



2. Assaulting a Police Constable or Emergency Worker

2. Assaulting a Police Constable or Emergency Worker

Assaulting a Police Constable

The same section (Police Act 1996, s.89) that prohibits obstructing a police officer also makes a specific offence of Assaulting a Police Constable in the execution of their duty. Assault doesn't need you to actually touch the person, you just need to do something that makes someone fear or apprehend immediate violence.

Because the duty of the police in theory is to uphold the law, if you can show that the police officer was breaking the law, and therefore not acting in the execution of their duty when the alleged assault happened, this is a defence to the charge.

Assault PC can only be tried in the magistrate's court and carries a maximum sentence of 6 months in custody and a fine, which could be any amount. Maximum sentences are used only in the most serious cases and the sentence you could receive will depend on the facts of your case. The Sentencing Council has issued [guidance on how judges should decide on a sentence for this offence](#).

Assault on an Emergency Worker

In 2018, it was made a specific offence (in the helpfully named the Assaults on Emergency Workers (Offences) Act 2018) to assault an emergency worker acting in the course of their **functions**. As well as police officers, this applies to nurses, paramedics, firefighters, coastguards, prison guards, search and rescue workers, and [various other professions](#). The emergency worker doesn't need to be on duty or at work, they just need to be doing something which **would** be seen as part of their functions if they were on duty or at work.

[Guidance from the Crown Prosecution Service](#) states that this offence should be charged instead of Assault PC, so you may be charged with this even if you were arrested for the former.

The defence that an officer was not acting in the course of their duty does not apply to Assault on an Emergency Worker in the same way, because the [High Court found](#) that police officers could act in the exercise of their functions even if they commit an unlawful act, such as using force against someone without reason to do so. If this did happen, you can still argue that you were acting in self defence, for example, along with other general defences that tend to be weaker than the 'duties defence' to Assault PC.

Assault on an Emergency Worker carries a higher maximum sentence of 2 years in custody and a fine. The offence can be tried in the Magistrate's or the Crown Court. We know of only a few protest cases that have resulted in immediate prison time for this offence. We are yet to see how the changes to maximum sentence made by the [PCSC Act 2022](#) affects likely sentences.