

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5213 GIBRALTAR Monday 10th March 2025

B. 02/25

BILL

FOR

AN ACT to amend the Crimes Act 2011.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Crimes (Assaults on Emergency Workers) (Amendment) Act 2025.

Commencement and application.

2.(1) This Act comes into operation on the day of publication.

(2) This Act applies only in relation to offences committed on or after the day it comes into force.

Amendment of the Crimes Act 2011.

3.(1) The Crimes Act 2011 is amended in accordance with this section.

(2) After section 178 insert the following section-

“Assault on emergency worker.

179.(1) A person commits an offence under this section if that person commits an offence under section 175 against an emergency worker acting in the exercise of functions as such a worker.

(2) A person who commits an offence under this section is liable-

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine at level 5, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

- (3) For the purposes of subsection (1), the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.

Assault on emergency worker: aggravating factor.

179A.(1) This section applies where-

- (a) the court is considering for the purposes of sentencing the seriousness of an offence listed in subsection (3); and
- (b) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.

(2) The court must-

- (a) treat the fact mentioned in subsection (1)(b) as an aggravating factor (that is to say, a factor that increases the seriousness of the offence); and
- (b) must state in open court that the offence is so aggravated.

(3) The offences referred to in subsection (1)(a) are an offence under any of the following provisions-

- (a) section 136 (causing grievous harm by explosion);
- (b) section 137 (causing explosion, etc. with intent);
- (c) section 153 (manslaughter);
- (d) section 157 (threats to kill);
- (e) section 166 (wounding with intent to do grievous bodily harm);
- (f) section 167 (wounding);
- (g) section 167A (strangulation or suffocation);
- (h) section 170 (administering poison);
- (i) section 176 (assault occasioning actual bodily harm);
- (j) section 189 (kidnapping and false imprisonment);
- (k) section 215 (sexual assault);

- (1) an inchoate offence in relation to any of the preceding offences.
- (4) For the purposes of subsection (1)(b) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (5) In this section, “inchoate offence”, in relation to an offence, means an offence under Part 3.
- (6) Nothing in this section prevents a court from treating the fact that an offence was committed against an emergency worker acting in the exercise of functions as such as an aggravating factor in relation to offences not listed in subsection (3).

Meaning of “emergency worker”.

179B.(1) In sections 179 and 179A, “emergency worker” means-

- (a) a police officer;
- (b) a person (other than a police officer) who has the powers of a police officer or is otherwise employed for police purposes or is engaged to provide services for police purposes;
- (c) a prison officer;
- (d) a BCA officer;
- (e) a customs officer;
- (f) a person employed for the purposes of providing, or engaged to provide, fire services or fire and rescue services;
- (g) a person employed for the purposes of providing, or engaged to provide, search services or rescue services (or both);
- (h) a person employed for the purposes of providing, or engaged to provide-
 - (i) GHA health services; or
 - (ii) services in the support of the provision of GHA health services,

and whose general activities in doing so involve face to face interaction with individuals receiving the services or with other members of the public.

(2) It is immaterial for the purposes of subsection (1) whether the employment or engagement is paid or unpaid.

(3) In this section-

“BCA officer” means an officer of the Borders and Coastguard Agency established under section 3 of the Borders and Coastguard Agency Act 2011;

“customs officer” has the meaning given by section 2 of the Imports and Exports Act, 1986;

“GHA health services” means any kind of health services provided by the GHA in pursuance of its duty under section 6(2)(a) of the Medical (Gibraltar Health Authority) Act, 1987;

“prison officer” has the meaning given by section 2 of the Prison Act 2011.”.

EXPLANATORY MEMORANDUM

This Bill amends the Crimes Act 2011 so as to improve the protection for emergency workers by creating an aggravated version of an existing offence and provide a statutory footing for considering certain offences against emergency workers as an aggravating factor in determining the severity of a sentence.

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