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 section 154(1) of the Criminal Justice Act 2003 (increase in maximum term that may 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.