

Draft Order laid before the Scottish Parliament under section 8(4) of the Emergency Workers (Scotland) Act 2005 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

CRIMINAL LAW

**The Emergency Workers (Scotland)
Act 2005 (Modification) Order 2008**

Made - - - - 2008
Coming into force - - 1st April 2008

The Scottish Ministers make the following Order in exercise of the powers conferred by section 8(1) of the Emergency Workers (Scotland) Act 2005⁽¹⁾ and all other powers enabling them to do so.

It appears to the Scottish Ministers that registered medical practitioners, registered nurses and registered midwives are descriptions of persons whose functions or activities are such that they are likely, in the course of them, to have to deal with emergency circumstances⁽²⁾.

In accordance with section 8(4) of that Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Emergency Workers (Scotland) Act 2005 (Modification) Order 2008 and shall come into force on 1st April 2008.

Modification of the Emergency Workers (Scotland) Act 2005

2. In section 1(3) of the Emergency Workers (Scotland) Act 2005 (assaulting or impeding certain providers of emergency services)–

- (a) at the end of paragraph (b), omit “or”; and
- (b) after paragraph (c), add–
 - “(d) that of a registered medical practitioner;
 - (e) that of a registered nurse; or
 - (f) that of a registered midwife”.

(1) 2005 asp 2.

(2) In accordance with section 8(2) of that Act, the Scottish Ministers shall not make an Order in terms of section 8(1)(a) unless satisfied of these matters.

3. In section 2(3) of that Act (assaulting or impeding certain emergency workers responding to emergency circumstances) omit paragraphs (d), (e) and (f).

St Andrew's House,
Edinburgh
2008

Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

Section 1 of the Emergency Workers (Scotland) Act 2005 (“the Act”) makes it an offence punishable in terms of section 6 of the Act to assault, obstruct or hinder a person acting in any of the capacities specified in section 1(3) of the Act.

Section 2 of the Act makes it an offence punishable in terms of section 6 of the Act to assault, obstruct or hinder a person acting in any of the capacities specified in section 2(3) of the Act but only if that person is responding to emergency circumstances.

This Order modifies the Act by removing registered medical practitioners, registered nurses and registered midwives from the list of persons specified for the purposes of section 2 of the Act and adding them to the list of persons covered by section 1 of the Act. This means that it will be an offence in terms of the Act to assault, obstruct or hinder such a person acting in the course of their employment. Before commencement of this Order it would only be an offence under the Act were that person responding to emergency circumstances (section 2) or in a hospital (section 5).