

Martyn's Law (Protect Duty) Update February 2024



On 22nd May 2017 a terrorist attack on the Manchester Arena killed 22 people and seriously injured many more.

The subsequent public enquiry identified shortcomings in relation to the legal responsibilities of organisers of events to provide for public safety, notably from terrorism.

After a campaign led by Figen Murray, the mother of one of the victims, the government published the Terrorism (Protection of Premises) Draft Bill in May 2023. It is also known as Martyn's law.

It is likely to be passed into legislation in mid 2024 and enacted in 2025 after an appropriate implementation period.

The Bill is intended to ensure public premises and events are better prepared for, and protected from, terrorist attacks; requiring them to fulfil necessary but proportionate steps according to their capacity size to mitigate the impact of a terrorist attack and reduce harm.

Additional consultation on the act began in February 2024 after which the bill is set to move forward with cross party support.

Supporting mechanisms will be provided through a Published guidance, Regulator, Protect UK and NaCTSO etc.

Affected organisations

The Bill is in draft form and therefore subject to change. There will be exemptions and exclusions on premises and events covered by other security legislation.

At present the key elements are:

The bill will apply to 'qualifying premises' which are publicly accessible locations with a capacity of 100 or more e.g.

- Shops
- Restaurants
- Nightclubs (inc. social club/dancehalls)
- Entertainment activities
- Sports grounds
- Recreation, exercise or leisure
- Libraries, museums and galleries etc.
- Exhibition halls etc.
- Visitor attractions
- Hotels etc.
- Hospitals and healthcare
- Bus stations, railway stations etc.
- Schools, universities and colleges

It will also apply to events e.g. music festivals, with a capacity of more than 800. Access to the event must be by express permission which implies there will be some form of boundary to it.

The Bill requires individuals with responsibility for coordination and control of activity in relation to it to be identified.

Standard Tier - for qualifying premises with a capacity of 100-799

- Will be required to provide terrorism protection training to relevant workers. Likely to be in line with existing government ACT e-learning.
- Will also be required to conduct an evaluation of their risk and vulnerability to terrorism.

The government is currently conducting further consultation on requirements for the standard tier to ensure a proportionate and deliverable balance of requirements is set.

Enhanced Tier - for qualifying premises with a capacity of 800+

- Relevant workers must be provided with terrorism protection training in relation to the premises or event.
- A Terrorism Risk Assessment must be conducted to include:
 - The types of acts of terrorism that are most likely to occur
 - The reasonably practicable measures that might be expected to reduce the risk of acts of terrorism
 - The reasonably practicable measures that might be expected to reduce the risk of physical harm to individuals
 - Any other matters specified in regulations
 - It will apply to inside and the immediate vicinity of, the premises or event
- The person responsible for the premises or event must also ensure that all reasonably practicable measures are put in place in relation to the premises or event to reduce:
 - The risk of acts of terrorism occurring
 - The risk of physical harm to individuals

Regulation

A national regulator (yet to be appointed) will be appointed with the power to:

- Issue penalties
- Issue improvement notices
- Close premises and events

The whole ethos of Martyn's Law has been to seek collaborative improvement and it is expected that the regulator will develop and regulate in this way.



Author: Steve Hockin, Director, Blue Condor Ltd.

Date: February 2024