

- The Terrorism (Protection of Premises) Act, also known as Martyn's Law, received Royal Assent on 3 April.
- It is expected that the implementation period will be at least 24 months. This period will enable those responsible for premises and events to have sufficient time to understand their new obligations, and to plan and prepare accordingly.
- The new Act will ensure the public are better protected from terrorism by requiring certain public premises and events to be prepared and ready to keep people safe in the event of an attack and will be required to consider and, where appropriate, take steps to reduce their vulnerability to acts of terrorism. Through the Act, qualifying premises and events should be better prepared and ready to respond in the event of a terrorist attack.
- A tiered approach is established under the new Act, with those responsible for premises and events in scope required to fulfil different requirements according to the number of individuals it is reasonable to expect may be present.
- The requirements vary accordingly, acknowledging that larger premises and events may be impacted to a greater extent by an attack and should be expected to do more.
- Whilst those that fall within scope of the Act may wish to begin considering the requirements, they should note that there will be no legal requirement to comply until the legislation comes into force.
- The Home Office will publish statutory guidance during the 24-month implementation period. This guidance will assist those responsible to understand the requirements set out in the legislation. It is being designed to be easy to follow, needing neither particular expertise nor the use of third-party products or services.
- Neither the Home Office, SIA, nor the National Counter Terrorism Security Office endorse any third-party products offered by the private sector in respect of compliance with this legislation. The Government's intent is that those responsible for premises and events in scope can comply with the Act without needing to buy specialist services

Scope

Qualifying Premises

Premises that satisfy the following four criteria fall within scope of the Act:

1. There is at least one building (or the premises are in a building);
2. The premises are wholly or mainly used for one or more of the uses specified at Schedule 1 to the Act, e.g. a restaurant or a shop;
3. It is reasonable to expect that at least 200 individuals may be present at least occasionally; and
4. The premises are not excluded under Schedule 2 to the Act

The Act separates qualifying premises into two categories, which have their own requirements:

- **standard duty premises are qualifying premises that can reasonably be expected to host between 200 and 799 individuals, at the same time**

- **enhanced duty premises are qualifying premises that can reasonably be expected to host 800 or more individuals at the same time.**

Qualifying events

An event that satisfies the following criteria fall within scope of the Act:

- It will take place at premises within section 3(1)(a) of the Act, including land without buildings, that are not enhanced duty premises (or part of enhanced duty premises);
- The relevant premises are accessible to members of the public for the purpose of the event;
- It is reasonable to expect that there will be at least 800 individuals present for the event at once at some point during it;
- There will be measures to check entry conditions are met, such as a ticket checks; and
- The event is not excluded under Schedule 2 to the Act.

Requirements

Standard duty premises

Persons responsible for standard tier premises, i.e. qualifying premises where it is reasonable to expect that between 200 and 799 individuals may be present at the same time, will be required to:

- notify the Security Industry Authority (SIA) that they are responsible for their premises; and
- have in place appropriate and reasonably practicable public protection procedures that could be expected to reduce the risk of physical harm being caused if an attack was to occur there or nearby.

These procedures are to be followed by people working at the premises if an act of terrorism was to occur at the premises or nearby.

They are procedures which may be expected to reduce the risk of physical harm being caused to individuals relating to:

- **Evacuation**: The process of getting people safely out of the premises or event
- Moving individuals to a safe place (**in vacuation**); The process of bringing people safely into, or to safe parts within, the premises or event.
- **Locking down** the premises; The process of securing the premises or event to ensure that the entry of any attacker is restricted or prevented e.g. locking doors, closing shutters or using barriers and
- **Communication** with individuals at the premises: The process of alerting people on the premises or event to move them away from any danger.

The requirements of the standard tier are centred around simple, low-cost activities surrounding procedures, with costs relating primarily to time spent. **There is no requirement to put in place physical measures in this tier.**

Enhanced duty premises and qualifying events

Those responsible for enhanced duty premises and qualifying events will be required to:

- notify the SIA that they are responsible for the premises or event.
- have in place, so far as reasonably practicable, appropriate public protection procedures that could be expected to reduce the risk of physical harm being caused to individuals if an attack was to occur there or nearby.
- have in place, so far as reasonably practicable, appropriate **measures** that could reasonably be expected to reduce both

(i) the vulnerability of the premises or event to an act of terrorism occurring, and

(ii) the risk of physical harm being caused to individuals if an attack was to occur there or nearby.

- document the public protection procedures and measures in place, or proposed to be put in place, and provide this document to the Security Industry Authority.

These **measures** relate to:

- **Monitoring**: monitoring the premises or event, and their immediate vicinity.
 - Monitoring measures focus on identifying and reporting signs of suspicious activities, behaviours, items or other potential indicators of a potential or actual terrorist attack at a premises or event, and their immediate vicinity, to protect members of the public.
 - Examples of such measures range from circulating awareness-raising material to those working at the premises or event, to comprehensive security systems and control rooms at the higher end of the scale.
- **Movement control**: controlling the movement of individuals into, out of and within the premises or event.
 - Movement measures focus on employing appropriate deterrents and mitigations to reduce vulnerabilities to attacks and to protect members of the public entering, within and exiting the premises or event.
 - Examples of such measures range from policies and processes for observing suspicious bags, searching and screening individuals, locks and barriers or CCTV.
- **Physical Security**: physical safety and security of the premises or event
 - Physical safety and security measures focus on the strengthening of premises and events structures to prevent certain attack methodologies from occurring and/or to mitigate their impacts
- Examples of such measures range from stand-off zones (a designated area to place distance between one location and another), safety glass or Hostile Vehicle Mitigation

Security of Information: security of information which may assist in the planning, preparation or execution of acts of terrorism.

- This focuses on understanding the sensitivities of information, particularly what is appropriate to share, where and who with. It may include key information about the premises or event, operating environment, design or usage that could reveal vulnerabilities.

- An example of this measure is ensuring that sensitive information such as floor plans are held securely, and access is restricted to relevant individuals.

Where the responsible person for enhanced duty premises or a qualifying event is not an individual, they must designate a senior individual. This must be someone who has responsibility for managing the affairs of the relevant body as a whole, such as a director or partner, rather than a lower-level employee.

The primary function of the senior individual is to ensure that the responsible person (the body) complies with the relevant legislative requirements, which serves a wider objective of engaging senior management in decision-making relating to the requirements of this Act. The senior individual does not need to take responsibility for carrying out actions to fulfil the requirements but should have overall responsibility within the body that is the responsible person.