



# Emergency Workers (Scotland) Act 2005

## 2005 asp 2

### **5 Assaulting or impeding health workers in hospital premises**

- (1) A person who, in a hospital or on land adjacent to and used wholly or mainly for the purposes of a hospital, assaults, obstructs or hinders a person acting in a capacity mentioned in subsection (3) below or a person assisting such a person commits an offence.
- (2) No offence is committed under subsection (1) above unless the person who assaults, obstructs or hinders knows or ought to know that the person being assaulted, obstructed or hindered is acting in that capacity or, as the case may be, that the person being assisted is acting in that capacity and that the person being assaulted, obstructed or hindered is assisting the person acting in that capacity.
- (3) The capacity referred to in subsection (1) above is—
  - (a) that of a registered medical practitioner;
  - (b) that of a registered nurse;
  - (c) that of a registered midwife; or
  - (d) that of a person acting for the Scottish Ambulance Service Board in the exercise of the function referred to in article 4(1)(a) of the Scottish Ambulance Service Board Order 1999 (S.I.1999/686) (exercise by the Board of function of providing ambulances and other means of transport for ill and other persons).
- (4) A person may be convicted of the offence under subsection (1) above of obstructing or hindering notwithstanding that it is—
  - (a) effected by means other than physical means;
  - (b) effected by action directed only at any vehicle, apparatus, equipment or other thing used or to be used by a person referred to in that subsection.
- (5) Evidence from a single source is sufficient to establish, for the purposes of subsection (1) above, whether a person is acting in a capacity referred to in subsection (3) above.