

“Martyn’s Law” - What you need to know

ProtectUK publication date

01/02/2023

On Monday 19 December, the Government announced details for the Protect Duty, now to be known as ‘Martyn’s Law’ in tribute of Martyn Hett, who was killed alongside 21 others in the Manchester Arena terrorist attack in 2017. The Homeland Security Group has provided a factsheet for organisations in order to socialise what the law will do, what the tier system is and how the law will be managed.

- [Part 1 - Introduction to Martyn’s Law](#)
- [Part 2 – What do the tiers mean?](#)
- [Part 3 – How will Martyn’s Law be managed?](#)

Part 1 – Introduction to Martyn’s Law

What will Martyn’s Law do?

Martyn’s Law will keep people safe, enhancing our national security and reducing the risk to the public from terrorism by the protection of public venues.

It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.

Who will be in scope?

Premises will fall within the scope of the duty where “qualifying activities” take place. This will include locations for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central government buildings (e.g. town halls), visitor attractions, temporary events, places of worship, health, and education.

It is proposed that the duty will apply to eligible premises which are either: a building (including collections of buildings used for the same purposes, e.g. a campus); or a location/event (including a temporary event) that has a defined boundary, allowing capacity to be known. Eligible locations whose maximum occupancy meets the above specified thresholds will then be drawn into the relevant tier.

Therefore, premises will be drawn into the scope of the duty if they meet the following three tests:

- That the premises is an eligible one – i.e., building or event with a defined boundary.
- That a qualifying activity takes place at the location; and
- That the maximum occupancy of the premises meets a specified threshold – either 100+ or 800+

How will it work?

The Bill will impose a duty on the owners and operators of certain locations to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place there.

Proportionality is a fundamental consideration for this legislation. It will therefore establish a tiered

model, linked to the activity that takes place at a location and its capacity:

- **A standard tier** will drive good preparedness outcomes. Duty holders will be required to undertake simple yet effective activities to improve protective security and preparedness. This will apply to qualifying locations with a maximum capacity of over 100. This could include larger retail stores, bars, or restaurants.
- **An enhanced tier** will see additional requirements placed on high-capacity locations in recognition of the potential catastrophic consequences of a successful attack. This will apply to locations with a capacity of over 800 people at any time. This could include live music venues, theatres, and department stores.

Who will it apply to?

Premises will fall within the scope of Martyn's Law where "qualifying activities" take place. This will include locations for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central government buildings (e.g. town halls), visitor attractions, temporary events, places of worship, health and education.

Eligible locations whose maximum occupancy meets the above specified thresholds will be then drawn into the relevant tier.

There will be some limited exclusions and exemptions from the duty. This includes locations where transport security regulations already apply; and those that are vacant over a reasonable period or are permanently closed. Those with a large floor space and low occupancy in practice (e.g. warehouses and storage facilities) as well as offices and private residential locations, will not be in scope.

Part 2 – What do the tiers mean?

What will the standard tier be asked to do?

Standard duty holders will need to undertake easy and simple activities to meet their obligations. This will include completion of free training, awareness raising and cascading of information to staff and completion of a preparedness plan.

The aim is to ensure staff are better prepared to respond quickly to evolving situations, aware of what processes they should follow, able to make rapid decisions and carry out actions that will save lives. This could be as simple as locking doors to delay attackers progress and access whilst guiding staff and customers to alternative exits. It could also enable lifesaving treatment to be administered by staff whilst awaiting the arrival of emergency services.

What will the enhanced tier be asked to do?

A risk assessment and security plan, considered to a 'reasonably practicable' standard, will be required. This will allow duty holders to assess the balance of risk reduction against the time, money and effort required to achieve a successful level of security preparedness - plus a recognised standard in other regulatory regimes (including Fire and Health and Safety).

What about locations run by volunteers?

The Government intended for places of worship to receive bespoke treatment under the duty, in reflection of the existing range of mitigation activities delivered and funded by the Government to reduce their vulnerability to terrorism and hate crime. All places of worship will be placed within the standard tier of the duty regardless of their capacity, barring a small cohort across all faiths that charge tourists for entry and/or hire out the site for large commercial events.

Charities, community groups and social enterprises own and operate a broad range of locations (museums, national trust sites, sizeable public venues e.g. The Royal Opera House and National

Theatre). Some organisations also hire out premises to others for various purposes. As most locations owned or operated by charitable organisations, community groups and social enterprises will likely fall below the 800+ capacity threshold, the Government considers the requirements to be proportionate.

Will this affect accessibility?

The duty requirements will vary but would, for many, include changes to security systems and processes, and how staff are trained. As such, many changes the duty will drive are likely to be 'behind the scenes' that the public would not notice. In some instances, physical security features might however be obvious to the public but they should never compromise accessibility.

Part 3 – How will Martyn's Law be managed?

How will Martyn's Law be enforced?

An inspection capability will be established to seek to educate, advise, and ensure compliance with the duty. Where necessary, the inspectorate will use a range of sanctions to ensure that breaches are dealt with effectively.

How will you ensure this doesn't create undue burden on businesses?

[Consultation and ongoing liaison](#) with the business community is integral to our approach. The Government has carefully considered the impact on premises and locations that may be captured. This includes ensuring requirements placed on duty holders are proportionate whilst achieving better public security, and without placing undue burden on parties responsible for public places. However, it is reasonable that many locations should take appropriate and proportionate measures to protect their staff and the public.

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

Yes. The legislation will apply across England, Wales, Scotland and Northern Ireland, as national security is a reserved matter for the UK Government.

When will this important legislation be introduced?

The Government will introduce the Martyn's Law as soon as parliamentary time allows.

When will the Martyn's Law become law?

It is not possible to give a date. There will be a lead in time allowing for those captured by the duty to prepare for commencement, and as soon as the parliamentary timetable is known this will be sent out.

How will my business be supported on Martyn's Law?

Dedicated guidance and support will be provided for Martyn's Law, to ensure that those in scope have the required information on what to do and how best to do it. As part of this approach, we will expand the support available to those responsible for delivering security in public places.

A new online platform has been developed by the National Counter Terrorism Security Office (NaCTSO), Home Office and Pool Reinsurance to support all those seeking to enhance their protective security. ProtectUK is a central, consolidated hub for trusted guidance, advice, learning and engagement with experts in security and Counter Terrorism. It will serve as the 'go to' resource for free, 24/7 access, to the latest information on protective security and will be regularly updated with new engaging content and increased functionality.

KEYWORDS

MARTYN'S LAW
PROTECT DUTY
PROTECTIVE SECURITY
BUSINESS
CONSULTATION

PAGE CATEGORY

NEWS & VIEWS