

# Citizen Participation and Public Petitions Committee

5th Meeting, 2024 (Session 6), Wednesday  
20 March 2024

PE1961: Make it a specific offence to assault,  
threaten or abuse a private hire or taxi driver  
while at work

**Petitioner** Edward Grice on behalf of the Scottish Private Hire Association  
(SPHA)

**Petition  
summary** Calling on the Scottish Parliament to urge the Scottish Government to  
expand the Protection of Workers (Retail and Age-restricted Goods  
and Services) (Scotland) Act 2021 to include private hire and taxi  
drivers by:

- creating a specific criminal offence of assaulting, threatening or  
abusing private hire or taxi drivers while they are engaged in  
private hire or taxi work; and
- considering such offences as aggravated when the offence is  
committed whilst the driver is enforcing a licensing or  
operational condition.

**Webpage** <https://petitions.parliament.scot/petitions/PE1961>

## Introduction

1. The Committee last considered this petition at its meeting on [31 May 2023](#). At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a new response from the Minister for Victims and Community Safety, which is set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).

5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 267 signatures have been received on this petition.

## Action

The Committee is invited to consider what action it wishes to take.

### **Clerks to the Committee**

## Annexe A

PE1961: Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work

### Petitioner

Edward Grice on behalf of the Scottish Private Hire Association (SPHA)

### Date lodged

8 September 2022

### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to expand the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 to include private hire and taxi drivers by:

- creating a specific criminal offence of assaulting, threatening or abusing private hire or taxi drivers while they are engaged in private hire or taxi work; and
- considering such offences as aggravated when the offence is committed whilst the driver is enforcing a licensing or operational condition.

### Previous action

We have raised and discussed this issue with Jackson Carlaw MSP and with Katy Clark MSP.

### Background information

The Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 created a new offence for situations where a retail worker is assaulted, threatened or abused while engaged in their work. The offence can result in a fine, with penalties escalating to a prison sentence, and with aggravating factors adding the potential for a more significant fine or sentence. The offence is considered as

aggravated if the worker is assaulted, threatened or abused while enforcing a statutory age restriction (such as alcohol or tobacco sales).

We believe that a similar offence is required to protect private hire and taxi drivers while at work.

## Annexe B

### Extract from Official Report of last consideration of PE1961 on 31 May 2023

**The Convener:** PE1961 is, as I mentioned a moment ago, also in the name of Edward Grice on behalf of the Scottish Private Hire Association. The petition calls on the Scottish Parliament to urge the Scottish Government to expand the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 to include private hire and taxi drivers by creating a specific criminal offence of assaulting, threatening or abusing private hire or taxi drivers while they are engaged in private hire or taxi work; and considering such offences as aggravated when the offence is committed while the driver is enforcing a licensing or operational condition.

We considered this petition, along with the previous one, on 7 December 2022, when we agreed to seek further information from Police Scotland, the Scottish Taxi Federation and Unite the union. Since then, we have received a response from Unite in support of legislating to protect private hire and taxi drivers but recommending that the scope of any such legislation be extended to include all transport workers. The petitioner has indicated that he would be agreeable to that suggestion.

Police Scotland has provided data on the number of breach of the peace and threatening or abusive behaviour offences that have been recorded over the past 10 years but was unable to provide a breakdown by occupation.

Do members have any comments or suggestions?

**Alexander Stewart:** We have probably taken this petition as far as we can take it in some respects. I propose that we close the petition, under rule 15.7 of standing orders, on the basis that the behaviour that the petition references may already be prosecuted under common law and existing statutory offences.

**The Convener:** Are there any other thoughts?

**Foyso Choudhury:** Is there potential for a new bill, similar to Daniel Johnson’s member’s bill—which became the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021—that would cover transport workers, including private hire and tax drivers?

**The Convener:** Were there a route to pursue, I think that it would be to amend the 2021 act to include private hire and taxi drivers, which Unite has suggested that it would support. [Interruption.] Sorry?

**Andrew Mylne (Clerk):** A bill would be—

**The Convener:** A bill would be required to amend the legislation. It is not just a case of waving a wand and us all saying, “Aye”; there is a bit more of a process to it.

I am inclined to give the petition one last hurrah because Unite has come in in support of the petitioner, who has said that he would be agreeable to its suggestion. I think that I can anticipate the Scottish Government's response, but, nonetheless, the petition has had that additional level of support, and we can flag up that that is the case and ask whether the Government might be prepared to contemplate that, if even only in the longer term. Are you content with that, Mr Stewart?

**Alexander Stewart:** I am.

**The Convener:** Do members agree to that approach?

**Members** *indicated agreement.*

## Annexe C

### Minister for Victims and Community Safety submission of 28 June 2023

#### PE1961/E: Make it a specific offence to assault, threaten or abuse a private hire or taxi driver while at work

Thank you for your letter of 6 June 2023 regarding petition PE1961 in which the Committee has asked whether the Scottish Government will consider legislating to extend the protections afforded by the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 (“the 2021 Act”) to:

- a) private hire and taxi drivers; or
- b) all transport workers.

I note petition PE1961 lodged by Edward Grice on behalf of the Scottish Private Hire Association (SPHA), called on the Scottish Parliament to urge the Scottish Government to expand the 2021 Act to include private hire and taxi drivers by:

- creating a specific criminal offence of assaulting, threatening or abusing private hire or taxi drivers while they are engaged in private hire or taxi work; and
- considering such offences as aggravated when the offence is committed whilst the driver is enforcing a licensing or operational condition.

I further note, as part of the Committee’s consideration of PE1961 it received a response from Unite indicating support for legislating to protect private hire and taxi drivers but also recommending that the scope of any such legislation be extended to include all transport workers. I understand the petitioner indicated he would be agreeable to that suggestion.

The Scottish Government recognises the important role private hire drivers, taxi drivers and transport workers in general play within our local communities. Violence of any kind is totally unacceptable and every

person has the right to feel safe and protected from abuse and violence regardless of where they work.

As the Committee notes, the 2021 Act is recent legislation which was a Members' Bill from Daniel Johnson MSP covering certain categories of worker. It is important to note that the 2021 Act complements a range of general criminal laws which protect everyone from abuse and violence. These include the statutory offence of threatening or abusive behaviour and the common law offences of assault and breach of the peace. These offences can be used to prosecute those who commit threatening or abusive acts or violent acts against anyone including private hire drivers, taxi drivers and transport workers in general. As the Committee is also aware, the maximum penalty for offences in this area are up to life imprisonment (for the common law offences of assault and breach of the peace) which is greater than the maximum penalties available under the 2021 Act.

While the Scottish Government supported the legislation that led to the 2021 Act, it was acknowledged through the scrutiny of the legislation that general laws as mentioned above were critical in protecting people generally from violence and abuse. I note that the Economy, Energy and Fair Work Committee when scrutinising the Protection of Workers Bill did consider extending the provisions to other categories of workers and did not recommend such an approach<sup>1</sup>.

The Scottish Government fully supports law enforcement agencies having extensive powers and taking robust enforcement action to deal with attacks and threats made including when these are against private hire, taxi drivers or any transport worker. Enforcement of the law is of course for Police Scotland, the Crown Office and Procurator Fiscal Service and ultimately the criminal courts. In any given case, it is for the independent court to sentence based on the facts and circumstances before it. They do this within the overall legal framework which includes laws passed by Parliament.

Therefore (based on the factors mentioned above while also noting Alexander Stewart MSP proposed closing the petition under rule 15.7 of

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<sup>1</sup> Economy, Energy and Fair Work Committee 30 June 2020 - [Stage 1 Report on the Protection of Workers \(Retail and Age-restricted Goods and Services\) \(Scotland\) Bill Scottish Parliament](#)

standing orders at the Committee's meeting of 31 May) I can confirm the Scottish Government is not considering legislating to extend the 2021 Act to include private hire drivers, taxi drivers or transport workers in general.

I hope this is helpful.

**SIOBHIAN BROWN**