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Charities Safety Group Webinar

**Martyn's Law Legal Update
Terrorism (Protection of Premises) Act 2025**

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What do we have to do now?

The law firm for health, safety, environmental
and regulatory defence

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Turnstone Law:

- Free initial consultation

Overview

- Why Martyn's Law is needed?
- Timing
- What premises/events are affected?
- Who are the duty-holders?
- What are the requirements?
- Enforcement
- What should you be doing now?

Why Martyn's Law is needed?

Manchester Arena 2017

- Ariana Grande concert
- suicide bomber in arena foyer
- 23 killed
- 1,017 injured



Why Martyn's Law is needed?

Martyn Hett

- 29 yr old
- 4m from blast



Why Martyn's Law is needed?

- Since 2017
 - 15 domestic terror attacks in UK (excl NI)
 - 43 late-stage plots disrupted
- Manchester Arena bomb Public Inquiry recommended greater clarity on duties for venue owners
- Current UK terrorism threat level = “substantial”
- Govt. consider that counter-terrorism planning and preparation can save lives

Timing?

Terrorism (Protection of Premises) Act 2025

- 3 Apr 2025 – Royal Assent
- Expected implementation period at least 2yr after Royal Assent (i.e. not binding before Apr 2027)
- Guidance expected

What premises/events are affected?

- Tiered approach by number of attendees (200+ and 800+)
- Applies to:
 - **'premises'** (building, part of building, group of buildings and/or land with at least 1 building) at 200+ and 800+
 - whole or primary/predominant **use** specified in Schedule 1
 - qualifying public **'events'** applies:
 - building(s) and/or land
 - if 800+ event with public access; **and**
 - venue is not qualifying **'premises'**; **or**
 - exceptionally large event at premises that are usually 200+ to 799
 - and only if:
 - open to public (or members/guests of club, association or similar); **and**
 - security checks requiring:
 - » payment, tickets or passes; **or**
 - » members/guests of club, association or similar
 - so, a private wedding with invitations or office party with employees and invited customers is not an **'event'** (but could be held in a qualifying **'premises'**)

What premises/events are affected?

Examples of use - based on Schedule 1:

- restaurant, pub and beer garden
- theatre, cinema, music venue, nightclub, dance hall, social club
- shopping centre (even if only outdoor) and the individual shops potentially as well
- large retail
- zoo, theme park, visitor attraction
- museum, gallery, library
- exhibition hall, conference centre where public events exceed duration of private events
- hotel, hostel, holiday park
- places of worship
- hospitals, health care premises
- education and childcare facilities
- sports venues – stadia, racecourse, race track, gym
- transport premises – many train or bus stations, aerodromes

What premises/events are affected?

Excluded premises and events:

- private dwellings
- offices that are part of public premises
- parks, gardens, recreation grounds, sports grounds excluded UNLESS access requires payment, ticket, invitation, entry pass or membership
- transport premises – some airports, train stations, ports
- **events** at places of worship, childcare, schools, further education

What premises/events are affected?

Number calculation (200+ or 800+):

- No. of individuals present at same time (incl. staff)
- reasonable expectation of presence from time to time

What premises/events are affected?

Special leniency for premises usually used for:

- worship
- childcare, primary, secondary or further education (NOT higher education)
- if 200+ or 800+, still only Standard Duty **premises**
- **events** rules excluded for these premises

Who are the duty-holders?

Responsible Person

- individual **or company/organisation** with control of premises generally or for a specific event
- must ensure requirements are met for premises or event
- can be more than 1 responsible person but must co-ordinate

Who are the duty-holders?

Designated Senior Officer

- must be appointed for 800+ premises/event
- individual not company
- name/contacts notified to Regulator
- if Responsible Person is a company, Designated Senior Officer must be director, officer or senior manager
- Designated Senior Officer is responsible for:
 - coordinating the risk assessment
 - coordinating the security plan
 - dealing with the Regulator

What are the requirements?

Standard Duty premises – 200 to 799 people

- notify Regulator of premises and identity of Responsible Person, with information
- put in place ‘**standard terrorism evaluation**’, review it at least annually
- inform/train staff with appropriate ‘**terrorism protection training**’ at least annually
- put in place appropriate and reasonably practicable public protection measures covering:
 - evacuation
 - invacuation
 - lockdown
 - communication (to staff and users)
- intended to be affordable and proportionate – ‘reasonably practicable’ said to allow consideration of available resources
- no requirement for physical measures or purchase of equipment

What are the requirements?

Enhanced Duty premises and qualifying events – 800+ people

- As for 200+ AND additional responsibilities
- carry out '**terrorism risk assessment**', review it at least annually
- make a '**security plan**', provide copy to Regulator
- document the procedures/measures
- obligatory measures:
 - monitoring premises and movement of individuals in/out
 - physical safety and security measures (e.g. vehicle bollards)
 - keep sensitive information secure (e.g. floor plans)
 - procedures for alerting emergency services, notifying attendees
- if Responsible Person is a company, then **appoint a Designated Senior Officer** to ensure requirements are met

Enforcement

- Regulator – **Security Industry Authority (SIA)**
- Applicable across UK
- **Compliance Notice**
 - require steps to be taken within specified period
- **Restriction Notice**
 - applies specified restriction but only to 800+ premises or events
 - e.g. restricted timing, numbers or conditions
- **Penalty Notice**
 - regulator must be satisfied of contravention on balance of probabilities
 - fixed penalty and daily penalties
 - amount the Regulator considers appropriate and proportionate
 - for 200+ premises - max £10,000
 - for 800+ premises or events - max £18m or 5% of worldwide revenue, whichever is greater

Enforcement

- **Criminal offence - prosecution**
 - failure to comply with Compliance Notice if 800+ premises or event
 - failure to comply with Restriction Notice
 - providing false/misleading information to Regulator
 - **max 2 yr jail or unlimited fine**
 - directors/senior officers' offence with consent, connivance or **neglect** (Designated Senior Officer most vulnerable)

What should you be doing now?

- watch for guidance
- minimum implementation period (at earliest Apr 2027) to plan and prepare
- Overlap with HSWA?

What should you be doing now?

Consider which requirements will apply to you

- If 200+:
 - start preparing '**standard terrorism evaluation**'
 - start '**terrorism protection training**' as appropriate (e.g. what to look out for)
- If 800+, also:
 - consider who will be **Designated Senior Officer**
 - start preparing '**security plan**' and '**terrorism risk assessment**'
- In any case, consider:
 - likely types of terrorism
 - reasonably practicable measures to reduce likelihood and harm
 - appropriate procedures

What should you be doing now?

- **Policies, procedures, measures for terrorism resilience could include:**
 - CCTV, radio communications
 - major incident/scenario role play
 - first aid for multiple trauma
 - support from insurers
 - invacuation and evacuation plans
 - lockdown – which doors/barriers/keys and who to do it?
 - communication with staff and those at risk
 - sector/industry bodies support
- **ProtectUK** website and app - <https://www.protectuk.police.uk/>

Q&A?

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