ProtectUK

Legislation

Original publication date
22/08/2024

There are legal reasons why venues should plan to deter terrorist and criminal acts, or at least plan to minimise their impact.

Legal duty of care

All employers have a legal duty of care towards their employees and visitors, which involves taking steps to ensure their welfare and safety whilst at work or on the premises.

The Occupiers Liability Act 1957 establishes a duty of care of the occupier for lawful visitors on their premises. This includes ensuring that visitors are reasonably safe when using the premises for the purposes for which they are invited or permitted, as well as enacting clear signage to warn visitors of dangers. The degree of care varies in relation to children or skilled visitors.

Under the supplementary legislation of the Occupiers Liability Act 1984, occupiers also owe a duty of care to trespassers in respect of risks which, in all circumstances of the case, an occupier may reasonably be expected to offer some protection. Businesses intending to implement crime prevention measures should be aware of their obligations and implement suitable warnings.

Health and Safety at Work

The Health and Safety at Work etc. Act 1974 (and associated Regulations) requires employers to ensure, so far as is reasonably practicable, the health, safety and welfare of all their employees. This includes providing adequate training, equipment, welfare provisions (including adjustments), relevant information and supervision for staff, as well as maintaining a safe working environment for them to operate in. The duty not to expose individuals to health and safety risks extends to others on the premises, such as visitors, temporary workers, clients and the general public.

The Management of Health and Safety at Work Regulations 1999, which were introduced to reinforce

the Health and Safety Act, require employers to assess and control risks to protect their employees and others. Where two or more employers share a workplace, they should cooperate and have an agreed coordination system in place so far as is necessary to manage shared risks, activity and safety arrangements.

Further information on health and safety legislations is available on the Health and Safety Executive website.

Martyn's Law

The Terrorism (Protection of Premises) Act, also known as Martyn's Law, is legislation that will place a requirement on those responsible for "qualifying activities" taking place at certain premises and events to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. Find out more about which premises will be in scope on the ProtectUK Martyn's Law webpage.

GDPR

The Data Protection Act 2018 and the General Data Protection Regulations (GDPR) must also be complied with when processing employees' personal information and using CCTV.

Small business owners or traders can find further information on the Information Commissioner's Office website, including a short quiz to assess your current understanding and compliance with data protection law.

Please visit www.legislation.gov.uk for full details of the legislations and consult a legal representative for further advice.