



Police (Scotland) Act 1967 (repealed)

1967 CHAPTER 77

PART III

MISCELLANEOUS AND GENERAL

Offences and legal proceedings

41 Assaults on constables, etc.

(1) Any person who—

- (a) assaults, resists, obstructs, molests or hinders a constable in the execution of his duty or a person assisting a constable in the execution of his duty, or
- (b) rescues or attempts to rescue, or assists or attempts to assist the escape of, any person in custody,

shall be guilty of an offence and on summary conviction shall be liable—

- (i) where he has not, within the period of two years immediately preceding the commission of the said offence, been convicted of an offence against this section, to a fine not exceeding [^{F1}level 4 on the standard scale] or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment;
- (ii) where he has, within the first-mentioned period, been convicted of an offence against this section, to imprisonment for a period not exceeding nine months [^{F2} or to a fine not exceeding the prescribed sum within the meaning of [^{F3}section 225(8) of the Criminal Procedure (Scotland) Act 1995], or to both.]

(2) The reference in subsection (1) of this section to a person in custody shall be construed as a reference to a person—

- (a) who is in the lawful custody of a constable or any person assisting a constable in the execution of his duty, or
- (b) who is in the act of eluding or escaping from such custody, whether or not he has actually been arrested.

Status: Point in time view as at 01/10/2002. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Section 41. (See end of Document for details)

- [^{F4}(3) This section also applies to a constable who is a member of a police force maintained in England and Wales or in Northern Ireland when he is executing a warrant or otherwise acting in Scotland by virtue of any enactment conferring powers on him in Scotland.]
- [^{F5}(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—
- (a) is a member of an international joint investigation team that is led by a constable of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and
 - (b) is carrying out his functions as a member of that team.
- (5) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
 - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
 - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
- (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and by [1995 c. 40, ss. 3, 7\(2\)](#), [Sch. 1 para. 3\(1\)](#), [Sch. 2 Pt. II](#) it is provided (1.4.1996) that s. 41(1) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50
- F2** Words added by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), [s. 57](#)
- F3** Words in s. 41(1)(b)(ii) substituted (1.8.1997) by [1997 c. 48, s. 62\(1\)](#), [Sch. 1 para. 2\(5\)](#); S.I. [1997/1712, art. 3](#), [Sch.](#)
- F4** S. 41(3) inserted (3.2.1995) by [1994 c. 33, s. 168\(2\)](#), [Sch. 10 para. 18](#); S.I. [1995/127, art. 2\(1\)](#), [Sch. 1 Appendix B](#)
- F5** S. 41(4)-(6) inserted (1.10.2002) by [2002 c. 30, s. 104\(2\)](#); S.S.I. [2002/420, art. 2](#)

Status:

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Changes to legislation:

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