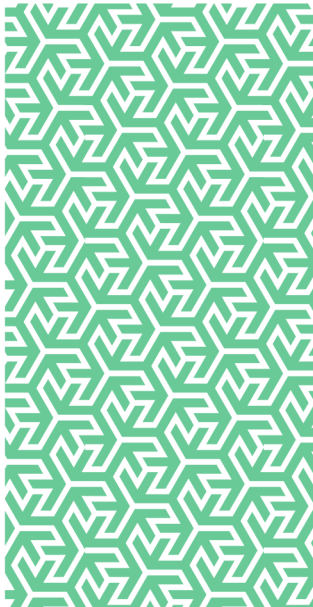


rmp

Risk control

Martyn's Law – The Protect
Duty Legislation



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Martyn's Law – The Protect Duty Legislation

Introduction

On 22 May 2017, an Islamist extremist suicide bomber detonated a shrapnel-laden homemade bomb as people were leaving the Manchester Arena, following a concert by American pop singer Ariana Grande.

Twenty-three people were killed, including the attacker, and 1,017 were injured – many of them children. Several hundred more suffered psychological trauma.

The incident was the deadliest terrorist attack and the first suicide bombing in the United Kingdom since the 7 July 2005 London bombings¹.

Martyn's Law

Martyn Hett was one of the victims of the Arena bombing and following the incident, his mother has campaigned tirelessly for improved security in crowded public spaces and events.

There is currently no dedicated legislative requirement for organisations or venues to consider or employ anti-terrorist measures at most public places. The draft Terrorism (Protection of Premises) Bill, also known as Martyn's Law, is expected to come into force in the future which will compel public venues in the UK to take wide-reaching security measures to protect visitors. It will have important ramifications for public safety, businesses, and the security industry².

What is Martyn's Law?

Martyn's Law is intended to improve protective security and organisational preparedness at publicly accessible locations.

Martyn's Law proposes five key requirements for public spaces:

1. That spaces and places to which the public have access engage with freely available counterterrorism advice and training
2. Those places to conduct vulnerability assessments of their operating places and spaces
3. Those places to have a mitigation plan for the risks created by the vulnerabilities
4. Those places to have a counter-terrorism plan
5. Local authorities to plan for the threat of terrorism³

¹ Manchester Arena bombing - Wikipedia

² Martyn's Law is coming. Here's what you need to do now. | Inverroy (inverroycrisismanagement.com)

The approach and cost associated with measures required, will be proportionate to size of the venue or public space, and more will be expected of those at greater risk of exposure than smaller organisations and venues.

The Public Inquiry

The key findings from the Public Inquiry into the Manchester attack which was led by Sir John Saunders included:

- The Protect Duty-Holder must assess the risks as current risk assessments were not suitable of sufficient for the threat from terrorism
- Depending on the outcome of the risk assessment, the Protect Duty-Holder must decide what needs to be done to mitigate the risks. Currently, appropriate mitigation measures are not identified sufficiently
- The Protect Duty-Holder should conduct the actions which have been identified
- There should be a system of checking that the actions have been conducted
- If there has been a failure to conduct the actions, enforcement action should follow. Non-compliance with the new legislation could result in sanctions (fines or prohibition orders)⁴

Duty holders include landlords, tenants, owners, or facilities management organisations with responsibilities for venues and spaces.

Those most affected by the new legislation will be those public venues that have a capacity of over 100 persons such as pubs, night clubs, shopping centres, arenas, universities, cinemas.

Risk Management Considerations

From a risk management perspective, it would be pertinent for terrorist incidents to be included on the organisation's risk register and reviewed routinely to ensure meeting all regulatory requirements. Organisations should also undertake regular risk assessment reviews and test their emergency plans frequently, ensuring that the required controls are effective. This will include controls such as:

- Staff training
- Adequate provision of emergency support, such as first aiders and marshals
- Physical separation of attendees and the source, such as doors and barriers

³ Martyn's Law – The Future of Event Security (twinfm.com)

⁴ Martyn's Law is coming. Here's what you need to do now. | Inverroy (inverroycrisismanagement.com)

- Evacuation routes, with alternative routes in the event of primary ones becoming unusable

All of this will need to be clearly documented, effectively communicated to relevant parties, and tested regularly, with records maintained⁵.

Insurance

Following implementation, it is expected that Martyn's Law could feature prominently in insurance tenders going forward from both liability and property perspectives.

Insurance policies often have some element of terrorism cover included. The insured party and their broker should review their policy wording to ensure there is sufficient cover in the event of a terror incident. Risk surveys exploring how organisations are meeting requirements can help insurance underwriters to make more informed decisions⁶.

All of this will need to be clearly documented, effectively communicated to relevant parties, and tested regularly, with records maintained⁷.

Summary

The time to act is now in readiness. Organisations should consider:

- Identifying potential risks and vulnerabilities
- Developing scenario-based desktop exercises for future testing of the effectiveness of mitigation measures
- Reviewing the security of physical sites and shared areas with other parties
- Review your existing risk assessments to ensure they encapsulate the threat of terrorism
- Review existing crisis management and response plans
- Undertaking a review of existing training programme for staff – identify gaps and plan for upskilling.

Accompanying Guidance

Please refer to RMP's 'Martyn's Law - The Protect Duty - A Checklist' guidance document for more practical advice on compliance with the forthcoming duty.

⁵ [How Martyn's Law might impact on venue security - QBE European Operations](#)

⁶ [How Martyn's Law might impact on venue security - QBE European Operations](#)

⁷ [How Martyn's Law might impact on venue security - QBE European Operations](#)

Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

Get in touch

For more information, please contact your broker, RMP risk control consultant or account director.

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