

# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.

## **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.

## **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.