

# Minister for Victims and Community Safety submission of 28 June 2023

## PE1961/E: Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work

Thank you for your letter of 6 June 2023 regarding petition PE1961 in which the Committee has asked whether the Scottish Government will consider legislating to extend the protections afforded by the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 (“the 2021 Act”) to:

- a) private hire and taxi drivers; or
- b) all transport workers.

I note petition PE1961 lodged by Edward Grice on behalf of the Scottish Private Hire Association (SPHA), called on the Scottish Parliament to urge the Scottish Government to expand the 2021 Act to include private hire and taxi drivers by:

- creating a specific criminal offence of assaulting, threatening or abusing private hire or taxi drivers while they are engaged in private hire or taxi work; and
- considering such offences as aggravated when the offence is committed whilst the driver is enforcing a licensing or operational condition.

I further note, as part of the Committee’s consideration of PE1961 it received a response from Unite indicating support for legislating to protect private hire and taxi drivers but also recommending that the scope of any such legislation be extended to include all transport workers. I understand the petitioner indicated he would be agreeable to that suggestion.

The Scottish Government recognises the important role private hire drivers, taxi drivers and transport workers in general play within our local communities. Violence of any kind is totally unacceptable and every person has the right to feel safe and protected from abuse and violence regardless of where they work.

As the Committee notes, the 2021 Act is recent legislation which was a Members' Bill from Daniel Johnson MSP covering certain categories of worker. It is important to note that the 2021 Act complements a range of general criminal laws which protect everyone from abuse and violence. These include the statutory offence of threatening or abusive behaviour and the common law offences of assault and breach of the peace. These offences can be used to prosecute those who commit threatening or abusive acts or violent acts against anyone including private hire drivers, taxi drivers and transport workers in general. As the Committee is also aware, the maximum penalty for offences in this area are up to life imprisonment (for the common law offences of assault and breach of the peace) which is greater than the maximum penalties available under the 2021 Act.

While the Scottish Government supported the legislation that led to the 2021 Act, it was acknowledged through the scrutiny of the legislation that general laws as mentioned above were critical in protecting people generally from violence and abuse. I note that the Economy, Energy and Fair Work Committee when scrutinising the Protection of Workers Bill did consider extending the provisions to other categories of workers and did not recommend such an approach<sup>1</sup>.

The Scottish Government fully supports law enforcement agencies having extensive powers and taking robust enforcement action to deal with attacks and threats made including when these are against private hire, taxi drivers or any transport worker. Enforcement of the law is of course for Police Scotland, the Crown Office and Procurator Fiscal Service and ultimately the criminal courts. In any given case, it is for the independent court to sentence based on the facts and circumstances before it. They do this within the overall legal framework which includes laws passed by Parliament.

Therefore (based on the factors mentioned above while also noting Alexander Stewart MSP proposed closing the petition under rule 15.7 of standing orders at the Committee's meeting of 31 May) I can confirm the Scottish Government is not considering legislating to extend the 2021 Act to include private hire drivers, taxi drivers or transport workers in general.

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<sup>1</sup> Economy, Energy and Fair Work Committee 30 June 2020 - [Stage 1 Report on the Protection of Workers \(Retail and Age-restricted Goods and Services\) \(Scotland\) Bill Scottish Parliament](#)

I hope this is helpful.

**SIOBHIAN BROWN**