

Martyn's Law: What operators need to know about the Terrorism (Protection of Premises) Bill



The Terrorism (Protection of Premises) Bill (the 'Bill') was published on 2nd May 2023. Known as "Martyn's Law", in recognition of the campaign led by the mother of one of the victims of the Manchester Arena bombings, the Bill places duties on premises operators to train staff to identify terror threats, and introduce protocols to follow in case of an attack.

As set out in the Government's explanatory notes, the Bill is intended to "*help keep people safe and enhance national security by ensuring preparedness for, and protection from, terrorist attack*".

Whilst the Bill is due to be redrafted in more detail following pre-legislative scrutiny, some operative provisions are likely to remain. These will be of particular interest to owners and operators of leisure premises.

The basis of the legislation is that a person responsible for a qualifying public premises or a qualifying public event will be subject to the terrorism protection requirements set out in the Bill. The test for a qualifying premises is relatively simple. The premises must have a public capacity of 100 or more people, be publicly accessible, and used for a particular activity (the Bill is lengthy, and catches education services, healthcare and concerts, amongst other activities). Enhanced obligations attach to premises with a capacity of over 800 people (referred to as enhanced duty premises).

The various obligations include:

- registering the premises and notifying the regulator of qualifying public events;
- completing a terrorism evaluation, to set out the likelihood and type of terrorist attacks, prevention



measures, and response protocols; and

- appointing a named designated senior officer, who will review the said plan from time to time, and provide an overarching security plan to the regulator.

Whilst this may seem a straightforward exercise, the sanctions are severe. The regulator may issue notices to remedy errors, and for larger premises, the regulator will have the power to prohibit events for six months to resolve issues. Failure to comply may result in civil monetary penalties and for enhanced duty premises and qualifying public events the regulator will be able to issue a maximum fixed penalty of the higher of £18m or 5% of worldwide revenue.

A person is responsible for a qualifying public premises if the person has control of the premises or event, both of which must be accessible to the public. Once the legislation comes into force it will be important for those responsible to be clear on the steps they need to take to discharge their duties.

If you would like further information or assistance on this topic then please do [get in touch](#).



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