

# **POLICE AND FIRE REFORM (SCOTLAND) ACT 2012**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 1 – Police Reform**

##### *Chapter 15 - Offences*

89. This Chapter re-enacts in a modern form the specific offences in the 1967 Act in relation to impeding a member of the police from carrying out their duties. **Section 90** makes it an offence to assault a person serving with the Police Service, a member of a police force mentioned in **subsection (7)** who is executing a warrant or acting under powers conferred on that person in Scotland by any enactment, or a member of an international joint investigation team. It is also an offence to resist, obstruct or hinder them. **Section 91** provides for an offence of aiding escape from or removing a person from the custody of a constable of the Police Service, a police custody and security officer, a constable of a police force mentioned in **section 90(7)** who is executing a warrant or acting under powers conferred on that person in Scotland by any enactment, or a member of an international joint investigation team. Both offences have penalties of imprisonment for up to twelve months and/or a fine not exceeding the statutory maximum on summary conviction, which is unchanged from the 1967 Act.
90. **Section 92** makes it an offence for someone who is not a police constable to impersonate a constable with intent to deceive or to do anything calculated to suggest that they are a constable. It is also an offence to possess articles of police clothing without the permission of the SPA (**subsection (2)**). A person has a defence to a charge under **section 92(2)** if he or she can prove that the articles of clothing were obtained lawfully and were in the person's possession for a lawful purpose. **Subsection (4)** makes it an offence for a person who is not a constable to wear, without the permission of the SPA, an article of police uniform which so nearly resembles that of a constable as to be calculated to deceive. The penalty on summary conviction of an offence under this section is imprisonment of up to three months or a fine not exceeding level 4 on the standard scale which is unchanged from the 1967 Act.