

'Self Defence' - Scots Law

A person may use such force as is reasonable in the circumstances for the purposes of:

-  self-defence
-  defence of another person
-  defence of property
-  prevention of crime
-  lawful arrest of an offender

Self Defence - There are 3 standard elements to Self Defence in Scotland

1. The victim or another is **being attacked and there is imminent danger to life or limb** OR there is reasonable belief **they are going to be attacked**.

An effort should always be made to retreat or escape from an attack.

2. A person may use force as a last resort if there is no other means whereby they can escape or retreat from an attack.

(NOTE: Where a person is acting in self defence of another person there is no requirement to retreat.)

3. The force used is only that necessary for their safety or the safety of another and is not unnecessary or excessive.

"Some allowance must be made for the excitement or the state of fear or the heat of blood at the the moment of the man who is attacked" Lord Keith

Sources - HMA v Doherty 1953, Dewar v HMA 1999.

IMPORTANT: ALWAYS KEEP UP TO DATE WITH CHANGES IN THE LAW WHICH MAY HAVE AN IMPACT ON YOUR WORK PRACTICES.

Physical Intervention and Use of Force

A **'Physical Intervention'** - (PI) is defined in Security Industry Authority (SIA) related qualifications as:

'The use of direct or indirect force, through bodily, physical or mechanical means, to limit another person's movement'

There are times when a door supervisor may need to use a physical intervention to ensure the safety of themselves and others. Staff must operate within the law and be prepared to justify any use of force and specifically that the:

- Use of force was 'necessary' in the circumstances
- The force used was 'reasonable in the circumstances'
- The force used was 'proportionate' to the threat faced - we cannot use a sledgehammer to crack a nut and we cannot 'retaliate'.

Licensing Scotland Act 2005 - Section 116

Provides power to remove certain persons from Licensed Premises i.e.

- Any person **behaving in a disorderly manner** in any premises on which alcohol is sold and **who refuses to leave when asked** by a 'Responsible person' or 'Police Constable'.
- Any person **refusing to leave licensed premises at the end of licensing hours** (closing time) when asked by a 'Responsible person' or 'Police Constable'.
- A person reasonably suspected of having **entered the licensed premises in breach of an 'Exclusion Order'**.

All can be removed from the premises by an 'Authorised Person' (Door Supervisor) who **may use 'Reasonable force' if necessary**.

A Police Constable **MUST** provide assistance if asked by an 'Authorised person'.