

The background image shows two police officers in the foreground, seen from behind, wearing red and blue uniforms with reflective stripes. They are standing behind a metal crowd control barrier. In the background, a large crowd of people is visible, many with their arms raised in the air, suggesting a concert or festival setting. The sky is overcast and grey.

**PopplestonAllen**

# Martyn's law

Terrorism (Protection of Premises) Bill / Protect Duty

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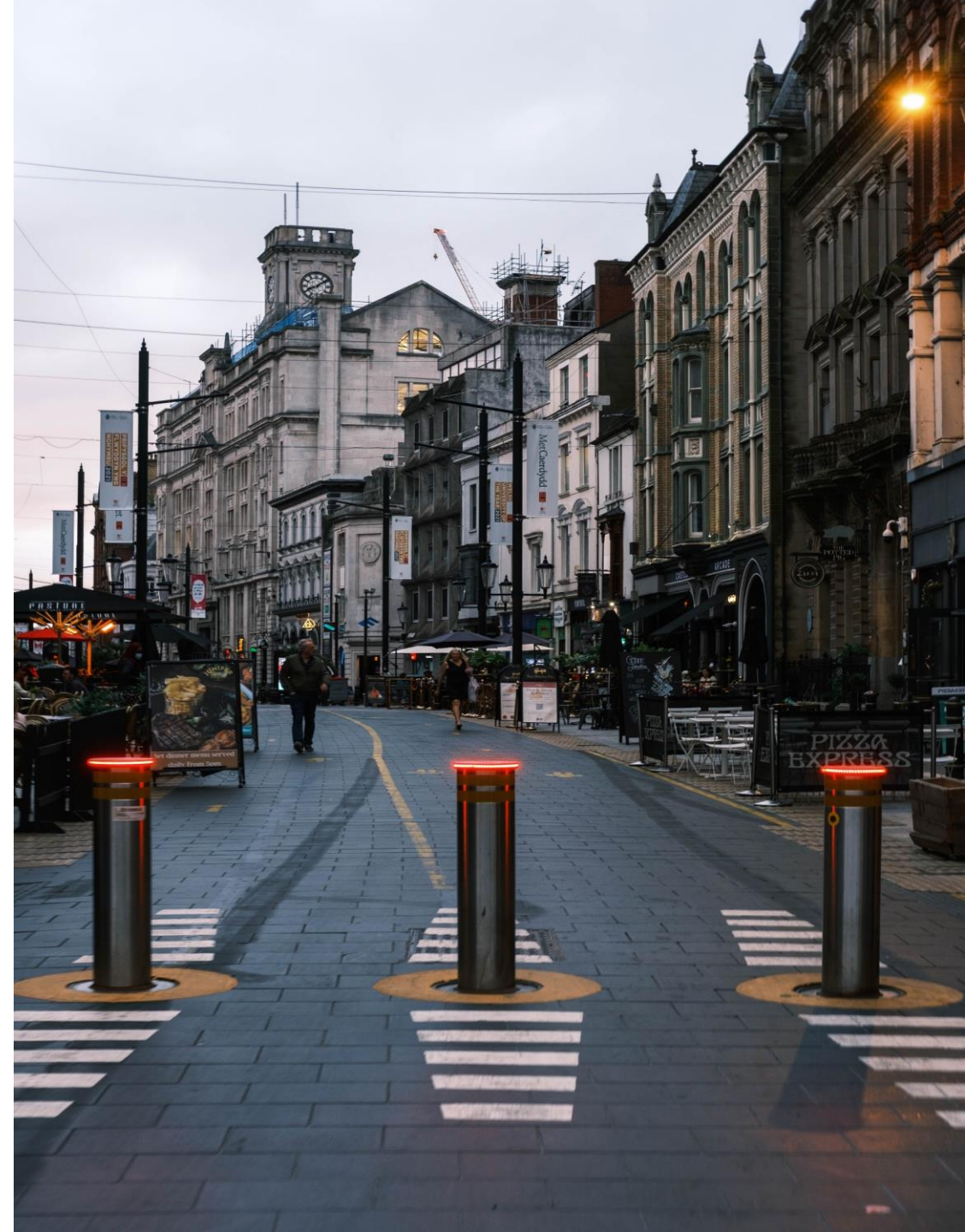
# Topics covered

- What is Martyn's Law?
- Why Martyn's Law?
- What premises are in scope?
- Who is responsible?
- What are the requirements?
- Investigation, penalties and offences
- Guidance
- Next Steps
- Questions



# What is Martyn's Law?

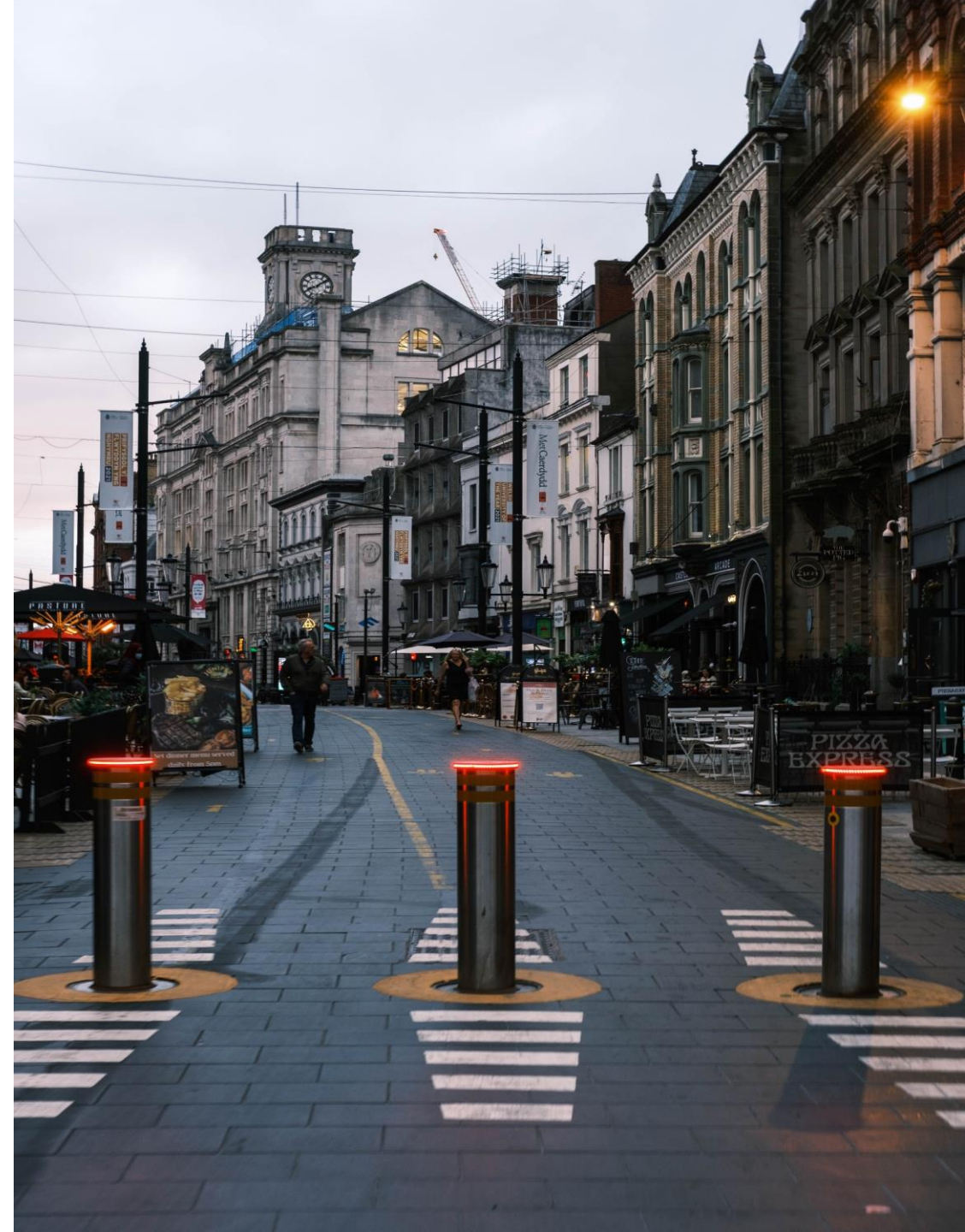
- 'Legal requirement on certain venues to consider threat from terrorism and implement proportionate measures'
- AKA 'Protect Duty'
- Move from voluntary to compulsory
- Will place moderate burden on many venues and significant burden on a minority of venues
- Approximately 2 years away





# Why Martyn's Law/Protect Duty?

- Since 2006 cost of terrorism to business estimated £43.7 billion
- 14 terror attacks since 2017
- Diverse and evolving threat on public places
- Self-radicalised terrorists
- Low-sophistication attacks
- Identification and disruption difficult
- Intelligence and Security Committee Report 2017
- Manchester Arena Inquiry June 2021
- Govt. consultation July 2021



# Terrorism (Protection of Premises) Bill – What is it?

- ‘Standalone’ code
- Further detail in regulations
- New terminology
- Extent – all of the UK
- Draft Bill published 2<sup>nd</sup> May 2023
- Pre-legislative scrutiny by the Home Affairs Select Committee

# What Premises are in scope?

- “Qualifying Public Premises”
  - Primary use:
    - Shops for retail sale, display of goods or provision of a service principally to members of the public.
    - For the sale of food or drink principally for consumption on the premises by visiting members of public.
    - Night-clubs, social clubs or dance halls.
    - Premises used for Entertainment activities.





# Qualifying Public Premises

- Descriptions of entertainment
  - Performance of a play
  - Performance of comedy
  - Exhibition of a film
  - Indoor sporting event
  - Boxing or wrestling entertainment
  - Performance of live music
  - Playing of recorded music
  - Performance of dance or acrobatics
  - Entertainment of a similar description to any of those above





# Qualifying Public Premises

- Sports grounds – as defined in Section 17(1) England, Wales and Scotland by the Safety of Sports Grounds Act
- Premises used for recreation, exercise or leisure by visiting members of the public
- Libraries, museums and galleries etc
- Exhibition halls, conference centres or venues for hire for events or activities
- Visitor attractions – cultural, historic, touristic or educational
- Hotels, hostels, boarding houses, guest houses or holiday parks
- Places of worship





# Qualifying Public Premises

- Health care – hospital etc
- Bus stations, railway stations etc
- Aerodromes
- Child care
- Primary and secondary education
- Further education
- Higher education
- Public authorities



# Qualifying Public Premises cont'd

- AND
- Be accessible to the public
- AND
- Have a public capacity of 100 or more





# Qualifying Public Events

- Qualifying public events
  - Event held at non-qualifying public premises:
  - Public have access to the event
  - Express permission only (whether or not on payment)
  - Premises have public capacity of 800 or more
- Access to event by express permission only implies control of entry/boundary





# General points

- Definition of “premises” – clause 43(3).
  - A building, including land occupied with the building.
  - Any other land which has a readily identifiable physical boundary, whether permanent or not.
  - Temporary outdoor premises and events?
- Stores within shopping centres – both possibly qualifying public premises.
- [Hostile Vehicle Mitigation \(HVM\) | NPSA](#)



# Two-tier system

- **Qualifying public premises:**
  - Enhanced duty - capacity of 800 or more
  - Standard duty – 100 to 799
  - Some exceptions e.g. Places of Worship
- **Premises capacity below 100 outside scope of Duty.**
- **Qualifying public events:**
  - Always enhanced duty (regardless of attendance numbers)

# Who is Responsible?

- Public premises – person who has control of the premises (shop owner, licensee etc) in accordance with Schedule 1 use.
- Public event – person who has control of the premises in relation to that specific event (festival organiser).
- Body corporate or individual
- Can have jointly responsible persons
- Schedule 1 specifies certain responsible persons in specific cases





# Both Tiers - provision of terrorism protection training

- Requirement to provide terrorism protection training to each relevant worker
- Worker's full time or other status irrelevant
- But may be relevant to what training is appropriate
- Timing – before “start” work for the first time
- Types of acts most likely
- Warning signs/indications of terrorism
- Procedures to be followed
- Tailored to use and premises



# Standard Tier - Evaluation of terrorism risk

Standard terrorism evaluation must be completed

- Types of terrorism most likely to occur
- Measures in place to reduce
  - risk of acts of terrorism
  - risk of physical harm if terrorism takes place
- Procedures to be followed
- how workers are made aware of the standard terrorism evaluation
- It must be:
  - Updated
  - Made available to workers
  - Reviewed at least every twelve months
  - Provided to the Regulator when requested





# Enhanced Duty- Terrorism Risk Assessment

- Similar to Standard Evaluation
- Must be completed and kept up to date
- Reviewed at least every twelve months
- **But**
- **Reasonably practicable** measures to reduce:
  - Risk of terrorism
  - Risk of physical harm

# Enhanced Duty - Security Measures

- Positive duty to ensure measures in place:
  - monitoring premises
  - movement of individuals in and out
  - procedures if acts of terrorism occur
    - including
      - alerting emergency services
      - alerting people present, evacuation or invacuation and securing the premises
    - security of sensitive information
    - other measures as prescribed
  - Within control of Person Responsible
  - Proportionality test

# Designated Senior Officer

- Enhanced Tier only
- DSO responsible for
  - Co-ordinating risk assessment
  - Security plan
  - Responses to/from Regulator
- Person Responsible must appoint a DSO
- DSO has to be an individual not a company



# Enhanced Duty – Security Plan

- Must set out prescribed information including:
- Details of premises or event
- Person Responsible
- Designated Senior Officer
- Terrorism Risk Assessment
- Security measures
- Terrorism Protection training
- Must provide to Regulator



# The Regulator

- The “Regulator” public authority or secretary of state.
- Person responsible (“PR”) must register with regulator.
- Regulator must keep a register
- Notification of qualifying public events
- PR must notify regulator
- Before or as soon as is reasonably practicable after details of the event are first made available to the public, and before the event begins
- Manner of notification to be prescribed
- Can request copies of documents, e.g. Security Plan



# The Tribunal

- Appellate function
- Deals with appeals by interested persons regarding
  - whether premises are qualifying public premises and their Schedule 1 use
  - whether qualifying public premises are enhanced duty premises
  - whether an event is a qualifying public event
  - the identity of the Person Responsible
- Appeals against contravention notices
- Appeals against restriction notices
- Appeals against penalty notices





# Investigation and Enforcement

- Co-operation Notices
- Issued by PR to another person who has control of the premises or event
- Where PR reasonably requires that other person to co-operate in order for PR to comply with requirements under the Act
- Co-operation notice has to be sent to the Regulator
- Cannot require steps outside other party's control or disproportionate burden.



# Contravention Notices

- Issued by Regulator
- Requires person to comply within a specified period
- Has right of appeal
- Before contravention notice, the regulator must
  - notify the person of intention
  - give the person an opportunity to make representations
- Can be appealed to Tribunal



# Restriction Notices

- Only apply to enhanced duty premises or qualifying public events
- Issued where regulator believes the person is contravening a requirement and
- Necessary to protect the public from risk of harm
- Can restrict use of premises, times, description or maximum number of members of public permitted or specified conditions
- Notice of intention and opportunity for person to make representations must be given first (but not if there is an “urgent need”)
- Duration six months (with maximum three-monthly extensions)
- Can be appealed to the tribunal



# Appeals

- Grounds of appeal for contravention notices and restriction notices:
  - error of fact
  - wrong in law
  - unfair or unreasonable for any other reason
- Contravention notice suspended pending appeal
- Restriction Notice **not** suspended pending appeal



# Investigation and Enforcement

- Regulator has power to:
- conduct investigations into any contravention
- appoint inspectors
- Require provision of information by notice or attend a meeting
- Apply for warrant to enter premises or without warrant on 72 hours' notice
- Must be necessary for the purposes of a Terrorism Protection Investigation

# Penalties and Offences

- **Penalty Notices**

- Regulator can give a penalty notice
- One per contravention
- Payable in no less than 28 days
- Can be given in combination with a contravention or restriction notice

- **Maximum amounts**

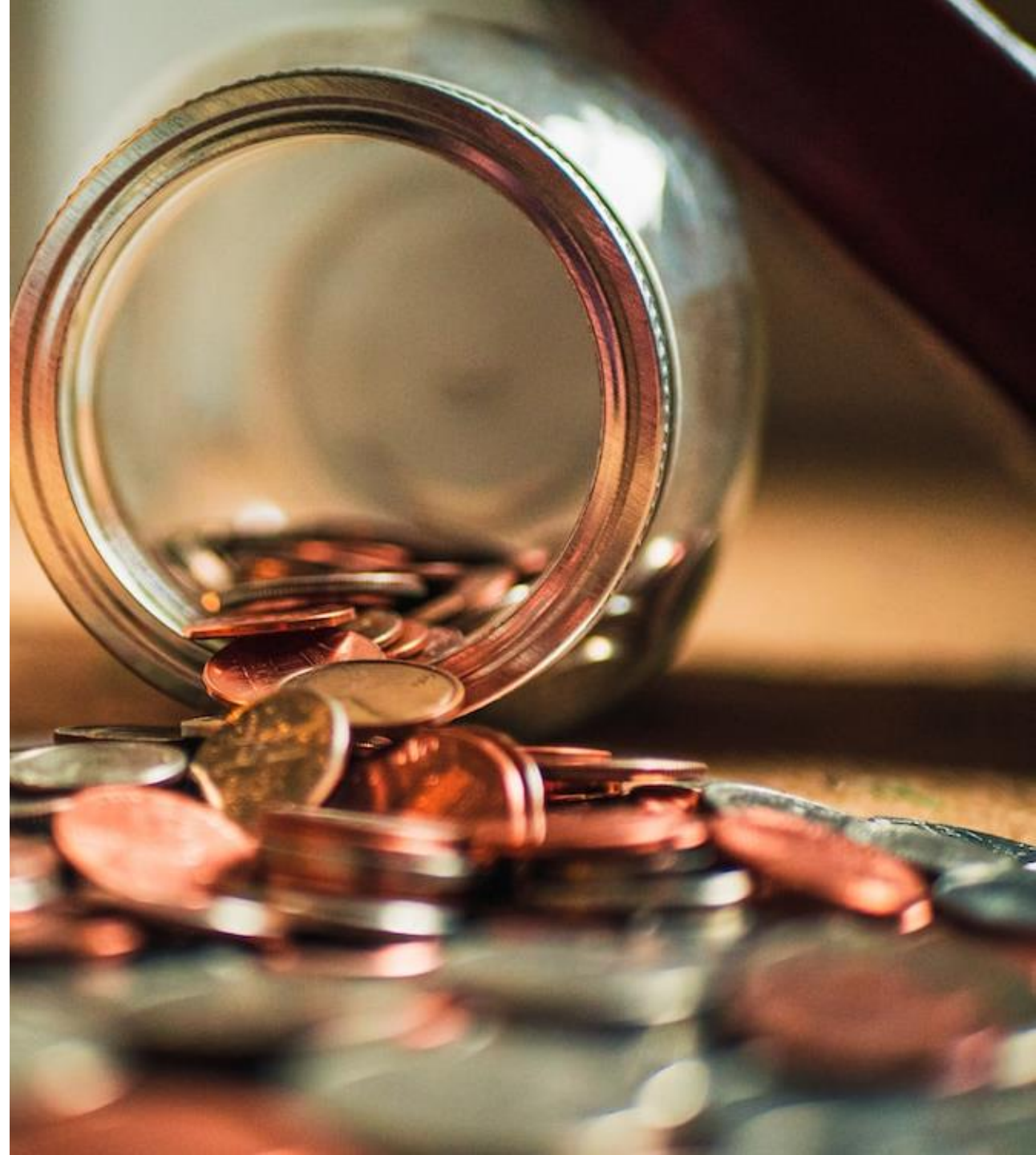
- standard duty premises £10,000
- enhanced duty/qualifying public event £18m or 5% of qualifying worldwide revenue (whichever is the greater)

- Daily penalties
- In addition to a fixed penalty
- Maximum amounts
  - standard duty £500 (per day)
  - enhanced duty/qualifying event 1% of the fixed penalty
  - aggregate daily penalties cannot exceed the fixed penalty



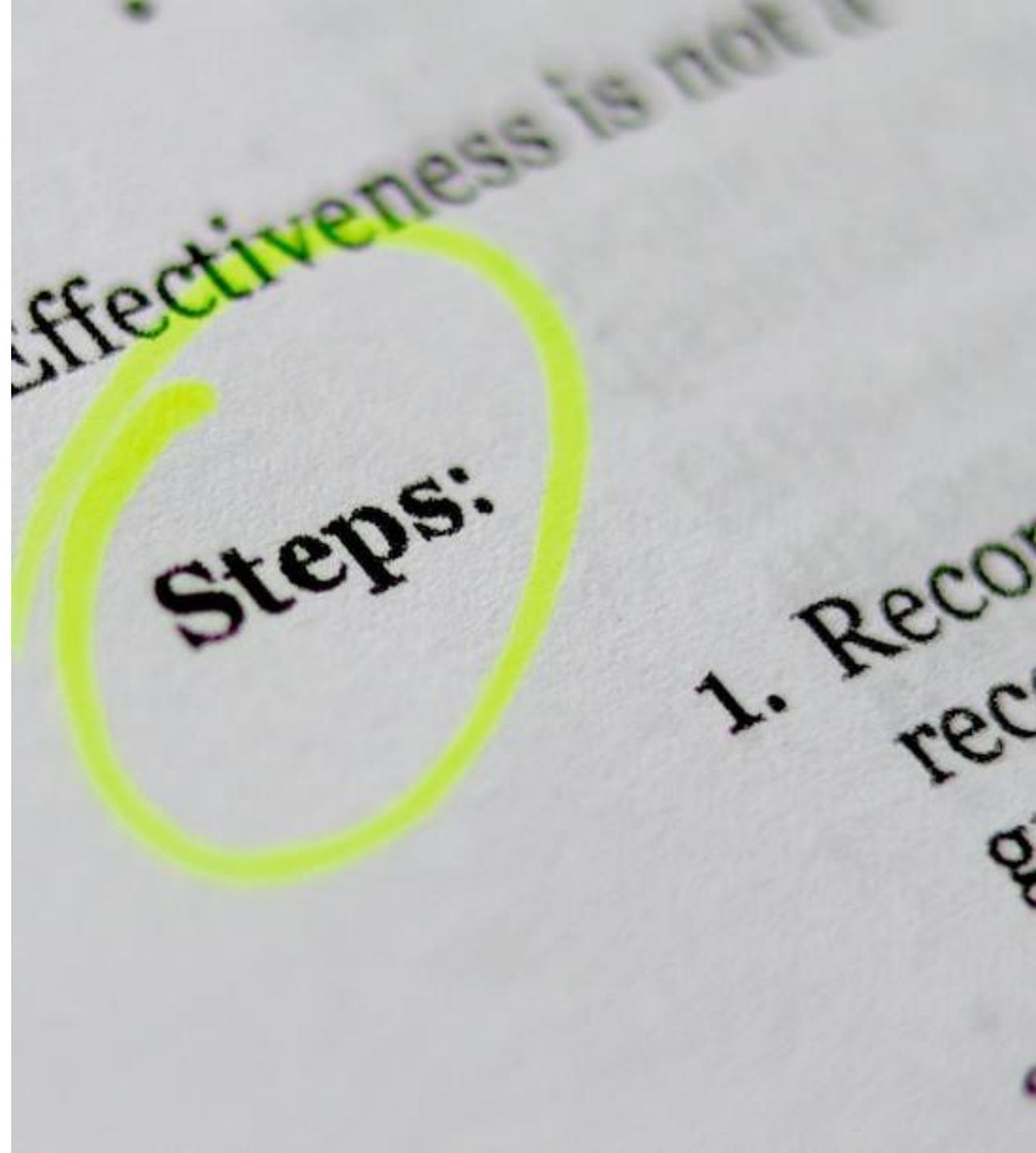
## Offences

- Failure to comply with a contravention notice
- Defence of taking all “reasonable steps” to comply
- Up to 2 years on indictment and unlimited fine
- Individuals as well as bodies corporate can be liable (directors, managers etc)
- Other offences (providing false information, obstruction etc.)



# Guidance

- Guidance must be issued by the Secretary of State regarding
- how to discharge requirements imposed on persons under the Act
- how it proposes to exercise its functions under the Act



# Licensing of Premises at heightened terrorism risk

- Schedule 3 amends the Licensing Act 2003
- “Terrorism Protection Statement” by Applicant or Licence Holder
- Certified by appropriate security advisor in prescribed manner
- Licensing register must
  - not make the plans available online or otherwise
  - licensing authority must not supply to any other person
- The authority can supply to other responsible authorities, further to legal proceedings etc



# Next Steps

- Jun 2023 Home Affairs Select Committee
- July 2023 King's Speech
- Sept/Oct 2023 enters Parliament
- 1<sup>st</sup> quarter 2024 Royal Assent
- 2024 implementation period
- 2025 in force
- All the above estimates

# Links

- <https://www.gov.uk/government/publications/terrorism-protection-of-premises-draft-bill-overarching-documents>
- <https://www.protectuk.police.uk/>
- [www.popall.co.uk](http://www.popall.co.uk)

**Thank you for  
listening**