employed in a capacity mentioned in subsection (2) below commits an offence, to be known as the offence of assault motivated by the victim's employment.
- (2) The employment referred to in subsection (1) above is employment which contributes to the provision of goods or a service to the public, whether on payment or otherwise, and regardless of whether the employee concerned would

be expected personally to provide such goods or a service to members of the public or ordinarily to come into contact with members of the public in the course of his employment.

- (3) An assault is by reason of a person being employed in a capacity mentioned in subsection (2) above if—
 - (a) at the time of committing the assault or immediately before or after doing so, the offender evinces towards the victim malice and ill-will relating to the employment (or presumed employment) of the victim, or
 - (b) the assault is motivated (wholly or partly) by malice and ill-will towards persons who are employed in a particular capacity.
- (4) It is immaterial whether or not the offender's malice and ill-will is also based (to any extent) on any other factor.
- (5) Evidence from a single source is sufficient to prove that an assault is by reason of the victim being employed in a capacity mentioned in subsection (2) above.

3 Penalties

A person guilty of an offence under this Act is liable, on summary conviction, to imprisonment for a period not exceeding 12 months or to a fine not exceeding level 5 on the standard scale or to both.

4 Saving for certain other offences

Nothing in this Act affects section 41(1) of the Police (Scotland) Act 1967 (c. 77) (assault etc. of constable in execution of duty or of person assisting a constable), section 30 of the Fire Services Act 1947 (c. 41) (obstruction etc. of member of fire brigade engaged in fire-fighting operation) or any part of the Emergency Workers (Scotland) Act 2005 (asp 2).

5 Commencement and short title

- (1) This Act (except this section) comes into force on the day that the Scottish Ministers by order made by statutory instrument appoint.
- (2) An order under subsection (1) may include transitional or saving provision.
- (3) The short title of this Act is the Protection from Violence at Work (Scotland) Act 2009.