


MAPP

# Terrorism Draft Bill (Protection of Premises) — Martyn's Law

July, 2023





The long-awaited Terrorism (Protection of Premises) Draft Bill (The Bill) was published on the 2nd of May, 2023, with the aim of keeping the public safe from terrorist attacks by introducing proportionate security requirements for venues and events that meet specified criteria.

## What is the purpose of the Bill?

The UK Government has stated that “Martyn’s Law should seek to improve protective security and organisational preparedness at a wide range of public premises across the UK. Those responsible for public premises will be required to consider the threat from terrorism and implement reasonably practicable and proportionate mitigating measures. It will also require an associated inspection and enforcement regime to be established, which will also provide advice, guidance and ensure compliance with the requirements of the Bill.”

## Regulation & Enforcement

Parties found in violation of the Bill could face a number of civil and criminal sanctions including; contravention notices, restriction notices and monetary penalties (subject to change).

In terms of enforcement for ‘standard duty premises’ (100+ capacity), an appointed independent regulation body will have the power to issue a fixed penalty up to a maximum of £10,000. For ‘enhanced duty premises’ (800+ capacity) and qualifying public events, a regulator will be able to issue a maximum fixed penalty of £18 million or 5% of worldwide revenue (the higher of the two will be applicable).

The regulator will also be able to give daily penalties expected to be in the region of £500 per day for ‘standard tier premises’, or 1% of the fixed penalty amount for ‘enhanced tier premises’.

## Who will be affected?

It is anticipated that over 300,000 premises across the UK will fall within the scope of the Bill. As such, the legislation will apply to many private organisations and public bodies.

## Key measures of the Bill

The Bill is centred around three main concepts:

- Responsible Persons
- Qualifying public premises
- Qualifying public events

## First steps

A Responsible Person or Persons will be required to ensure proportionate steps are taken to improve protective security and preparedness of a qualifying public premise or a qualifying public event. Premises are categorised by reference to their use; and both events and premises must have the minimum capacities specified (as set out below).

However, the requirements will not extend to offices or private dwellings, unless they have publicly accessible areas that fall within [Schedule 1 of the draft Bill](#).





## Qualifying public premises

Qualifying public premises are those which are:

- Primarily for use or uses specified in [Schedule 1 of the draft Bill](#), such as shops, premises for the sale of food and drink, leisure or entertainment activities, nightclubs, sports grounds, museums, hotels, places of worship, hospitals, railway stations, schools and public authorities.
- Accessible to the public (or an area thereof).
- Have a public capacity of 100 or more individuals.

## A tiered approach to premises

Qualifying premises are split into two tiers:

- Standard Duty Premises - 100+ capacity
- Enhanced Duty Premises - 800+ capacity

Exceptions to the capacity thresholds include but are not limited to:

- Places of worship
- Schools and nurseries

These premises will always be subject to the standard duty regime, even where capacity would otherwise categorise these establishments in the enhanced duty regime.

## Qualifying public events

The legislation will apply to locations with 'qualifying public activities'. The event must satisfy the following conditions:

- An event held at premises which does not fall under qualifying public premises e.g. private-owned field or park.
- The public will have access to the premise for the purpose of attending an event that requires a ticket, payment or invite to enter (subject to express permission).
- A premise with a capacity of 800 or more individuals.

## Responsible persons

For qualifying public premises, the Responsible Person(s) is the individual who has control of the premises, as the owner, occupier or otherwise, in connection with their relevant Schedule 1 use.

For qualifying public events, the Responsible Person(s) is the individual in control of the premises at which the event is held.

We anticipate this definition will apply to a wide range of individuals, including owners of venues, businesses owners within premises and event hosting companies.

For example, a person responsible for a large retail outlet could potentially be either:

1. the owner of the retail business
2. the manager of the retail premises
3. the landlord for the commercial premises which contain the unit sublet to the retail business

As many events will be jointly controlled, careful consideration will be required as to who will act as the Responsible Person(s). Businesses will need to review any permissions given to third parties or agents who are tasked with hosting an event.

## Persons responsible for both standard and enhanced duty premises will have to:

- Ensure that appropriate training is provided for staff that work on the premises.
- Implement security plans detailing how to best respond in the event of a terror attack.
- Ensure that the premises are registered with the nominated regulator.
- Notify the regulator of any planned qualifying public events.

## Persons responsible for enhanced duty premises will additionally be required to:

- Appoint a designated senior officer for the premises or event and provide their details to the regulator.
- Regularly assess and review terrorism risk.
- Implement reasonably practical measures to mitigate against the risk of harm as a result of a terrorist attack.
- Hold an up to date security plan which must be provided to the regulator.



## Standard v. Enhanced Obligations

Below provides a brief summary of the key requirements that will be required from standard and enhanced duty holders.

### Standard Duty

- Identify the types of terrorist activity likely to occur at or near the qualifying public premises (if such acts were to occur).
- Ensure Emergency Preparedness Plans are in place and are fit for purpose and that measures are in place at the premises, which could be expected to reduce the risk of terrorist activity.
- Confirm reasonably practicable measures are in place at the premises, which could be expected to reduce the risk of physical harm to individuals, if such acts of terrorism were to occur.
- Provide procedures to follow in the event of an act of terrorism.
- Ensure Counter Terrorism & Preparedness training is provided to all relevant team members.

### Enhanced Duty

- Adhere to all requirements set out in the Standard Duty overview.
- Appoint a designated Senior Officer.
- Complete and maintain terrorism risk assessment.
- Implement and maintain a security plan.
- Security plan to be submitted to regulator.

## Registration

The person responsible for qualifying public premises must apply to the regulator for registration. At present, the Bill does not define who the regulator may be. The Bill makes provision for some qualifying premises to be treated as standard duty premises when they would otherwise be enhanced duty premises, and vice versa which will be at the discretion of the regulator, although the application of this discretion will need to be detailed in further guidance.

In the case of qualifying public events, the person responsible must ensure the regulator is notified of the event before, or as soon as possible after details of the event are first made available to the public and before the event takes place.

## Timeline

The draft Bill was published and laid before the House of Commons on the 2nd of May, 2023. It will now face pre-legislative scrutiny by the Home Affairs Select Committee before it is formally introduced to Parliament. We expect the Bill to be passed late 2023.

## In preparation for the legislation change MAPP has:

- Identified which properties will fall into the standard and enhanced tiers based on the legislation in its current format.
- Identified properties types which may benefit from additional safety measures to protect the wider public from harm, although they may not fall into the standard and enhanced tiers.
- Developed a draft Security Review and Terrorism Risk Assessment template to audit our client's properties.
- Made mandatory counter terrorism and major incident training available to all team members, with security forums being introduced.
- Drafted a marketing campaign in conjunction with ProtectUK which will be rolled out nationally.

As more information becomes available, we will explore the possibility of offering clients a bespoke registration service to fulfill legislative duties.

Further guidance will be provided accordingly.

MAPP takes the security and the wellbeing of our staff, occupiers and visitors very seriously and we are working with industry leaders and relevant authorities to ensure we are fully prepared for the introduction of Martyn's Law.



## Additional reading

[Terrorism \(Protection of Premises\) Draft Bill](#)

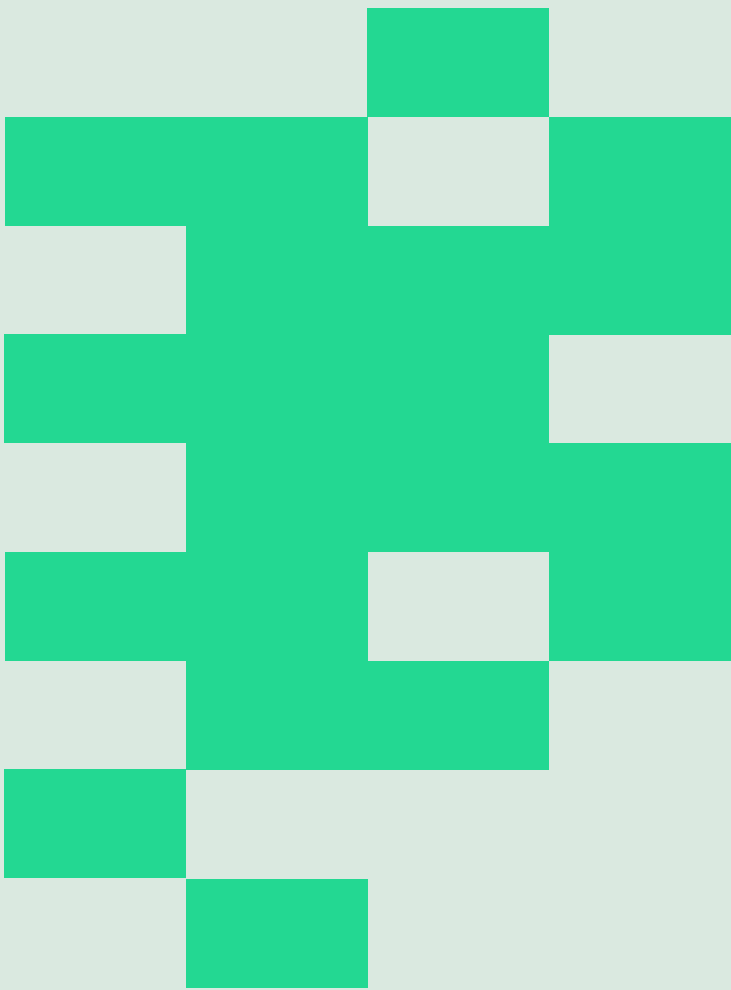
[Terrorism \(Protection of Premises\) Bill: Explanatory notes](#)

[Protect UK - Martyn's Law Guide - "Martyn's Law" - What you need to know | ProtectUK](#)

[ACT Awareness e-Learning](#)

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