



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

PART 1

POLICE REFORM

CHAPTER 15

OFFENCES

90 Assaulting or impeding police

- (1) It is an offence for a person to assault—
 - (a) a person (“A”) acting in a capacity mentioned in subsection (3), or
 - (b) a person assisting A while A is acting in such capacity.
- (2) It is an offence for a person to resist, obstruct or hinder—
 - (a) a person (“A”) acting in a capacity mentioned in subsection (3), or
 - (b) a person assisting A while A is acting in such capacity.
- (3) The capacities are—
 - (a) that of a constable,
 - (b) that of a member of police staff,
 - (c) that of a member of a relevant police force when such member is executing a warrant or is otherwise acting in Scotland by virtue of any enactment conferring powers on the member in Scotland,
 - (d) that of a person who—
 - (i) is a member of an international joint investigation team that is led by a person acting in a capacity mentioned in paragraph (a) or (c), and
 - (ii) is carrying out functions as a member of that team.
- (4) A person who is guilty of an offence under subsection (1) or (2) is liable on summary conviction to imprisonment for a period not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.

Status: Point in time view as at 01/04/2013.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, CHAPTER 15 is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) A complaint may include a charge that is framed so as to comprise (in a combined form) the specification of both an offence under subsection (1) and an offence under subsection (2).
- (6) Where a charge in a complaint is so framed the charge is to be regarded as being a single yet cumulative charge.
- (7) In this section and section 91, a reference to a member of a relevant police force is a reference to a member of—
 - (a) a police force maintained under section 2 of the Police Act 1996 (c.16),
 - (b) the metropolitan police force,
 - (c) the City of London police force, or
 - (d) the Police Service of Northern Ireland.

Modifications etc. (not altering text)

C1 S. 90 applied (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), **10(1)**

Commencement Information

II S. 90 in force at 1.4.2013 by [S.S.I. 2013/51](#), art. 2

91 Escape from custody

- (1) It is an offence for a person—
 - (a) to remove a person from custody, or
 - (b) to assist the escape of a person in custody.
- (2) The reference in subsection (1) to a person in custody is to be construed as a reference to a person—
 - (a) who is in the lawful custody of a person (“A”) acting in a capacity mentioned in subsection (3) or a person assisting A while A is acting in such capacity, or
 - (b) who is in the act of eluding or escaping from such custody, whether or not the person has actually been arrested.
- (3) The capacities are—
 - (a) that of a constable,
 - (b) that of a police custody and security officer,
 - (c) that of a member of a relevant police force when such member is executing a warrant or is otherwise acting in Scotland by virtue of any enactment conferring powers on the member in Scotland,
 - (d) that of a person who—
 - (i) is a member of an international joint investigation team that is led by a person acting in a capacity mentioned in paragraph (a) or (c), and
 - (ii) is carrying out functions as a member of that team.
- (4) A person who is guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a period not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both.

Status: Point in time view as at 01/04/2013.

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Modifications etc. (not altering text)

C2 S. 91 applied (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), **10(1)**

Commencement Information

I2 S. 91 in force at 1.4.2013 by [S.S.I. 2013/51](#), **art. 2**

92 Impersonation etc.

- (1) It is an offence for a person (not being a constable)—
 - (a) to impersonate a constable with an intent to deceive, or
 - (b) to do anything calculated to suggest that the person is a constable.
- (2) It is an offence for a person (other than a constable) to possess any article of police uniform without the permission of the Authority.
- (3) It is a defence for a person charged under subsection(2) to prove that the article—
 - (a) was obtained lawfully, and
 - (b) is in the person's possession for a lawful purpose.
- (4) It is an offence for a person (other than a constable) to wear, without the prior permission of the Authority, any article of police uniform in circumstances where it gives an appearance so nearly resembling that of a constable as to be calculated to deceive.
- (5) A person who is guilty of an offence under this section is liable on summary conviction to imprisonment for a period not exceeding 3 months or a fine not exceeding level 4 on the standard scale.
- (6) In this section an “article of police uniform” means—
 - (a) any article of uniform or any distinctive badge or mark usually issued to constables, or
 - (b) any article having the appearance of such article, badge or mark.

Modifications etc. (not altering text)

C3 S. 92 applied (with modifications) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), **10(2)**

Commencement Information

I3 S. 92 in force at 1.4.2013 by [S.S.I. 2013/51](#), **art. 2**

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

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