



Assaults on Emergency Workers (Offences) Act 2018

2018 CHAPTER 23

An Act to make provision about offences when perpetrated against emergency workers, and persons assisting such workers; to make certain offences aggravated when perpetrated against such workers in the exercise of their duty; and for connected purposes. [13th September 2018]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Aggravation

1 Common assault and battery

- (1) The section applies to an offence of common assault, or battery, that is committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) A person guilty of an offence to which this section applies is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.
- (3) For the purposes of subsection (1), the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In relation to an offence committed before the coming into force of [F1paragraph 24(2) of Schedule 22 to the Sentencing Act 2020] (increase in maximum term that may

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be imposed on summary conviction of offence triable either way), the reference in subsection (2)(a) to 12 months is to be read as a reference to 6 months.

(5) In consequence of subsections (1) to (3), in section 39 of the Criminal Justice Act 1988 (which provides for common assault and battery to be summary offences punishable with imprisonment for a term not exceeding 6 months)—

- (a) the existing text becomes subsection (1);
- (b) after that subsection insert—

“(2) Subsection (1) is subject to section 1 of the Assaults on Emergency Workers (Offences) Act 2018 (which makes provision for increased sentencing powers for offences of common assault and battery committed against an emergency worker acting in the exercise of functions as such a worker).”

(6) This section applies only in relation to offences committed on or after the day it comes into force.

Textual Amendments

F1 Words in s. 1(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 443\(1\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

F2 2 Aggravating factor

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Textual Amendments

F2 S. 2 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 28](#) (with [ss. 413\(4\)\(5\), 416\(7\), Sch. 27](#)); S.I. 2020/1236, reg. 2

3 Meaning of “emergency worker”

(1) In sections 1 and 2, “emergency worker” means—

- (a) a constable;
- (b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;
- (c) a National Crime Agency officer;
- (d) a prison officer;
- (e) a person (other than a prison officer) employed or engaged to carry out functions in a custodial institution of a corresponding kind to those carried out by a prison officer;
- (f) a prisoner custody officer, so far as relating to the exercise of escort functions;
- (g) a custody officer, so far as relating to the exercise of escort functions;
- (h) a person employed for the purposes of providing, or engaged to provide, fire services or fire and rescue services;
- (i) a person employed for the purposes of providing, or engaged to provide, search services or rescue services (or both);