

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.*