





# Martyn's law- the legal context



- **My name is Jamila**
- **Professional Regulatory Barrister (Associate)**
- **Based in the professional regulatory team in Cardiff**
- **Investigate and present fitness to practise cases before professional disciplinary panels at preliminary, interim and substantive hearings.**
- **Appointed to the List of Specialist Regulatory Advocates at grade/level C**
- **Authorised to prosecute on behalf of the Health and Safety Executive**



## What is Martyn's law?

- The Terrorism (Protection of Premises) Act 2025 is referred to as Martyn's law as it is named after Martyn Hett.
- Martyn Hett was a victim of the terrorism attack which took place at Manchester Arena (after an Ariana Grande concert) on 22<sup>nd</sup> May 2017.
- Although this Act received royal assent on 3 April 2025, it is only partly in force.
- No official date has been set for the Act to be fully in force; however, it is expected to come into force over a transitional 24-month period.
- The aim of the Act is to improve 'protective security and organisational preparedness across the UK' requiring that those responsible for certain premises and events consider how they would respond to a terrorist attack.

# What are the implications of Martyn's law?

- Imposes requirements on persons with control of 'qualifying premises' and 'qualifying events' to take steps to reduce the vulnerability of the premises or event and the risk of physical harm to individuals arising from acts of terrorism.
- The Act imposes similar requirements on the Security Industry Authority.
- The Act also modifies disclosure requirements pertaining to parts of licensing applications so that less information is in the public domain that is capable of being used to plan terrorist attacks.

## How is the Act structured?

- Section 2 of the Act indicates that it applies to ‘qualifying premises.’
- ‘Qualifying premises’ are defined as:-
  - Premises which consist of at least one building or a building and other land.
  - Premises which are wholly or mainly used for one or more uses specified in schedule 1.
- Schedule 1 outlines various uses of premises. These uses range from shops to higher education.

## How is the Act structured?

- Section 2 of the Act distinguishes between standard duty premises and enhanced duty premises.

### Standard duty premises




- 2(c) it is reasonable to expect that from time to time 200 or more individuals may be present on the premises at the same time in connection with one or more uses specified in Schedule 1, and

### Enhanced duty premises




- 3(a) “enhanced duty premises” if it is reasonable to expect that from time to time 800 or more individuals may be present on the premises at the same time in connection with one or more uses specified in Schedule 1;

# How is the Act structured?

- Section 3
  - Qualifying events (enhanced duty events)
- 
- Qualifying events are:-
  - Events which take place at a premises which consists of a building, other land or a building and other land.
  - The premises are accessible to members of the public for the purpose of the event.
  - it is reasonable to expect that at some point during the event 800 or more individuals may be present on the premises at the same time in connection with their use for the event
  - The premises where the event is taking place are not enhanced duty premises...



# How is the Act structured?

- Section 5 (public protection procedures)
- Standard duty premises 
- Person responsible for qualifying event or premises has following standard duties:-
  - Implement protection procedures to reduce the risk of harm caused to individuals by acts of terrorism.
  - These public protection procedures include, procedures in relation to:-
    - Evacuating individuals, moving individuals to a place on the premises or at the event where is less risk of harm, preventing individuals entering/leaving the premises or event.
    - Providing information to individuals on the premises or at the event.

# How is the Act structured?

- Section 6 (public protection measures for enhanced duty premises or qualifying event.)
- Enhanced duty premises and qualifying events
  - Person responsible for enhanced duty premises or a qualifying event must:-
  - ↓
  - Enhanced duties:-
  - Assess and keep under review the public protection measures that are appropriate to reduce the vulnerability of the premises to acts of terrorism and reduce the risk of physical harm
  - The public protection measures are measures relating to:-
    - Monitoring the premises
    - Monitoring the movement of individuals in and out of the premises
    - Physical safety and security of the premises
    - The security of information in relation to the premises or event.



## Who is responsible for meeting these requirements?

- Section 4
- Section 4 of the Terrorism (Protection of Premises) Act 2025 dictates that a person is responsible for qualifying premises and/or events if they have 'control' of the premises in connection with their Schedule 1 use and if the person will have control of the premises at which the event is to be held in connection with their use for the event.
- 'Control' is not defined in the Act.
- However, schedule 1 specifically identifies persons who are deemed to be responsible for meeting the relevant requirements in certain circumstances.

Schedule 1  
Paragraph 14

*Primary and secondary education*

1

(1) Use for the purposes of a primary or secondary education institution.

(2) In this paragraph “primary or secondary education institution” means—

(a) an institution in England or Wales which is—

(i) a school that has been approved under section 342 of the Education Act 1996,

(vii) a pupil referral unit or other institution at which education is provided in pursuance of arrangements made under section 19 or 19A of the Education Act 1996;

(3) Where the relevant Schedule 1 use of qualifying premises is use for the purposes of a primary or secondary education institution—

(a) the person responsible for the premises for the purposes of this Part is—

(i) in a case where the institution is a pupil referral unit, the **local authority** by<sup>12</sup> which it is maintained, and (....)

## Schedule 1

### Paragraph 14

**14 3 (b) the premises are standard duty premises for the purposes of this Part (regardless of how they would otherwise be treated).**

**The local authority is the ‘person’ responsible for ensuring that the requirements in relation to standard duty premises is met with regards to pupil referral units.**

## Schedule 1

### Paragraph 15- Further education

“further education”

a) in relation to provision in England or Wales, has the same meaning as in the Education Act 1996.

(2) Where the relevant Schedule 1 use of qualifying premises is a use mentioned in sub-paragraph (1)—

(a) the person responsible for the premises for the purposes of this Part is— (....)

(iv) in a case within paragraph (d) of that sub-paragraph, **the local authority** in England concerned;

15

(1) Use for the provision of—

(d) further education for persons under 19 by a local authority in England, 14

**Schedule 1**

**Paragraph 15- Further education**

**(b) the premises are standard duty premises for the purposes of this Part (regardless of how they would otherwise be treated).**

**The local authority is the ‘person’ responsible for ensuring that the requirements in relation to standard duty premises is met with regards to further education institutions.**

**Section 17- public authorities**

**(1) Use (other than use mentioned elsewhere in this Schedule) for the provision by a public authority of facilities or services to visiting members of the public.**

**(2) Where the relevant Schedule 1 use of qualifying premises is the use mentioned in sub-paragraph (1), the person responsible for the premises is the public authority.**

**(3) In this paragraph “public authority” means a person exercising functions of a public nature.**

## Duty to co-operate

### Section 8

**(1) Subsection (2) applies if more than one person is responsible for qualifying premises or a qualifying event.**

**(2) Those persons must, so far as is reasonably practicable, co-ordinate with each other in complying with any requirement imposed on them by or under this Part.**

**Therefore, in the event that there is more than one person who is deemed to have control of the premises and/or qualifying event. . .they have a joint responsibility and cannot delegate that control to others.**



## Enforcement

- **Section 13- 14**
- **The Security Industry Authority (SIA) is responsible for the enforcement in relation to the Act.**
- **If the Act is breached, the SIA can issue a compliance notice (which requires the recipient to comply with a specified requirement within a specified period.)**
- **The SIA can also impose a restriction notice in relation to enhanced duty premises and/or qualifying events where the SIA has reasonable grounds to believe that:-**
  - **The responsible person has failed to ensure that appropriate public protection measures and/or procedures are in place**
  - **The restrictions are necessary to reduce the risk of harm arising from acts of terrorism.**
  - **The SIA can impose (financial) penalty notices if there is non-compliance.**



## In summary

- In summary, local authorities are specifically identified in schedule 1 as being responsible for meeting standard duties in respect of *pupil referral units* and *further education institutions*.
- However, local authorities could be deemed to be responsible for meeting other requirements imposed by the Act if they are ‘exercising a role of a public nature’ in relation to the premises or the LA is deemed to be in control of the premises.
- The extent of the obligation will depend on whether the premises is a standard duty premises, enhanced premises or qualifying event (for which enhanced duties are owed.)