



# KNOW YOUR RIGHTS

PROTEST IN  
SCOTLAND, 2024



You can find a lot of the information in this zine in our Know Your Rights video.



## **ACKNOWLEDGEMENTS**

SCALP would like to thank Ruby Scott Geddes (@artist.forager) for their beautiful illustrations, originally produced for our 'Know Your Rights' video ahead of COP26 in 2021.

Co-written by the SCALP collective with layout and design by Emily Nicholl  
November 2024.

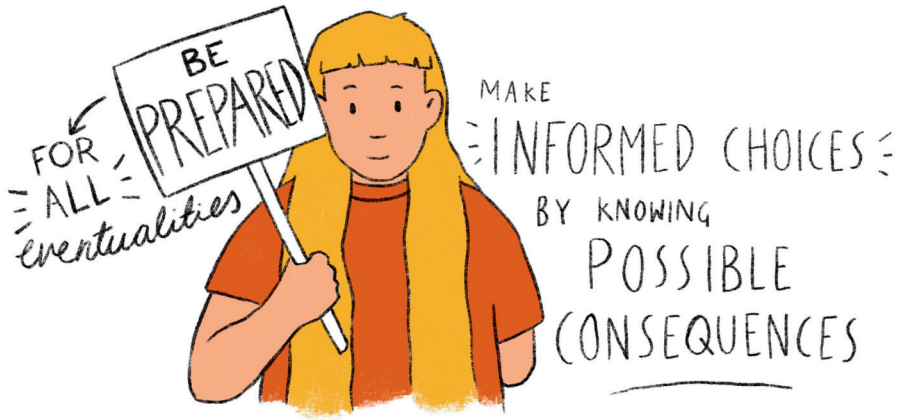


## SCALP

The Scottish Community & Activist Legal Project (SCALP) is a collective of activists from different social and environmental justice groups who are collaborating on legal support. We attend protests, challenge police abuse, support people in the case of arrest, provide legal guidance, and run trainings and workshops on Scots law.

Sign up to our mailing list for updates, trainings, and SCALP news.





## WHY IS IT IMPORTANT TO KNOW OUR RIGHTS?

We all have the right to protest. Knowing your rights and being prepared can help reduce stress and minimise the risk to yourself and others. Breaking specific laws or physical confrontation can increase the risks. Knowing potential consequences can help you to make more informed choices and consider the safety of yourself and others.

*Guide to activism,  
Scottish Law  
and the Police.*



## A FEW DISCLAIMERS

This zine talks about what the police & criminal legal\* system are supposed to do, however the police & courts are unpredictable and disproportionately police some communities, including trans people, disabled people, Black people and people of colour.

This zine is about your rights to protest under Scots law. Scots law is specific to Scotland and different to the law in England, Wales, and Northern Ireland. This zine hasn't been written by lawyers.



*\*the term criminal justice system is a misnomer. The system of policing, courts and prison are inherently unjust. The words we use matter, and therefore criminal legal system is a more accurate term to describe the unjust system of punishment and control.*

## KEY MESSAGES



You're **only legally required to give your details** (your name, address, date of birth, place of birth, and nationality) to the police if you are **arrested**, if you are a **suspect or a witness to a specified crime**, or if you're the **driver of a vehicle**. You can ask a police officer if you're being arrested just to be sure. You don't have to answer any other questions.

### Say "No comment"

to avoid incriminating yourself or others.

## “Under what power?”

Ask the police if you are legally required to do something they ask of you. This can be a useful way of indicating to the police that you know your rights and that you're monitoring what they're doing. It can also be helpful to have this information if your case goes to court.

The police have wide-ranging powers to disrupt or stop protests and may arrest first and ask questions later. Sometimes they don't know what power they have to do certain things and sometimes they don't even have the legal power to do them.

## Don't accept the duty solicitor!



Duty solicitors tend not to be experienced in protest law, and don't always understand why people protest. Instead, ask for the solicitor named on your bustcard. You have the right to a solicitor of your choice.



## STOP AND SEARCH

The police have **no general right to search you on the street.** Exceptions to this are:

- If you are suspected of committing certain crimes such as carrying a weapon, or drugs. They must have a specific reason to suspect you.
- Under a Section 60 (which allows officers to search people in a defined area during a specific time period due to the anticipation of violence).
- If you are entering a place where being searched is a condition of entry such as sports or music events

During a search you do not have to answer any questions or give any personal details, unless you are arrested, a suspect of a specified crime or the driver of a vehicle.

**You have the right to be searched by someone of the same gender.** This is also true for transgender people. Ask the reason for your search. It is illegal for the police to search you without a reason, even if you comply.

They can only give you a **pat down search on the street** and only ask you to remove outer layers of clothes. After a search police should give you a **receipt** of the search. This may be helpful if you want to make a complaint later.



## SPECIFIC LEGAL RIGHTS

By their own admission the police are institutionally racist. Their behaviour negatively impacts a variety of communities and identities, such as if you're disabled, trans, Black, a person of colour, working class, or depending on your official immigration status.

You have specific legal rights if you're under 16 or a non-UK national. You have particular rights as a disabled or trans person to be treated in a certain way. You have the right to a translator if needed, and this includes the right to a BSL interpreter.

*You can find out more about these rights in further guides on the SCALP website.*



*SCALP's Guide  
to Legal  
Support &  
Collective Care.*



Depending on your official immigration status, if you're considering attending a protest, it's a good idea to seek legal advice specific to your situation so you know your rights and any risks involved.

If you're organising a protest or action, it's a **good idea to organise activist and arrestee support in advance and particularly look out for any attendees who are more at risk.**

Go to our website for info on how to organise legal support through SCALP or through your own networks.



## HOW DOES A LEGAL SUPPORT SYSTEM WORK?

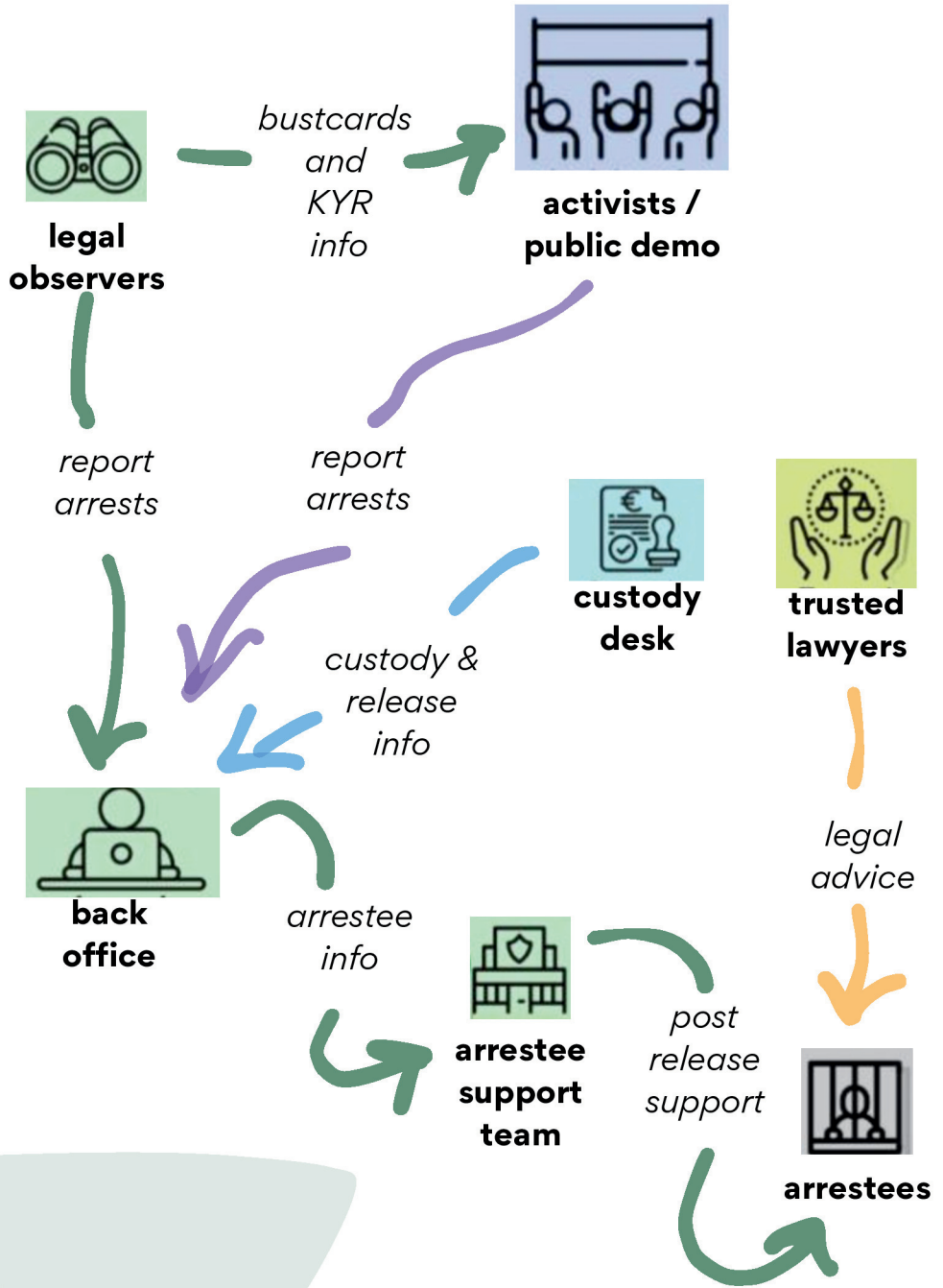
Legal Observers (SCALP) - On the ground with bustcards. Witnesses and gathers information about any arrests, general police behaviour etc.

Back Office (SCALP) – Away from the action. Collating info and tracking people through arrest process so the team can offer support upon release or going forward.

Arrestee Support (Organising group) – A trusted and friendly face waiting for people to be released with food and warm clothing. Lets the back office know of releases and helps people get home or to a place to stay.

Court Support (SCALP & organising group) – Goes to court, takes notes, explains process to people, and greets people who are released.

Solicitor - Provides legal advice.



## WHAT'S A BUSTCARD?

A bustcard is a card with legal guidance and contact numbers for arrestee support. Legal Observers carry these and hand them out. Bustcards usually have two contact numbers on them:

1 - The number for a legal back office\* providing legal support for a protest or action.

2 - The number of a solicitor who has experience with protest law and has agreed to support the specific protest or action.

Some activists also write these phone numbers somewhere easily accessible on their body, in case of arrest.

GIVE THESE NUMBERS TO  
THE POLICE TO CALL IF  
YOU'RE ARRESTED



BUST  
CARD

*\*SCALP's back office  
does not run 24/7, so  
make sure you check  
whether the back office is  
supporting your action  
before handing out  
SCALP bustcards!*



## WHAT'S A LEGAL OBSERVER?

A legal observer (LO) is someone who monitors police behaviour to help curb police abuse and support activists. LOs are not stewards or organisers and are independent from the protest or action (but not impartial).

LOs usually wear orange high-vis and they're likely to be seen carrying a notebook to detail police movements and actions, including arrests. **They do not note down incriminating behaviour.**

# LEGAL SUPPORT IS MUTUAL AID

LOs work within a wider legal support team. They are responsible for sharing information about police tactics and behaviour in general and in relation to any arrests with the legal back office, protest organisers and with anyone who is arrested. They do not liaise with police.

If you're interested in becoming a SCALP legal observer, keep an eye on our Action Network page for upcoming trainings!





## WHAT'S A POLICE LIAISON OFFICER?

Police Scotland use Police Liaison Officers (PLOs) at protests and actions. PLOs are specially trained officers who try to engage with activists. They normally wear baby blue tabards and permanent smiles. On the surface they appear to be trying to open dialogue and serve as a means of communication between activists and the police to 'facilitate protest'.

In reality, their aim is to gather intelligence and build profiles on groups, movements, and individuals. This is used by the police to hamper and disrupt protests and direct action. By engaging this way, they can also claim legitimacy for their policing.

They can be very friendly, claim to support your cause, and try to be helpful to gain trust. This allows them to gain a lot of information from people who don't realise their true purpose.



**There's no such thing as a friendly conversation with the police.** Anything you say could be noted down and used against you or other people, no matter how irrelevant it might seem at the time.

*Guide to Public  
Order & Police  
Tactics.*



It's also important to note that images, videos, and information found on social media can be used by the police in trying to find and prosecute people.

You can find more information about the different types of police at protests and actions in our *Guide to Public Order & Police Tactics*.

≡ TAKE CARE OF EACH OTHER ≡

DURING AND AFTER INTERACTIONS WITH  
THE POLICE AND  
THE CRIMINAL LEGAL SYSTEM

## WHAT HAPPENS IF I AM ARRESTED?

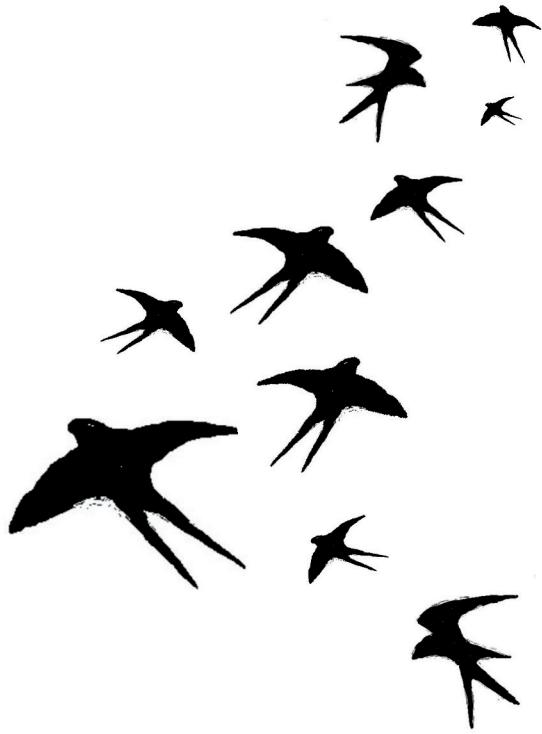
If you're arrested, you don't have to give any information apart from your **name, address, date and place of birth** and **nationality**. We recommend not answering any other questions except to share **relevant medical info**.

You'll be asked if you want anyone informed that you are there. You should ask them to contact your friend 'Jo Hill' and give the number for the **SCALP back office** (if SCALP is supporting the protest or action), or a different back office, friend or family member. You won't be able to make the phone call yourself.

You also have the right to have a **solicitor of your choice informed of your arrest**. Say "no comment" to any questions until you have spoken to them.

If you're charged, you'll be asked if you understand the charge and whether you want to make a reply. It's best not to reply. You'll then either be released, asked to sign an undertaking, or held until the next working day for court.





**“THEIR POWER COMES FROM  
MAKING US FEEL ALONE,  
OUR SRENGTH COMES FROM  
OUR SOLIDARITY”**

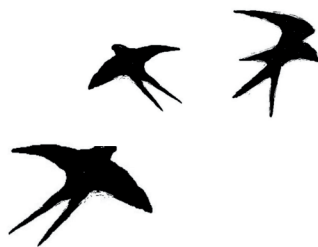
The arrest process is deliberately isolating, disempowering and scary. When anyone is released from arrest it's important to offer them **emotional & practical support** and continue to check in in the following days. **Together, we keep each other safe.**



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**SCOTTISH  
COMMUNITY  
ACTIVIST  
LEGAL  
PROJECT**

