

EMERGENCY WORKERS (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4 – Provisions supplementary to section 1 to 3

24. Subsection (1) provides that the offences of obstructing and hindering under sections 1, 2 and 3 can be committed by non-physical means or by action directed only at the equipment or other items used by the victim.
25. Subsections (2) and (3) specifically provide that an offence of hindering any of the emergency workers mentioned in sections 1(3) and 2(3) can be committed through the provision of false information. Subsection (4) provides that the more general offence of hindering is not restricted to that of providing false information.
26. Subsection (5) provides that emergency circumstances are to be taken to exist where the person responding to them believes and has reasonable grounds to believe that there are or may be emergency circumstances. This means that the Act will cover, for example, a hoax call, where emergency circumstances do not actually exist, but the emergency worker has reasonable grounds for believing that they do.
27. Subsection (6) is an evidential provision and provides that a person's capacity as one of the emergency workers listed in sections 1(3) or 2(3) of the Act may be proved by uncorroborated evidence. Thus, for example, the fact that the victim was a 'medical practitioner' in terms of section 2(3)(d) may be proved by evidence from a single source. This is an exception to the general rule of evidence in criminal proceedings in Scotland that the crucial features of an offence must be established by evidence from at least two sources.