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MARTYN'S LAW ENACTED TO REQUIRE BUILDINGS AND EVENTS TO MITIGATE TERRORISM RISK

Nearly eight years on from the Manchester Arena and London Bridge terror attacks, the Terrorism (Protection of Premises) Act 2025 (the "Act") has been passed to enhance the protective security and organisational preparedness of premises across the UK against terrorist activities. The Act is otherwise known as Martyn's law after Martyn Hett, one of the people tragically killed in the Manchester Arena attack. The Act mandates that those responsible for certain premises take steps to mitigate the risk of physical harm to individuals in the event of a terrorist attack. Additionally, those responsible for certain larger premises and events are required to take steps to reduce the vulnerability of the premises to terrorist attacks. The main duties are expected to come into effect around early 2027.

The key provisions of the Act introduce public protection requirements based on a tiered approach that recognises that premises and events with larger numbers of people (Enhanced Duty Premises and Qualifying Events, respectively) may face greater consequences from a terrorist attack. The Act gives relevant powers to the Security Industry Authority (the "SIA") as the regulator to enforce these provisions. This Briefing takes a look at the provisions as they will apply in England & Wales.

Key issues

- The Terrorism (Protection of Premises) Act 2025 was passed, providing for duties to reduce risks of harm from terror attacks at certain premises used for specified purposes (e.g. retail, entertainment, transport or healthcare uses) and events.
- Tiered duties depend on attendance numbers:
 - over 200 people in certain premises: standard duty protection procedures; and
 - over 800 people in certain premises or at events: additional enhanced duty protection measures which could, for example, involve installation of barriers or other equipment.
- Duties fall on person(s) responsible for premises, or events at premises.
- Enforcement options will include financial penalties of up to £18 million, or, if higher, 5% of the person's global revenue where enhanced duties are breached, plus daily default penaties.
- Two-year lead-in time before duties come into effect.



What premises/events are affected?

The requirements apply to Qualifying Premises and Qualifying Events.

Qualifying Premises:

Broadly speaking, Qualifying Premises are buildings (with or without other land) wholly or mainly used for specified uses (see below) where 200 or more individuals are expected to be present on the premises in connection with the relevant use.

Specified Uses (Schedule 1): Retail (including food and drink), entertainment and leisure, sports grounds, libraries, museums and galleries, halls, visitor attractions, hotels, places of worship, healthcare, stations, aerodromes, childcare, education and public authorities. There are certain exclusions such as parks and gardens, government buildings.

Qualifying Premises are divided into two categories:

- Standard Duty Premises: Premises reasonably expected to host between 200 and 799 people from time to time.
- Enhanced Duty Premises: Premises reasonably expected to host 800 or more people from time to time.

Qualifying Events:

These are events at land and/or buildings (other than Enhanced Duty Premises) to which the public have ticketed (or similar) access, and where 800 or more people are expected to be present (for any purpose). There are some exclusions such as events at a place of worship or education (which are treated as Standard Duty Premises irrespective of the size of the event).

Different levels of requirements apply depending on the expected numbers of people to be present:

- Standard Duty Requirements apply to all Qualifying Premises and Qualifying Events (i.e. 200 or more people expected); and
- Enhanced Duty Requirements apply at Enhanced Duty Premises and Qualifying Events (i.e. 800 or more people expected).

Responsibility for the Requirements

The Act determines those responsible (Responsible Persons) for Qualifying Premises or Qualifying Events by reference to control of the premises for the specified use. The principle of control used here is broadly similar to other regulatory regimes, such as the fire safety regime contained in the Regulatory Reform (Fire Safety) Order 2005.

For Qualifying Premises, the Responsible Person will usually be the premises operator. For a Qualifying Event, more consideration will need to be given to the circumstances of the event to determine who has control of the premises for the purposes of the event.

Co-operation and co-ordination

The Act contains requirements for Responsible Persons to co-ordinate their compliance activities where there is more than one such person for the Qualifying Event or Qualifying Premises, or where there are overlapping Qualifying Premises. Each person remains responsible for complying with the requirements of the Act.

If a person other than the Responsible Person has, to any extent, control of Enhanced Duty Premises or premises at which a Qualifying Event is held, then both of them must co-operate as far as possible. This is intended to ensure that other persons, for example a landlord, do not create obstacles that prevent the Responsible Person from implementing measures or procedures.

Standard Duty Requirements

A person who becomes (or ceases to be) a Responsible Person for Qualifying Premises or Qualifying Event must notify the SIA. Beyond this, requirements are limited to putting in place procedures to follow in the event of a terrorist attack.

They must implement reasonably practicable public protection procedures aimed at reducing the risk of physical harm to individuals if a terrorist attack were to occur at, or near, the premises or event. There are four types of procedures that must be put in place as appropriate for the premises or event involved given available resources (see box below).

Standard Duty Requirements: Procedures to be Established

- Evacuation: Getting people safely out of the premises.
- Invacuation: Bringing people into, or moving to, safer parts of the premises.
- Lockdown: Securing the premises to prevent people from entering or leaving.
- Communication: Providing information to people on the premises in relation to the danger.



A Government fact sheet on Standard Duty Requirements suggests examples of appropriate measures for different sizes of venue. For example, whereas a sophisticated lockdown process may not be required for a 200-capacity shop, a 400seat restaurant might require that nominated individuals know when and how to quickly secure the premises in a lockdown. The fact sheet clarifies that physical alterations are not required in relation to putting these procedures in place.

Relevant communication and/or training should be given to employees, volunteers and contractors as appropriate.

Enhanced Duty Requirements

Additional requirements apply to Enhanced Duty Premises and Qualifying Events which involve putting in place reasonably practicable public protection measures aimed at reducing the vulnerability of the premises, or event, to a terrorist attack and reducing the risk of physical harm (see box below).

Enhanced Duty Premises/Qualifying Events: Additional Measures to be Put in Place

Measures relating to:

- monitoring the premises or event and the immediate vicinity (e.g. through installing CCTV or other monitoring systems);
- the movements of individuals into, out of and within the premises or event (e.g. monitoring suspicious behaviour, or screening people and bags);
- the physical safety and security of the premises or event (e.g. the installation of Hostile Vehicle Mitigation (HVM) measures such as bollards or other barriers); and
- the security of information in relation to the premises or event (e.g. holding floor plans held securely and limiting access).

The Examples given above are set out in a Fact Sheet on Enhanced Duty Requirements

Measures must be kept under review and be communicated to relevant employees, providing training as necessary. They must also be notified to the SIA along with an assessment of how the procedures and measures reduce vulnerability and risk.

Where physical measures need to be installed, this may require alterations to premises, requiring consents such as planning permission or highways approvals. For buildings under development, the need for such measures may affect the design and layout of the building or associated vehicular or pedestrian routes. While such considerations will already apply to building design as a matter of guidance or best practice, there is even greater reason to consider the security implications at the design stage as the imposition of suitable security measures becomes mandatory.

A Responsible Person for an Enhanced Duty Premises or Qualifying Event can be a corporate entity, but the company must designate a relevant senior individual to be responsible for securing compliance.

Fact Sheet Examples of Measures for a 1,200-Capacity Theatre

- Implementation and routine rehearsal of plans for public protection procedures.
- Induction and probation periods for new staff include awareness training for those with safety, security and counter-terrorism roles.
- Policies for perimeter and entry checks, queue management and ticket checks.
- Use of internal radio systems and mobiles for communication between relevant staff.
- Interim tabletop activities and walk-through scenarios to be led by designated individuals.
- Mixture of salaried and contracted door staff to protect ingress and egress areas.
- Policies for suspicious or restricted items including bag checks and storage.
- Effective CCTV and adequately staffed monitoring and control room.

Licensing Act 2003

Changes are also made to the Licensing Act 2003 to require submission of premises plans to the licensing authority to be split between (i) a detailed version for operational and security purposes, and (ii) a version suitable for the public with sensitive information omitted.

Enforcement

The SIA will be the regulator under the Act. It will have a range of enforcement powers including inspection, access to premises and information gathering and compliance and restriction notices.

In particular, a restriction notice can be used where the SIA has reasonable grounds to believe that appropriate public protection measures and/or procedures have not been put in place. A notice could apply restrictions on when the premises are used, the number of individuals allowed to be present, or limit numbers attending until suitable restrictions are in place, or even prevent an event taking place at all.



In addition, civil sanctions for non-compliance could result in a maximum financial penalty of:

- for Standard Duty Premises: £10,000; and
- for Enhanced Duty Premises or Qualifying Events: the greater of £18 million and 5% of the person's worldwide revenue.

Daily default penalties for non-compliance with compliance or restriction notices could be imposed up to £500 per day for Standard Duty Premises, and £50,000 per day for Enhanced Duty Premises/Qualifying Events.

Various criminal offences will apply, for example, in relation to failure to comply with restriction notices or compliance notices relating to Enhanced Duty Premises or Qualifying Events.

Final comment

The Government has confirmed that the Act will not be implemented until at least April 2027, to allow time for the SIA's new functions to be established and for those responsible for compliance to have adequate time to prepare. Those responsible for affected premises and events should begin to consider what their duties will be under the Act, the procedures and measures they might need to put in place to fulfil these, and how much investment may be required. Additional guidance to be published by the Secretary of State within the 24-month implementation period should shed further light on how compliance can be achieved.

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