

Martyn's Law Q&A: Helping you understand the proposed new legislation

What is Martyn's Law?

Also known as the *Terrorism (Protection of Premises) Bill*, Martyn's Law aims to ensure that premises across the UK will be better prepared and ready to respond in the event of a terrorist attack. Its colloquial name is in tribute to Martyn Hett, one of the 22 victims of the 2017 **Manchester Arena attacks**. The Bill takes into account findings from the Manchester Arena Inquiry.

What does it aim to do?

Those responsible for certain premises or events will be required by law to **consider the threat posed by terrorism** and how they'd respond to an attack, and **put measures in place** to mitigate this threat. This aims to ensure a **base level of security** in public premises and at events across the UK, raising the overall standard of public safety and preparedness.

Who will Martyn's Law apply to?

The **Home Office** has provided the following details:

To be in scope:

- Premises and events must be **accessible to the public**
- Premises that are used for a **purpose listed in the Bill** (e.g. entertainment and leisure, retail, food and drink)
- Have a capacity of **100 or more**
- **Building or outdoor locations** which have a readily identifiable **physical boundary** and are accessed by express **permission**
- Provision is made in the Bill for temporary **events such as festivals** that have express **permission** to enter and a capacity of **800 or more**

How will it work?

The steps that premises are required to take will vary **depending on their capacity**, with each placed into one of two tiers:

1. Standard tier – for premises and events with a capacity of **100 to 799**

Crucially, before introducing the Bill to Parliament, the Government will launch a **public consultation** on the standard tier. This will make sure that the right balance is struck between improving public safety and **avoiding placing undue burden on smaller businesses**. The Government intend that businesses and venues can implement the measures required of them without becoming burdened with conditions they'd struggle to meet. Stay tuned for **more information** from the Home Office if your business fits into this category.

2. Enhanced tier – for premises with a capacity of **800 or more**

Venues in the enhanced tier will have to implement **additional requirements** to mitigate the potentially **catastrophic consequences** of a terrorist attack on a high-capacity location, such as **theatres, live music venues or department stores**. Those responsible for premises in this tier must:

- **Notify the regulator** of their premise or event
- Take **'reasonably practicable'** measures that will reduce the risk of a terrorist attack occurring or physical harm being caused. The reasonably practicable test is utilised in other regulatory regimes e.g. Health and Safety, and will enable organisations to tailor their approach to the **nature of the premises, their activities and resources**;
- Keep and maintain a **security document**, aided by an assessment of the terrorism risk, which must also be provided to the regulator; and
- If the responsible person is a body corporate, they must **appoint an individual** as the **designated senior individual** for the premise or event.

Will Martyn's Law apply to all of the UK?

Yes. The legislation will apply across **England, Wales, Scotland and Northern Ireland**.

How will the legislation affect village/community halls and other volunteer-led venues? Might they be forced to close?

Public safety is paramount, and as recent attacks have illustrated, terrorists may choose to target a broad range of locations. Consequently, the **legislation will apply** to the likes of village and community halls. However, the Government are mindful that many of these venues are entirely or predominantly volunteer-led, and their status as such, as well as **their nature and resources and the level of risk**, will be factored into the measures required of them. It's

likely that most village/community halls will fit into the **standard tier**, the requirements of which will be announced after public consultation and uploaded to ProtectUK.

Will the regulator close/bankrupt businesses?

The role of the regulator is to support premises through advice and guidance and to act **first and foremost as an educator**. In regard to the enforcement policy, the key principle of Martyn's Law is proportionality, and the Government 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**, helping to ensure a proportionate response.

Will owners of individual premises within multi-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 (see "who will Martyn's Law apply to?") As a result, premises which fall below the standard duty threshold **within a larger qualifying premises** wouldn't have any statutory requirement placed upon them – e.g. a **small shop within a larger shopping centre**. They may, however, be required 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 which contain other qualifying premises** should have regard for the latter in fulfilling their requirements, which might mean seeking the cooperation of the other responsible parties at that location.

Could volunteers/junior staff be made liable should any deaths occur as a result of a terrorist attack?

We know it's an unwelcome thought, but in the awful event that an attack does occur, **responsibility lies solely with the perpetrator(s)**. Responsibility for countering and preventing terror activity lies with the government, through their security services and counter-terrorism police department, **not** those within the scope of Martyn's Law.

Anyone who only works or volunteers at premises or an event **cannot be liable** under the Bill. Responsibility for its compliance will **always remain with the responsible person**, similar to compliance with 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 venue, but, in most cases, it will be a **business or other organisation**. According to the Home Office, the Bill also holds that

claims for damages **cannot** be brought against a responsible person for breach of statutory duty in failing the requirements of the Bill.

The above Q&A has been compiled with information from [ProtectUK](#) and the [Home Office](#). You can use the embedded links above to read more about Martyn's Law, and to view any future updates.