

From: [Campbell W \(Wilma\)](#)
To: [Campbell W \(Wilma\)](#)
Subject: Occupiers Liability Scotland law suggester review for retailers
Date: 24 May 2023 08:36:02

Dear Mr Doran

Thank you for your email and for your suggestion of this topic for law reform. We do not currently have this matter under review as part of our current Programme of Law Reform, but we will be consulting in the first part of next year for suggestions for our next Programme which will begin at the start of 2023. I would be happy to keep it for consideration as part of that exercise, and of course you would be free to contribute to our consultation when it opens, either in respect of this suggestion or indeed any others.

Thank you again for bringing this to our attention.

Yours sincerely,

Charles Garland

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From: Mark Doran

Sent: 28 October 2021 11:58

To: SLC info <DLSLCPINFO@gov.scot>

Subject: Occupiers Liability Scotland law suggester review for retailers

Importance: High

Dear Sir/Madam,

Having successfully pursued a case against a large national retailer called Sainsbury's due to having been threatened by another customer while shopping instore I started thinking that perhaps the law in this area may be due for a review/change. In my own case, I framed my argument in terms of the Occupiers Liability Scotland Act, 1960.

I wondered whether this was an area of law that the Scottish Law Commission had considered reviewing. As a law graduate I am aware of the role of the Scottish Law Commission, and in my particular case it was initially dismissed by the original Sheriff and I successfully pursued it through the Sheriff Appeal Court.

As I understand it there would normally be no liability of the occupier for shoppers on-site although as advanced in my arguments for the case and as you will see have enclosed sheriff principal opinion as I put forward an argument that in covid-19 times retailers do have control over numbers of people on the premises, and therefore do have control of aspects of customer behaviour, so should take a keen interest in and should be liable to customers who suffered distress by being threatened by another customer in-store, in view of vstore staff.

Regardless of the above I was just curious as to whether this is an aspect of law the law commission is considering reviewing in the near future as it appears to be one which is probably a need of review and particularly imposing, as advanced in in my case, some liability on retailers for the safety of the customers shopping in their stores.

I look forward to hearing from you very soon regarding the above suggestions and ideas.

Regards,

Mark Doran BEng(Hons),PGDip,MBA,LLB,DPLP