

## Martyn's Law overview and what you need to know

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Martyn's Law will improve protective security and organisational preparedness across the UK by mandating, for the first time, those responsible for certain premises and events to consider the terrorist risk and how they would respond to an attack.

### What you need to know about Martyn's Law:

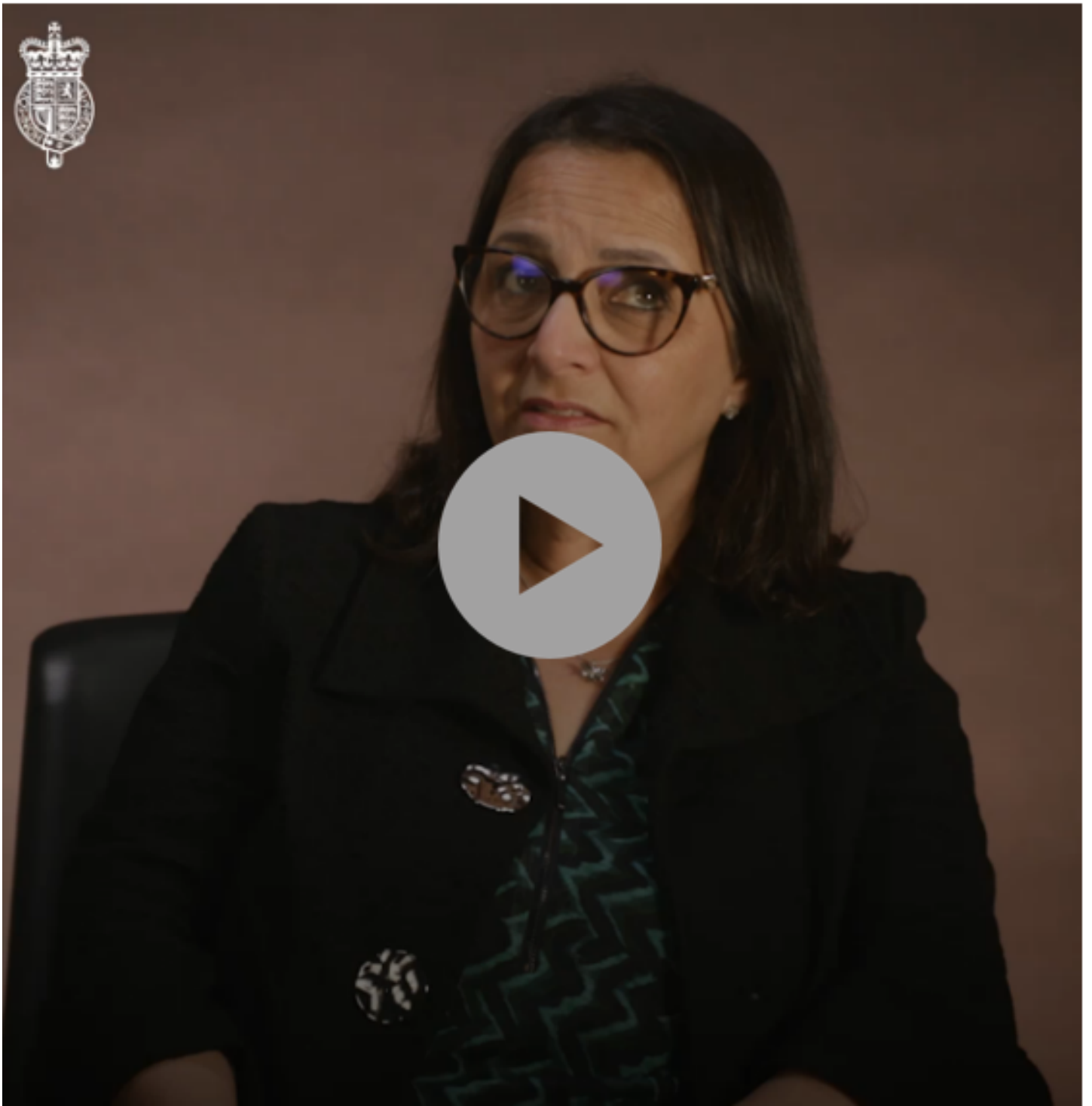
The Bill will require certain venues to fulfil necessary but proportionate steps according to their capacity to mitigate the impact of a terrorist attack and reduce harm. The duties that premises will have will depend on the size of the venue. Premises and events with a capacity of 800 or above will be in the enhanced tier, while premises with a capacity of 100 to 799 will be in the standard tier.

Through Martyn's Law, premises will be better prepared and ready to respond in the event of a terrorist attack. Simple steps save lives.

We remain committed to introducing this important piece of legislation to Parliament, as was reaffirmed by the Bill's announcement in the King's Speech on 7 November. Nevertheless, the pre-legislative scrutiny process provided us with important feedback which we have been carefully considering, particularly in relation to the requirements within the standard tier.

In advance of the Bill's introduction, the Government has launched a further public consultation on an updated approach to the standard tier. This allowed the public, as well as our stakeholders ample opportunity to express their views and will ensure we strike the right balance between enhancing public safety and not overburdening organisations. Once the consultation process has concluded we will introduce the Bill as soon as parliamentary time allows.

The six-week consultation on ran from 5th February to 18th March. You can find more information on the updated approach [here](#).



**Martyn's Law Q&A**

## **Will all venues have to implement expensive protective security measures?**

- The Government is carefully considering the scope of the requirements, including the impact on premises captured. We want to ensure requirements do not place undue burden on the parties responsible for these public places.
- It is reasonable that many locations should take appropriate, reasonably practicable measures to protect their staff and the public from the horrific impacts and effects of terrorism. The requirements are being developed in consideration of other regulatory regimes such as Health and Safety and with proportionality in mind.
- Those responsible for enhanced duty premises and qualifying public events must put in place reasonably practicable security measures. This includes procedures but may also require, at some premises, physical mitigations. This is determined by what is reasonably practicable, a test utilised in other regulatory regimes e.g. Health and Safety.
- Organisations should tailor their approach to the nature of the premises, their activities, and resources. Dedicated guidance and support will be provided to ensure that those in scope are provided with information to understand and meet the new legal requirements.

## **Will village/community Halls and other volunteer led venues be forced to close due to the burden of the legislation?**

- We are mindful that some premises/events may be solely or largely run by volunteers.
- Recent attacks demonstrate that terrorists may choose to target a broad range of locations. It is therefore right that we bolster the UK's preparedness for and protection from terrorist attacks, through the implementation of requirements proportionate to the overall level of risk.
- It is likely that most halls fall within the Standard Tier capacity.

- The requirements of the Standard Tier are being consulted on, as announced as part of the Kings Speech on 7 November 2023.

### **Will the regulator close/bankrupt businesses?**

- The role of the regulator is to support premises through advice and guidance and to act as an educator in the first instance.
- The key principle of Martyn's Law is proportionality. We will work closely with the regulator to develop a fair and transparent enforcement policy.
- Providing a toolkit of sanctions will ensure the regulator is able to tailor any enforcement action according to the nature of the breach which will help to ensure a proportionate response.

### **Will parties responsible for premises and events be liable for any incidents that occur within the immediate vicinity?**

- All premises will be required to consider the types of attack that may occur at or in the immediate vicinity of their premises, and how to reduce harms as a result of such an attack. Enhanced tier premises and qualifying public events will be required to take reasonably practicable measures that might be expected to reduce acts of terrorism and the risk of harm to individuals in the premises or vicinity.

### **Will owners of individual premises within multiple use premises be unduly punished if another premises within the shared space is at fault?**

- Premises will only be drawn into scope where they are a qualifying public premises. As such, premises which fall below the standard duty threshold within a larger qualifying premises would not have any statutory requirement placed upon them – e.g. a small shop within a larger shopping centre. They may, however, have obligations to comply with the shopping

centre's security protocols and training requirements placed upon them via their lease and associated contracts.

- The responsible person for qualifying premises containing other qualifying premises should have regard for those premises in fulfilling their requirements, which may entail seeking the cooperation of the other responsible parties at that location.
- The requirement to cooperate with the responsible person of a qualifying premises extends to any other person who may hold some form of control of the premises, such as the owner, freeholder, lessee or sub-lessee.

## **How have capacity calculations been determined?**

- We consider that capacity is the criterion most closely linked to the risk we are aiming to address. We assess its application as a threshold draws in locations where attacks would have the most significant impact.
- The use of capacity as the criterion for determining thresholds will aid in our pursuit of proportionality, due to the capability of different-sized premises being able to take forward security considerations. Capacity is also more tangible and relevant than other options e.g. if we were to use a subjective tool such as risk, we would be unlikely to drive the same universal outcomes across premises.
- The capacity thresholds have been developed through detailed consideration across Government, in particular with our security expert partners, and through consideration with stakeholders and the 2021 consultation.
- Regulations will be published, by which premises can calculate their capacity.

## **Will seniors in organisations be able to scapegoat volunteers/low paid staff and make them liable for deaths?**

- In the event of an attack, the only individual responsible for such horrific harm is the

attacker(s). The State, through our security services and counter terrorism police, works to counter and prevent attacks, not those within scope of the Bill.

- An individual who only works or volunteers at premises or an event cannot be liable under the Bill. Responsibility for complying with the Bill's requirements will always remain with the responsible person, with a similar determination to Fire Safety legislation which is premised on the concept of control. This might be an individual in some cases, where they run an event or premises, but, in most cases, it will be a business or other organisation.
- Further, the Bill provides that claims for damages cannot be brought against a responsible person for breach of statutory duty in failing to fulfil the requirements of the Bill.

## **Is the purpose of Martyn's Law to stop terrorism**

- Martyn's Law is not about preventing terrorist attacks from happening. It is for the Security Service and police to continue thwarting terrorist plots. Martyn's Law will ensure premises in the UK are prepared for and protected against terrorist attacks, therefore reducing their impact.
- The Bill is one part of the Government's wider counter terrorism strategy – CONTEST, building upon the Protect and Prepare pillars.

### **KEYWORDS**

MARTYN'S LAW

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MARTYN'S LAW