

# Assaults on Retail Workers (Offences) Bill

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[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Make certain offences, including malicious wounding, grievous or actual bodily harm and common assault, aggravated when perpetrated against a retail worker in the course of their employment; to make provision about the sentencing of persons convicted of such aggravated offences; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Aggravation

- (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 a retail worker acting in the exercise of functions as such a worker. 5
- (2) The court—
- (a) must 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 10
  - (b) must state in open court that the offence is so aggravated.
- (3) The offences referred to in subsection (1)(a) are—
- (a) an offence under any of the following provisions of the Offences against the Person Act 1861—
    - (i) section 16 (threats to kill); 15
    - (ii) section 18 (wounding with intent to cause grievous bodily harm);
    - (iii) section 20 (malicious wounding);
    - (iv) section 47 (assault occasioning actual bodily harm);
  - (b) an offence under section 39 of the Criminal Justice Act 1988 (common assault and battery); 20

- (c) an offence under section 4(1)(a) of the Public Order Act 1986 (threatening, abusive or insulting words or behaviour);
  - (d) an ancillary offence in relation to any of the preceding offences.
- (4) In this section—
- “ancillary offence”, in relation to an offence, means any of the following— 5
    - (a) aiding, abetting, counselling or procuring the commission of the offence;
    - (b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence;
    - (c) attempting or conspiring to commit the offence; 10
  - “retail worker” has the meaning given by section 3.
- (5) Nothing in this section prevents a court from treating the fact mentioned in subsection (1)(b) as an aggravating factor in relation to offences not listed in subsection (3).
- (6) This section applies only in relation to offences committed on or after the day it comes into force. 15
- 2 Sentencing guidelines**
- (1) The Sentencing Council must prepare guidelines under section 120 of the Coroners and Justice Act 2009 on the application of section 1.
  - (2) The guidelines under subsection (1) must make specific provision for offences occurring in relation to a retail worker seeking to enforce— 20
    - (a) statutory age restrictions;
    - (b) statutory public health measures; and
    - (c) other statutory requirements.
- 3 Interpretation** 25
- (1) In this Act, “retail worker”—
    - (a) means a person—
      - (i) whose usual place of work is a retail premises, or
      - (ii) whose usual place of work is not a retail premises but who does retail work, 30
    - (b) includes, in relation to a business that owns or occupies any premises in which the person works, a person who—
      - (i) is an employee of the business,
      - (ii) is an owner of the business, or
      - (iii) works in the premises under arrangements made between the business and another person for the provision of staff, 35
    - (c) also includes a person who delivers goods from retail premises.

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- (2) For the purposes of subsection (1), it is irrelevant whether or not the person receives payment for the work.
- (3) For the purposes of the application of section 1, it is not necessary for the prosecutor to prove that the person being sentenced knew or ought to have known any matter falling within subsection (1) in relation to the person against whom the offence was committed. 5
- (4) In this Act, “retail premises” means premises that are used wholly or mainly for the sale or supply of goods, on a retail basis, to members of the public.
- (5) In this Act, “retail work” means— 10
- (a) in the case of a person whose usual place of work is retail premises, any work in those retail premises, 15
  - (b) in the case of a person whose usual place of work is not retail premises, work in connection with—
    - (i) the sale or supply of goods, on a retail basis, to members of the public, or 15
    - (ii) the sale or supply of services (including facilities for gambling) in respect of which a statutory age restriction applies,
    - (iii) subject to subsection (6), in the case of a person who delivers goods from retail premises, work in connection with the sale or supply of goods, on a retail basis, to members of the public. 20
- (6) A person who delivers goods from retail premises is doing retail work only during the period beginning when the person arrives at a place where delivery of goods is to be effected and ending when the person leaves that place (whether or not goods have been delivered).
- (7) In this section, references to working in premises includes working on any land forming part of the premises. 25
- (8) In this Act, “statutory age restriction” means a provision in an enactment making it an offence to sell or supply goods or services to a person under an age specified in that or another enactment.
- 4 Extent, commencement and short title** 30
- (1) This Act extends to England and Wales only.
- (2) Section 1 comes into force 90 days after the day on which this Act is passed.
- (3) This section and sections 2 and 3 come into force on the day on which this Act is passed.
- (4) This Act may be cited as the Assaults on Retail Workers (Offences) Act 2020. 35

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