

# TERRORISM (PROTECTION OF PREMISES) BILL

## MARTYN'S LAW

### Aka THE PROTECT DUTY

This slide-deck is intended as a high-level summary of the key points from the Terrorism (Protection of Premises) Bill published in May 2023. It is a personal interpretation of the bill based on a reading of the guidance notes, the bill, and the impact assessment.

This does not represent an official briefing, or the views of the Martyn's Law campaign team, and is issued in the name of Risk to Resolution Ltd



# WHAT THIS BRIEFING COVERS

- WHY – Why is Martyn's Law being introduced
- WHO – Who will be affected in terms of businesses and individuals
- WHAT – What will companies and individuals be required to do
- HOW – How can I help you

# WHY

Changing and persistent terrorist orthodoxies

PURSUE will always fail

Lack of legal clarity regarding responsibilities

Crowded Places Model covers only .2% of crowded places

Inconsistent application of good practice and corporate social responsibility

Good for business - RAND Europe assessed the cost of terrorism in the UK from 2004 to 2016 and estimated the cost (direct and indirect costs) to be £43.7 billion (2022 prices).

# WHAT – QUALIFYING PREMISES

To be “qualifying public premises”, the premises must be primarily used for one of the purposes below

- *Shops*
- *Food and drink*
- *Nightclubs (Inc. social club/dancehalls)*
- *Entertainment activities*
- *Sports grounds*
- *Recreation, exercise or leisure*
- *Libraries, museums and galleries etc*
- *Exhibition halls etc*
- *Visitor attractions*
- *Hotels etc*
- *Places of worship*
- *Hospitals and Healthcare*
- *Bus stations, railway stations etc*
- *Aerodromes*
- *Childcare*
- *Primary and secondary education*
- *Further education*
- *Higher education*
- *Public authorities*

**AND** .....be accessible to the public (or a section thereof), including only in part; and have a public capacity of 100 or more individuals

# WHAT – QUALIFYING EVENTS

To be a “qualifying public event”, the event must satisfy the following conditions:

- It is to be held at premises which are not qualifying public premises;
- Those premises (or parts thereof) are accessible to the public, or a section of the public, for the purpose of attending the event; and
- The public capacity of the premises is 800 or more individuals.

Access to the event by members of the public must be by express permission only (whether or not on payment) – This implies control of entry and/or a physical boundary

# WHAT – TWO TIER SYSTEM

## ENHANCED TIER

Enhanced duty premises are qualifying public premises with a public capacity of 800 or more individuals.

## STANDARD TIER

Standard duty premises are qualifying public premises which are not enhanced duty premises.

Below 100 will not be subject to legislation but will be encouraged to adopt good practice

There are exemptions and exclusions - Examples include faith, education, and premises covered by other security legislation

## WHO – PERSON RESPONSIBLE

The **Person Responsible** for qualifying public premises is the person who has control of the premises in connection with their relevant Schedule 1 use

The **Person Responsible** for a qualifying public event is the person who has control of the premises at which the event is to be held in connection with their use for the event.

THE PERSON RESPONSIBLE CAN BE A CORPORATE BODY

PEOPLE CAN BE JOINTLY RESPONSIBLE



# WHO – DESIGNATED SENIOR OFFICER

**ONLY APPLIES TO ENHANCED QUALIFYING PREMISES AND QUALIFYING EVENTS**

**The Designated Senior Officer is responsible for**

- Coordinating the risk assessment of the premises or event
- Coordinating the preparation and maintenance of the security plan in relation to the premises or event
- Coordinating the response to any notice or other communication from the regulator to PR in relation to the premises or event.

**The Person Responsible (PR) must ensure**

- That an individual is appointed to act as the designated senior officer for the premises or event.
- The Person Responsible can also be the Designated Senior Officer

**IF THE PR IS A CORPORATE BODY, THEN THE DSO MUST BE A DIRECTOR OR SIMILAR WITHIN THE COMPANY**



# WHAT – STANDARD TIER

## Standard Tier Terrorism Training

- Relevant workers must be provided with terrorism protection training in relation to the premises or event.

## Standard Tier Evaluation

- A standard terrorism evaluation of the premises
- The evaluation is reviewed regularly and when material changes occur
- Revise the evaluation to keep it up to date,
- A copy of the current evaluation must be made available to each individual who uses the premises as a place of work
- Provide the regulator with a copy of the current evaluation on the request.

# WHAT – ENHANCED TIER

## Enhanced Tier - Terrorism Training

- **Relevant workers** must be provided with terrorism protection training in relation to the premises or event.

## Enhanced Tier – Terrorism Risk Assessment – to include

- The types of acts of terrorism that are most likely to occur
- The reasonably practicable measures that might be expected to **reduce the risk of acts of terrorism**
- The reasonably practicable measures that might be expected to **reduce the risk of physical harm** to individuals
- Any other matters specified in regulations.

Applies to inside or the immediate vicinity of, the premises or event.



# WHAT – ENHANCED TIER

## Enhanced Tier – Security Measures

Person Responsible must ensure that all such reasonably practicable measures are put in place in relation to the premises or event to reduce:

- The risk of acts of terrorism occurring
- The risk of physical harm to individuals

THIS COULD INCLUDE PLANS AND PROCESSES AS WELL AS PHYSICAL MEASURES

Applies to inside or the immediate vicinity of, the premises or event.



# WHAT - REGULATION

## A NATIONAL REGULATOR WITH THE POWER TO:

- Issue penalties
- Issue improvement notices
- Close premises and events

The whole ethos of Martyn's Law has been to seek collaborative improvement and it is expected that the regulator will develop and regulate in this way



## WHAT – NEXT STEPS

- **HOME AFFAIRS SELECT COMMITTEE (SCRUTINY) – May /Jun 2023**
- **KINGS SPEECH – Jul 2023**
- **ENTERS PARLIAMENT – Sept/Oct 2023**
- **ROYAL ASSENT – 1<sup>st</sup> quarter 2024**
- **IMPLEMENTATION PERIOD – 2024**
- **ENACTED - 2025**

DATES ARE BEST ESTIMATES, NOT OFFICIAL TIMETABLES



# WHAT – RISKS

- **IMPACT ASSESSMENT IS RED**

- ESTIMATED COST TO STANDARD TIER IS £2000
- ESTIMATED COST TO ENHANCED TIER IS £80,000

- **CHANGE OF GOVERNMENT**

- NOT A PROBLEM IF IT HAS RECEIVED ROYAL ASSENT
- MIGHT DROP OFF THE LEGISLATIVE TIMETABLE IF GOVERNMENT CHANGE BEFORE ASSENT

- **BUYER BEWARE**

- PROTECT DUTY COMPLIANT PRODUCTS (no such thing)
- QUALIFICATIONS (Do due diligence on CT experience and qualifications)



# HOW – CAN I HELP

Provide updates, interpretation, and expert guidance

Provide threat briefings and threat assessments on which compliance can be built

Develop CT plans and evaluations

Develop CT risk assessments

Provide terrorism and legislation relevant training

Provide briefings to boards and investors

Overt and testing, evaluation and assurance





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