

**After Clause 132**

BARONESS WILLIAMS OF TRAFFORD

Insert the following new Clause—

**“CHAPTER 3**

**ASSAULTS ON THOSE PROVIDING A PUBLIC SERVICE ETC**

**Assaults on those providing a public service etc**

In the Sentencing Act 2020, after section 68 insert—

**“68A Assaults on those providing a public service etc**

- (1) This section applies where—
  - (a) a court is considering the seriousness of an offence listed in subsection (3), and
  - (b) the offence is not aggravated under section 67(2).
- (2) If the offence was committed against a person providing a public service, performing a public duty or providing services to the public, the court—
  - (a) must treat that fact as an aggravating factor, and
  - (b) must state in open court that the offence is so aggravated.
- (3) The offences referred to in subsection (1) are—
  - (a) an offence of common assault or battery, except where section 1 of the Assaults on Emergency Workers (Offences) Act 2018 applies;
  - (b) an offence under any of the following provisions of the Offences against the Person Act 1861—
    - (i) section 16 (threats to kill);
    - (ii) section 18 (wounding with intent to cause grievous bodily harm);
    - (iii) section 20 (malicious wounding);
    - (iv) section 47 (assault occasioning actual bodily harm);
  - (c) an inchoate offence in relation to any of the preceding offences.
- (4) In this section—
  - (a) a reference to providing services to the public includes a reference to providing goods or facilities to the public;
  - (b) a reference to the public includes a reference to a section of the public.
- (5) Nothing in this section prevents a court from treating the fact that an offence was committed against a person providing a public service, performing a public duty or providing services to the public as an aggravating factor in relation to offences not listed in subsection (3).
- (6) This section has effect in relation to a person who is convicted of the offence on or after the date on which section (*Assaults on those providing a public service etc*) of the Police, Crime, Sentencing and Courts Act 2021 comes into force.”

***Member's explanatory statement***

*This amendment would add three new aggravating factors to the consolidated sentencing code, where the person attacked is (i) providing a public service, (ii) performing a public duty, or*

- (i) providing services, goods or facilities to the public or a section of the public.*