



Rt Hon Dame Diana Johnson DBE PC MP  
Chair of the Home Affairs Select Committee  
House of Commons  
London  
SW1A 0AA

02 May 2023

Dear Dame Diana,

### **Draft Terrorism (Protection of Premises) Bill**

I am writing to you following the publication in draft of the Terrorism (Protection of Premises) Bill (hereafter referred to as “Martyn’s Law” or “the Bill”) and our invitation for the Committee to conduct pre-legislative scrutiny of the draft legislation.

#### **Why we are seeking to introduce Martyn’s Law**

The threat from terrorism is evolving and enduring. One of the most significant long-term trends, irrespective of ideology, is individuals (or small groups) who plan or carry out terrorist attacks without being part of an organised terrorist group. This type of terrorism is not new, but it is now the most prevalent, and presents unique challenges for our counter terrorism response.

The threat picture also remains complex and, whilst low-complexity attacks involving low-sophistication attack methodologies remain most likely, the threat from more sophisticated attack methodologies still remains.

This is why it is right that Martyn’s Law should seek to improve protective security and organisational preparedness at a wide range of public premises across the UK. Those responsible for certain public premises will be required to consider the threat from terrorism and implement reasonably practicable mitigating measures. It will also establish an associated inspection and enforcement regime, which will seek to educate, advise, and ensure compliance with the requirements of the Bill.

#### **Qualifying premises**

Premises which undertake qualifying activities will be subject to the requirements of the Bill – the Bill defines these qualifying premises and includes activities such as entertainment, leisure, and retail.

Qualifying premises are separated into two tiers, with particular requirements applying to premises in each tier. Standard duty premises are premises with a capacity of 100 to 799, whereas enhanced duty premises have a capacity of 800 or over.

The Bill allows for provision to be made for some qualifying premises to be treated as standard duty premises when they would otherwise be enhanced duty premises, and vice versa.

### **Standard duty premises requirements**

Persons responsible for standard duty premises will be required to undertake low-cost and effective activities which seek to improve protective security and preparedness. This includes:

- ensuring that relevant workers are given appropriate terrorism protection training; and
- undertaking a standard terrorism evaluation in which they consider how best their premises can respond in the event of a terrorist event.

### **Enhanced duty premises and qualifying events requirements**

Persons responsible for enhanced duty premises and qualifying events will be required to ensure that:

- an enhanced terrorism risk assessment is completed (enhanced duty premises must ensure the terrorism risk assessment is reviewed);
- terrorism protection training is provided to relevant workers;
- reasonably practicable security measures are put in place;
- a security plan is kept and maintained; and
- that an individual is appointed as the designated senior officer for the premises (who will be responsible for coordinating completion of the terrorism risk assessment, for example)

### **Qualifying events**

Temporary events with a capacity of 800 or over will broadly be subject to the same requirements as enhanced duty premises – the Bill defines these as qualifying events.

In comparison to permanent premises, I recognise that the costs associated with the requirements in the Bill may not be borne equally. Therefore, in recognition of this I have decided not to subject temporary events with a capacity of 799 or fewer to any requirements under the Bill.

Proportionality is at the heart of this Bill, and there are still challenges to overcome. For that reason, I would be particularly interested in the Committee's views as to how best we can ensure that the measures concerning qualifying events are robust yet proportionate.

### **Impact Assessment**

As part of Bill development we completed an impact assessment which was considered by the Regulatory Policy Committee (RPC). The RPC assessed the impact assessment as "Not fit for purpose", giving a green rating for the assessment of direct impact on business but a red rating for the Small and Micro Business Assessment. This has resulted in a red rating overall.

This red rating reflects the nature of the requirements placed on business to consider the threat of terrorism as well as the novel nature of the legislation. Additionally, there is the wide-ranging scope of the legislation, applying at approximately 300,000 different premises across the UK. Pre-legislative scrutiny will be an opportunity for us to engage further and refine the legislation as appropriate, striking the right balance to ensure we protect the public without being overly burdensome on business. We will work to address the issues raised over the coming months and resubmit a revised impact assessment ahead of formal introduction. We have also committed to a comprehensive monitoring and evaluation plan to ensure the policy achieves its aims and maximises its effectiveness, while reducing any negative outcomes.

I would therefore also be interested in the Committee's views as to how best we can ensure that the measures that will apply to small and micro-businesses (SMBs) are robust yet proportionate, recognising that SMBs are included within our legislative proposals because terrorist attacks and plots have demonstrated that the public may be targeted at a broad range of public places, including those operated by SMBs.

Finally, the Government would like to thank Figen Murray, whose son Martyn Hett was tragically killed in the Manchester Arena attack, for the significant contribution she has made through her tireless campaign to introduce 'Martyn's Law'. We look forward to working with Figen and other stakeholders throughout the pre-legislative period to help gather their views on the Bill and encourage others to contribute too.

I look forward to working with you and the Committee as this important draft legislation is scrutinised. I am placing a copy of this letter in the House library.

Yours sincerely

**Rt Hon Tom Tugendhat MBE VR MP**  
Security Minister