



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

### CHAPTER 7

#### ASSAULTING OR IMPEDING EMPLOYEES AND OTHERS

#### **38 Amendment of Emergency Workers (Scotland) Act 2005**

- (1) The Emergency Workers (Scotland) Act 2005 (asp 2) shall be amended as follows.
- (2) For paragraph (b) of section 1(3) substitute—
  - “(zb) that of a person employed by a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) while discharging any of the authority's functions under any of sections 9 to 13 (fire-fighting, road traffic accidents, other emergencies, emergency directions and other eventualities), 25, 27 and 29 (powers of authorised employees in relation to emergencies, obtaining information and investigating fires) of that Act;
  - (b) that of a person providing assistance under arrangements made by virtue of section 35 (assistance other than from relevant authorities) or 36 (arrangements for carrying out of functions by others) of the Fire (Scotland) Act 2005 other than assistance given to a relevant authority (as defined in section 6 of that Act) for the purpose of carrying out any of the authority's functions conferred on the authority by section 8 or 61 of that Act;”.

#### **39 Assaulting or impeding employees discharging certain functions**

- (1) A person who assaults, obstructs or hinders another person who is—
  - (a) an employee of [<sup>F1</sup>SFRS]; and
  - (b) discharging any of the functions conferred on [<sup>F2</sup>SFRS] under section 8, 17 or 61,

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commits an offence.

- (2) A person who assaults, obstructs or hinders another person who is providing assistance to [<sup>F3</sup>SFRS] under arrangements made by virtue of section 35 for the purpose of the carrying out by [<sup>F4</sup>SFRS] of any of the functions conferred on it by virtue of section 8 or 61 commits an offence.
- (3) A person who assaults, obstructs or hinders another person who is by virtue of section 36 carrying out a function conferred on [<sup>F5</sup>SFRS] by virtue of section 8 or 61 commits an offence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a period not exceeding [<sup>F6</sup>12] months or to a fine not exceeding level 4 on the standard scale [<sup>F7</sup>or to both].

#### Textual Amendments

- F1** Word in s. 39(1)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(14\)\(a\)\(i\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Word in s. 39(1)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(14\)\(a\)\(ii\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Word in s. 39(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(14\)\(b\)\(i\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Word in s. 39(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(14\)\(b\)\(ii\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** Word in s. 39(3) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(14\)\(c\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F6** Word in s. 39(4) substituted (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 44\(5\)\(a\)](#), 84 (with s. 44(6)); S.S.I. 2007/479, [art. 3](#), Sch.
- F7** Words in s. 39(4) added (10.12.2007) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [ss. 44\(5\)\(b\)](#), 84 (with s. 44(6)); S.S.I. 2007/479, [art. 3](#), Sch.

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**Changes to legislation:**

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