



Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021

2021 asp 6

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 19th January 2021 and received Royal Assent on 24th February 2021

An Act of the Scottish Parliament to create an offence of assaulting, threatening or abusing retail workers; and to provide for a statutory aggravation of that offence where the retail worker is enforcing a statutory age restriction.

1 Offence of assaulting etc. retail worker

- (1) It is an offence for a person to assault, threaten or abuse another person—
 - (a) who is a retail worker, and
 - (b) who is engaged, at the time, in retail work.
- (2) No offence is committed under subsection (1) unless the person who assaults, threatens or abuses knows or ought to know that the other person—
 - (a) is a retail worker, and
 - (b) is engaged, at the time, in retail work.
- (3) A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the prescribed sum (or both).
- (4) Evidence from a single source is sufficient to establish, for the purposes of this section—
 - (a) whether a person is a retail worker, and
 - (b) whether the person is engaged, at the time, in retail work.
- (5) In subsection (3), the “prescribed sum” has the meaning given by section 225(8) of the Criminal Procedure (Scotland) Act 1995.

Changes to legislation: There are currently no known outstanding effects for the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021. (See end of Document for details)

2 Behaviour constituting an offence under section 1

- (1) The offence under section 1 of threatening or abusing a retail worker is committed by a person only if the person—
 - (a) behaves in a threatening or abusive manner towards the worker, and
 - (b) intends by the behaviour to cause the worker or any other person fear or alarm or is reckless as to whether the behaviour would cause such fear or alarm.
- (2) Subsection (1) applies to—
 - (a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done,
 - (b) behaviour consisting of—
 - (i) a single act, or
 - (ii) a course of conduct.

3 Aggravation in relation to enforcement of statutory age restriction

- (1) This section applies where, in proceedings for an offence under section 1, it is—
 - (a) specified in the complaint that the offence is aggravated by reason of the retail worker's enforcing a statutory age restriction, and
 - (b) proved that the offence is so aggravated.
- (2) The offence is so aggravated if the behaviour constituting the offence occurred because of the enforcement of a statutory age restriction.
- (3) Evidence from a single source is sufficient to prove that the offence is so aggravated.
- (4) Where this section applies, the court must—
 - (a) state on conviction that the offence is so aggravated,
 - (b) record the conviction in a way that shows that the offence is so aggravated,
 - (c) take the aggravation into account in determining the appropriate sentence, and
 - (d) state—
 - (i) where the sentence imposed in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.
- (5) In this section—

“enforcement”, in relation to a statutory age restriction, includes—

 - (a) seeking information as to a person's age,
 - (b) considering information as to a person's age,
 - (c) refusing to sell or supply goods or services,

for the purposes of complying with the restriction (and “enforcing” is to be construed accordingly),

“statutory age restriction” means a provision in an enactment making it an offence to sell or supply goods or services to a person under an age specified in that or another enactment.

4 Meaning of “retail worker”

- (1) In this Act, “retail worker”—