



Emergency Workers (Scotland) Act 2005

2005 asp 2

2 Assaulting or impeding certain emergency workers responding to emergency circumstances

- (1) A person who assaults, obstructs or hinders another while that other person is, in a capacity mentioned in subsection (3) below, responding to emergency circumstances, commits an offence.
- (2) No offence is committed under subsection (1) above unless the person who assaults, obstructs or hinders knows or ought to know that the person being assaulted, obstructed or hindered—
- (a) is acting in that capacity; and
 - (b) is or might be responding—
 - (i) to emergency circumstances; or
 - (ii) as if there were emergency circumstances.
- (3) The capacity referred to in subsection (1) above is—
- (a) that of a prison officer, that is to say—
 - (i) a person who holds a post, otherwise than as a medical officer, to which the person has been appointed for the purposes of section 3(1A) of the Prisons (Scotland) Act 1989 (c. 45); or
 - (ii) a prisoner custody officer within the meaning of Chapter II of Part VIII of the Criminal Justice and Public Order Act 1994 (c. 33);
 - (b) that of a member of Her Majesty's Coastguard;
 - (c) that of a member of the crew of a vessel operated by—
 - (i) the Royal National Lifeboat Institution; or
 - (ii) any other person or organisation operating a vessel for the purpose of providing a rescue service on a body of water,or a person who musters the crew of such a vessel or attends to its launch;
 - ^{F1}(d)
 - ^{F1}(e)
 - ^{F1}(f)
 - (g) that of a social worker, within the meaning given by section 77(1) of the Regulation of Care (Scotland) Act 2001 (asp 8), while taking action required or permitted by—

Changes to legislation: There are currently no known outstanding effects for the Emergency Workers (Scotland) Act 2005, Section 2. (See end of Document for details)

- (i) a child protection order [^{F2}(as defined in section 202(1) of the Children’s Hearings (Scotland) Act 2011 (asp 1)]; or
 - [^{F3}(ii) an order under section 55 of that Act of 2011 (emergency order for removal of child),]
 - (h) that of a mental health officer, that is to say—
 - (i) a mental health officer within the meaning given by section 32(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13); or
 - (ii) until section 32(1) of that Act (appointment and deemed appointment of mental health officers) comes into force, a mental health officer within the meaning given by section 125 of the Mental Health (Scotland) Act 1984 (c. 36).
- (4) For the purposes of this section and section 3 of this Act, a person is responding to emergency circumstances if the person—
- (a) is going anywhere for the purpose of dealing with emergency circumstances occurring there; or
 - (b) is dealing with emergency circumstances or preparing to do so.
- (5) For the purposes of this Act, circumstances are “emergency” circumstances if they are present or imminent and—
- (a) are causing or are likely to cause—
 - (i) serious injury to or the serious illness (including mental illness) of a person;
 - (ii) serious harm to the environment (including the life and health of plants and animals and the fabric of buildings); or
 - (iii) a worsening of any such injury, illness or harm; or
 - (b) are likely to cause the death of a person.

Textual Amendments

- F1** S. 2(3)(d)-(f) omitted (1.4.2008) by virtue of [Emergency Workers \(Scotland\) Act 2005 \(Modification\) Order 2008 \(S.S.I. 2008/37\)](#), arts. 1, 3
 - F2** Words in s. 2(3)(g)(i) inserted (24.6.2013) by [The Childrens Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **sch. 1 para. 15(a)**
 - F3** S. 2(3)(g)(ii) substituted (24.6.2013) by [The Childrens Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), art. 1, **sch. 1 para. 15(b)**
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Commencement Information

- I1** S. 2 in force at 9.5.2005 by [S.S.I. 2005/229](#), art. 2

Changes to legislation:

There are currently no known outstanding effects for the Emergency Workers (Scotland) Act 2005, Section 2.