

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1961](#): Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work, lodged by Edward Grice

Background

The [petition](#) was lodged by Edward Grice on behalf of the [Scottish Private Hire Association](#).

It seeks the extension of existing statutory measures applying to retail workers to:

- make it a specific offence to assault, threaten or abuse a private hire or taxi driver whilst they are engaged in their work
- provide for the aggravation of that offence where the driver is seeking to enforce a licensing or operational condition.

The existing statutory measures referred to in the petition are set out in the [Protection of Workers \(Retail and Age-restricted Goods and Services\) \(Scotland\) Act 2021](#) ('the 2021 Act').

The 2021 Act resulted from a [Member's Bill](#) introduced by Daniel Johnson MSP in 2019 – the [Protection of Workers \(Retail and Age-restricted Goods and Services\) \(Scotland\) Bill](#) ('the Member's Bill').

Consideration of the Member's Bill

The then [Economy, Energy and Fair Work Committee took the lead in scrutinising the Member's Bill](#). Its [Stage 1 Report](#) expressed support for the general principles of the Bill whilst also highlighting some concerns.

Those concerns included whether the proposal, in the Member's Bill as introduced, to have an offence which also covered 'obstructing and hindering', might cover behaviour not serious enough to justify criminal sanctions. Amendments made during parliamentary scrutiny removed this element of the offence. Thus, the offence in the 2021 Act deals with assaulting, threatening or abusing a retail worker.

The types of behaviour covered by the 2021 Act may also be prosecuted under other common law and statutory offences which are not restricted to specific classes of victim (discussed below).

Arguments made in favour of the Member's Bill included that it would increase the protection for retail workers:

- helping to increase awareness of the physical and verbal abuse faced by retail workers
- encouraging action to tackle such behaviour, including reporting to the police
- facilitating the collection of data on offences against retail workers.

The justification for focusing on retail workers is discussed in both the [policy memorandum](#) and the [Stage 1 Report](#).

Further information on the Member's Bill is set out in two SPICe briefings:

- [Protection of Workers \(Retail and Age-restricted Goods and Services\) \(Scotland\) Bill](#)
- [Protection of Workers \(Retail and Age-restricted Goods and Services\) \(Scotland\) Bill: Consideration prior to stage 3](#)

Other statutory and common law offences

The types of behaviour covered by the offence in the 2021 Act, and the proposal in the petition, are generally also covered by offences protecting the wider public. For example:

- the common law offence of assault
- the statutory offence of offence of threatening or abusive behaviour under section 38 of the [Criminal Justice and Licensing \(Scotland\) Act 2010](#).

There are however other examples of statutory offences protecting specific categories of worker which overlap with more general offences. These include elements of the offences set out in the [Emergency Workers \(Scotland\) Act 2005](#).

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29/08/22

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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