



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.

Changes to legislation: Police and Fire Reform (Scotland) Act 2012, Section 90 is up to date with all changes known to be in force on or before 03 April 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) View outstanding changes

- (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)**
- C2** S. 90 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), **34(7)(b)** (with regs. 3, 34(1))
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Commencement Information

- I1** S. 90 in force at 1.4.2013 by [S.S.I. 2013/51](#), **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Ch. 12A inserted by [2017 asp 4 s. 1\(1\)](#)
- s. 17(2)(h) inserted by [2017 asp 4 s. 2\(a\)\(ii\)](#)
- s. 17(4)(b)(iv) inserted by [2017 asp 4 s. 2\(b\)\(ii\)](#)
- s. 20A inserted by [2017 asp 4 s. 3](#)