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Legal Update – National Pubwatch Conference 2026



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Martyn's Law – the new Act



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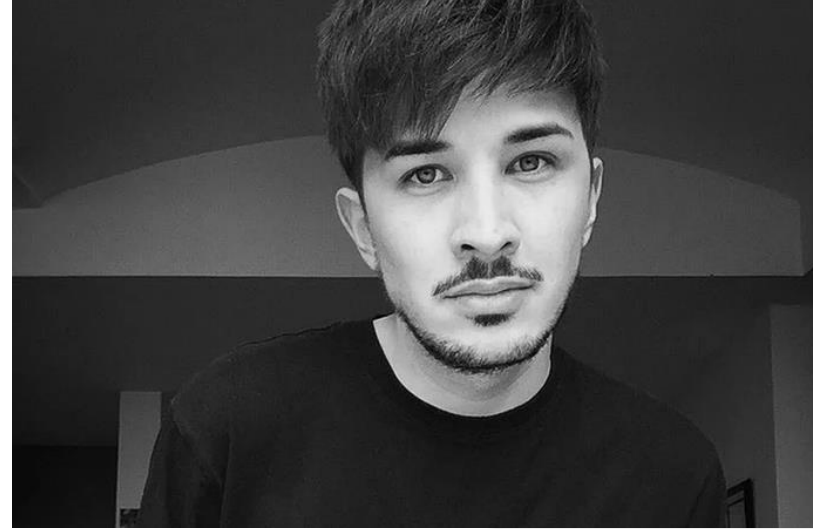
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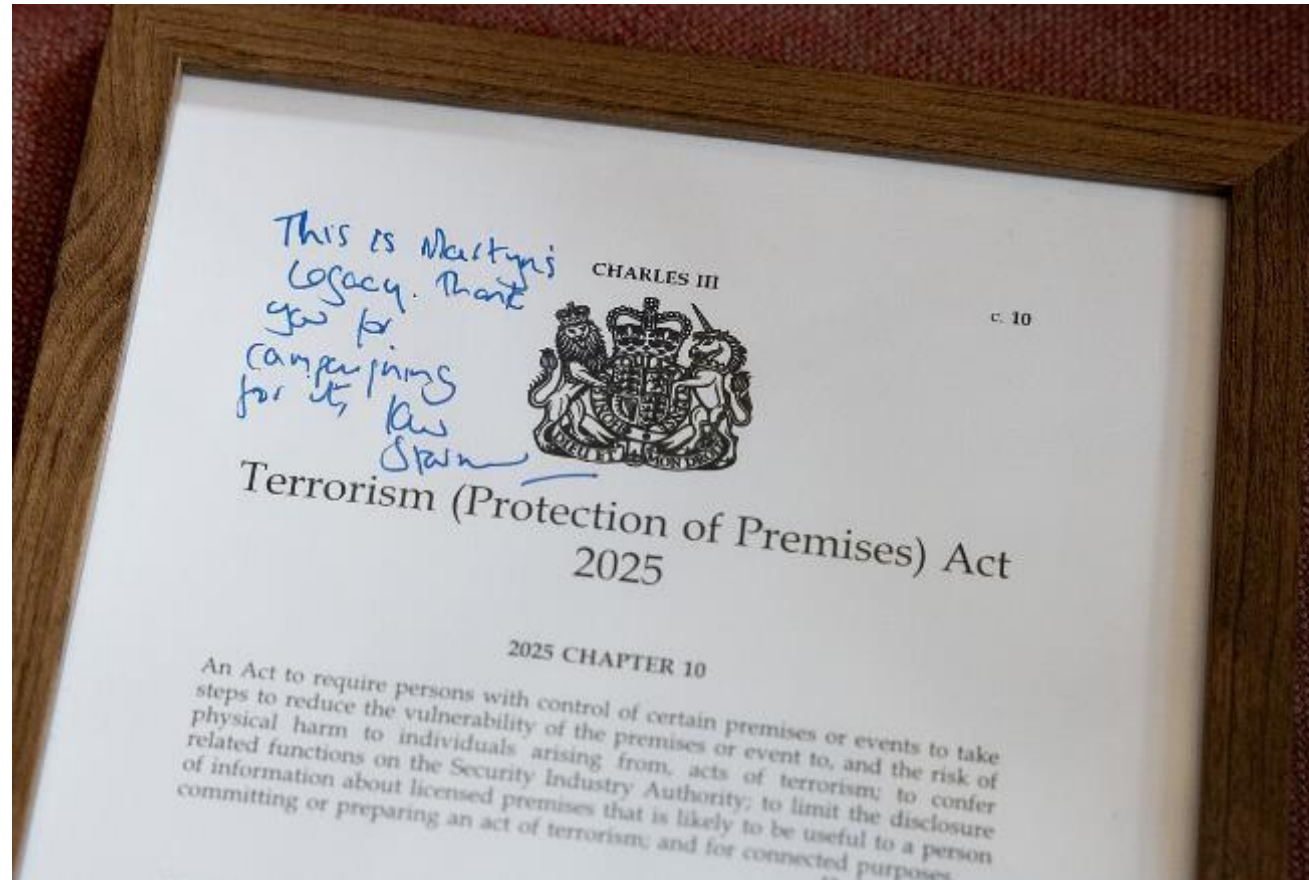
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“MARTYN’S LAW”



Royal Assent
3 April 2025



BACKGROUND

- Since 2017 - 15 domestic terror attacks in UK
- 43 late-stage plots disrupted by law enforcement agencies.
- £3.4 billion - indirect cost of terrorism in UK from 5 attacks in 2017 (RAND Europe).



BACKGROUND

- London Bridge and Borough Market inquests (Nov 2019) – recommended introduction of legislation to govern duties of public authorities re protective security.
- Manchester Arena Inquiry Volume One Report (June 2021) – strongly recommended introduction of duty to improve safety and security at public venues.



BACKGROUND

Threat level and definition	Response level	Description
Critical An attack is expected imminently	Exceptional	Maximum protective security. Critical measures to meet specific threats and to minimise vulnerability and risk
Severe An attack is highly likely	Heightened	Additional and sustainable Substantial and Severe protective security measures reflecting the broad nature of the threat combined with specific business and geographical vulnerabilities and judgements on acceptable risk
Substantial An attack is a strong possibility		
Moderate An attack is possible but not likely	Normal	Routine protective security. Low and Moderate measures appropriate to the business concerned
Low An attack is unlikely		



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SUBSTANTIAL – FEBRUARY 2026



BACKGROUND

- Without legal compulsion - counter terrorism security efforts deprioritised behind other legally required activities (e.g. fire safety).
- 70% of respondents to HMG's public consultation in 2021 agreed that those responsible for publicly accessible locations should take appropriate and proportionate measures to protect the public from attacks and should prepare their staff to respond appropriately in the event of a terrorist attack.
- Martyn's Law to *"ensure better preparedness and raise the public safety bar"*



STATUTORY OBJECTIVE

“An Act to require persons with control of certain premises or events to take steps to reduce the vulnerability of the premises or event to, and the risk of physical harm to individuals arising from, acts of terrorism; to confer related functions on the Security Industry Authority; to limit the disclosure of information about licensed premises that is likely to be useful to a person committing or preparing an act of terrorism; and for connected purposes.”

Introductory text to Terrorism (Protection of Premises) Act 2025



QUALIFYING PREMISES

- Qualifying premises if:
 - (a) Building*, or a building and other land.
 - (b) Wholly or mainly used for a Schedule 1 use.
 - (c) Reasonable to expect that from time to time 200 or more individuals may be present on premises at the same time in connection with Schedule 1 use.
- *Includes part of building (e.g. unit in shopping centre)



SCHEDULE 1 USE

- Schedule 1 use – includes where use of premises for:

Retail shops, **premises for sale of food and drink for consumption on site** (e.g. **restaurant & bar**), **nightclub**, **social club** or **dance hall**, **entertainment venue** (e.g. a theatre, cinema, sports, music), **sports ground**, recreation, exercise or leisure centres, libraries, museums and galleries, exhibition halls, conference centres, visitor attractions (of historic, touristic or educational value), halls, **hotels**, hostels and holiday parks, places of worship, hospitals/health centres, bus/coach & railway stations, schools, colleges & universities, public authority buildings (e.g. town halls).



QUALIFYING EVENTS

- Qualifying Event if:
 - (a) Premises where event held is a building, other land (so includes open-air event), or a building and other land,
 - (b) Premises are not enhanced duty premises,
 - (c) Public have access to all or part of premises for purpose of attending the event,
 - (d) Reasonable to expect that at some point during the event 800 more individuals may be present on premises at the same time, AND
 - (e) Measures in place to check attendees have paid, have tickets or passes to allow access, are members of guests of a club, association or similar.



PREMISES DEEMED AS STANDARD TIER

- Schedule 1 provides that certain types of premises are standard tier or enhanced tier regardless of the number of individuals who can reasonably be expected to be hosted there.
- **All places of worship** that can be expected to host 200 or more individuals at the same time will fall within the standard tier (even if that number is 800 or greater).
- **Buildings used for childcare or primary, secondary or further education** that can be expected to host 200 or more individuals at the same time will always fall within the standard tier regardless of their maximum number. (Does not include University/Higher Education).



SCHEDULE 2 – EXCLUDED PREMISES

- Premises where an existing transport security regime applies.
- Parks, gardens, recreation or sports grounds (etc) that can be entered without a ticket or some other form of entry pass
- Houses of Parliament, Scottish Parliament, Welsh Cenedd, Northern Ireland Assembly...



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SCHEDULE 2 – EXCLUDED EVENTS

- Events at premises where an existing transport security regime applies.
- Events in places of worship, childcare or education (irrespective of number of attendees)
- Events in Houses of Parliament, Scottish Parliament, Welsh Cenedd, Northern Ireland Assembly.
- (NOTE: events held in parks, gardens etc are not excluded under Schedule 2)



RESPONSIBLE PERSON

- A person(s) is responsible for qualifying premises if they have control of the premises in connection with an activity that is within scope of Bill (i.e. “Schedule 1 use”).
- A person(s) is responsible for a qualifying event 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.
- Notification requirements to regulator.
- Companies must designate senior individual (“DSI”).



HOW WILL IT WORK?

- Proportionality is a fundamental consideration for the legislation.
- Therefore, a tiered model, linked to the activity that takes place at a location and its capacity :
 - Standard Tier : 200+
 - Enhanced Tier : 800+
- Various ways to assess capacity





STANDARD TIER DUTY

- Person responsible for qualifying premises or a qualifying event must, to the extent that is reasonably practicable* to do so, put in place appropriate public protection procedures for the premises or event in order to reduce the risk of physical harm being caused to individuals in the event of attack at the premises or immediate vicinity.
- Individuals must be aware of the procedures and ready to put them into practice if needed.



STANDARD TIER DUTY

- “Public protection procedures” are procedures to be followed by individuals working on the premises, or at the event, if there is reason to suspect that an act of terrorism is occurring, or is about to occur, at the premises/event or in the immediate vicinity:
 - (a) for evacuating individuals or moving them to a place where there is less risk of physical harm.
 - (b) for preventing individuals entering/leaving.
 - (c) for providing information to attendees.

“REASONABLY PRACTICABLE”

- Health & Safety Executive adopt definition in Edwards v. National Coal Board [1949] 1 All ER 743):

“‘Reasonably practicable’ is a narrower term than ‘physically possible’ ... a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them.”



ENHANCED TIER DUTY

- Applies to 800+ capacity venues or qualifying events.
- Could include live music venues, theatres, department stores, festivals.
- Responsible person must (in addition to standard tier duty):
 - (a) assess and keep under review “**public protection measures**” that are appropriate to further “the objectives”, and,
 - (b) So far as is reasonably practicable, ensure such measures are in place (in addition to standard tier duties)



ENHANCED TIER DUTY

- The objectives are:
 - (a) To reduce the vulnerability of the premises or event to acts of terrorism;
 - (b) to reduce the risk of physical harm being caused to individuals if an act of terrorism were to occur at the premises/event or immediate vicinity.

ENHANCED TIER DUTY

- “Public protection measures” are:
 - (a) the monitoring of the premises or event and the immediate vicinity of the premises or event;
 - (b) the movement of individuals into, out of and within the premises or event;
 - (c) the physical safety and security of the premises or the premises at which the event is to be held;
 - (d) the security of information in relation to the premises or event.



ENHANCED TIER DUTY

- Duty to prepare and update risk assessments and documentation on procedures and measures and provide it to regulator.
- If more than one person responsible they must, so far as is reasonably practicable, co-ordinate and co-operate with each other in complying with duties.
- Where “person” responsible for enhanced duty premises is not an individual (e.g. company, partnership association of members) – must designate a senior individual with responsibility



APPEAL TRIBUNAL

- Interested person/regulator may apply to First-Tier Tribunal to determine issues under the legislation:
 - the identification of the “responsible person”
 - whether premises are qualifying premises or events are qualifying events
 - whether qualifying premises are subject to the enhanced duty
 - the relevant Schedule 1 use of qualifying premises
 - whether a person is required to cooperate under the law
 - challenges to compliance, restriction and fixed penalty notices.



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REGULATOR



Security Industry Authority



REGULATOR & ENFORCEMENT

- Regulator established with powers of inspection and enforcement
- With inspection capability to seek to educate, advise, and ensure compliance with the duty.
- Where necessary, the inspectorate will use a range of sanctions to ensure that breaches are dealt with effectively.
- Will issue SIA Guidance



ENFORCEMENT

- SIA has powers to issue:
 - Compliance Notices – both standard and enhanced duty premises
 - Restriction Notices - enhanced duty premises or qualifying event
 - Civil Penalty Notices - if non-compliance with protect duty on balance of probabilities:
 - Standard duty breach – max £10,000
 - Enhanced duty/qualifying public event breach – max. £18 million or 5% of worldwide revenue (whichever greater).
 - Plus daily penalties for further non-compliance (£500 standard; £50,000 enhanced).
 - Appeals available to Tribunal against Notices.

ENFORCEMENT

- Criminal offence – failing to comply with compliance or restriction notice (enhanced tier & qualifying public event only).
- Note – breach of duty by itself is not a criminal offence.
- Defence to show took all reasonable steps to comply
- Either way offence.
- Magistrates Court – 12 months imprisonment (i.e. magistrates' maximum)/unlimited fine)
- Crown Court 2 years imprisonment/ unlimited fine.



ENFORCEMENT

- SIA Investigatory powers in Schedule 3.
- Authorised Inspectors.
- May order person to provide information.
- Powers to enter premises without a warrant with 72 hours' notice.
- Additional powers with warrant from magistrates' court.
- Offences of obstructing an Inspector (or pretending to be one...)



GUIDANCE

- Secretary of State's Statutory Guidance to be published
- SIA Guidance
- Guidance may be relied on if alleged contravention.
- HMG will expand the support available to those responsible for delivering security in public places.
- See Protect UK: <https://www.protectuk.police.uk/>

SILA





SILA

- Sensitive Information in Licensing Applications.
- Currently - s.8(3) of LA2003 - information contained in the register must be made available for inspection by the public during office hours, free of charge. (No requirement for the public to provide a name and address in order to inspect the register).
- Particular security concerns around terrorists accessing licensing plans for large public premises.

SILA

- 19.12.2022, (former) Home Secretary (Suella Braverman MP) said....



"I intend to introduce the Sensitive Information in Licensing Applications (SILA) protocol (by way of an amendment to the Licensing Act 2003 (LA2003)) to align to the similar system already in place within planning legislation (Sensitive Information in Planning Applications (SIPA)), to reduce the risk of misuse of sensitive information in the public domain."



SILA

- “Light touch and simple to follow” process
- Part 2 of Terrorism (Protection of Premises) Act
- See section 34 and Schedule 4 – inserts new s.8A into LA2003.
- Regulations to follow – with details.
- Applicant to submit two plans – one general, the other specific
- Powers to remove/amend old and new licence plans from public register if contain sensitive information

FINANCIAL IMPLICATIONS

- Cost of SIA as regulator - £32 – £72 million.
- Standard Duty premises costs £3,310 per site (10-year cost).
- Enhanced Duty costs - £52,100 per site (10-year cost).
- 178,900 sites impacted (out of 928,000 publicly accessible locations).

LICENSING ACT 2003

- Public safety objective
- Objections to new applications if not address Protect Duty?
- Reviews of existing licences for breach of duty?
- Avoid conditions trespassing on Martyn's Law (when in force):

“licence conditions ... should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation” (s.182 Guidance §1.16).



FURTHER INFORMATION

- Institute of Licensing – Martyn’s Law Guidance 2025 [IoL-Guidance-on-Martyns-Law-Final-130220262-1.pdf](#)
- Protect UK: <https://www.protectuk.police.uk/martyns-law>



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FURTHER INFORMATION

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