ProtectUK

# Law and liability

**Original publication date**
02/11/2020

There are legal and commercial reasons why venues should plan to deter terrorist and criminal acts, or at least to minimise their impact. There is the potential of criminal prosecution and penalties under health and safety legislation for companies and individuals, particularly when statutory duties have not been met. Where sectors are regulated, it is important to liaise with the appropriate body.

**1. The Health and Safety at Work Act 1974 and the Management of Health & Safety at Work Regulations. 1992 (updated 1999) outlines the responsibilities of an organisation:**

The Health and Safety at Work Act 1974 and the regulations made under it, requires organisations who are duty holders to do what is reasonably practicable to ensure people's health and safety. The Act sets out the general duties that employers have towards their employees whilst at work. The Act also requires employers and the self-employed to protect people other than those at work e.g. volunteer staff and spectators. These people should be protected from risks to their health and safety arising out of, or in connection with, an employer's work activities.

The Management of Health and Safety at Work Regulations 1999 (the Management Regulations) require organisations to assess and control risks to protect employees and others who may be affected. Where two or more employers share a workplace (whether on a temporary or a permanent basis) each employer shall have systems in place to co-operate and co-ordinate with the other employers concerned so far as is necessary to manage interfaces between activities and any shared risks.

Co-operate and co-ordinate safety arrangements between owners, managers, security staff, tenants and others involved on site, including the sharing of incident plans and working together in testing, auditing and improving planning and response. The commercial tensions which naturally arise between landlords and tenants, and between retail tenants who may well be in direct competition with each other, must be left aside entirely when planning protective security.

Ensure adequate training, information and equipment are provided to all staff, and especially to those involved directly on the safety and security side.

Put proper procedures and competent staff in place to deal with imminent and serious danger and response to terrorist incidents.

**2. The Civil Contingencies Act 2004 Part 1 places a legal obligation upon emergency services and local authorities to assess the risk of, plan, and exercise for emergencies, as well as undertake business continuity management.**

Go to: Health and Safety Executive website

## Reputation

Reputation and goodwill are valuable, but prone to serious and permanent damage if it turns out that a less than robust, responsible and professional priority was given to protecting people against an attack. Being security minded and better prepared reassures customers and staff that security issues are taken seriously.

## Further information

For specific advice relating to a venue contact the nationwide network of specialist police advisers known as Counter Terrorism Security Advisers (CTSAs) through your local police force. They are co-ordinated by the National Counter Terrorism Security Office (NaCTSO). Further information on CTSAs is here.

We welcome feedback from the public/business community using the gov.uk feedback process at the bottom of each page.

Go to: Emergency Planning College Website

Go to: Health and Safety Executive website

Go to: Occupiers' Liability Act 1957

**KEYWORDS**

PALS

PALS GUIDANCE

PUBLICLY ACCESSIBLE PLACES

PUBLICLY ACCESSIBLE LOCATIONS