

Terrorism (Protection of Premises) Bill

Explanatory notes

What these notes do

These Explanatory Notes relate to the Terrorism (Protection of Premises) Bill as published in Draft on 2 May 2023 (Bill CP 840).

- These Explanatory Notes have been prepared by the Home Office in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

1. The Terrorism (Protection of Premises) Bill will help keep people safe and enhance national security by ensuring preparedness for, and protection from, terrorist attacks. Proportionate new security requirements will be introduced for certain public venues and locations.

Policy background

2. The Government would like to thank Figen Murray, whose son Martyn Hett was killed in the Manchester Arena attack, for the significant contribution she has made through her tireless campaign to introduce ‘Martyn’s Law’ (The Terrorism (Protection of Premises) Bill). We look forward to working with Figen and other stakeholders throughout the pre-legislative period to help gather their views and encourage others to contribute too.
3. The first duty of the Government is to protect the public and ensure that citizens can go about their lives freely and with confidence. Beyond the profound impact on victims and their families, terrorism causes economic damage, not just to the sites attacked, but also to the wider economy through the fear caused by terrorism. This is why the aim of the Government’s Counter-Terrorism Strategy (CONTEST) is to “reduce the risk to the UK and its citizens and interests overseas from terrorism, so that people can go about their lives freely and with confidence.” The Bill will build upon two CONTEST pillars: Protect and Prepare.
4. This disruption has economic and social ramifications preventing people from going about their day to day lives. A single attack has the potential to cause multiple deaths and injuries, which would have significant impact on victims and their families. The financial impact of a single attack is described to be in the range of tens to hundreds of millions of pounds. 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).
5. 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 dominant, and presents unique challenges for our counter terrorism response. Attacks have tended to be ‘low-complexity’ involving ‘low-sophistication’ attack methodologies (e.g. knives, vehicles) with individuals often having no relationship with or direction from established terrorist groups – but low-sophistication attack methodologies do not mean less deadly. This trend is not exclusive, as such individuals are capable of higher-complexity attacks involving more sophisticated attack methodologies, such as the 2017 Manchester Arena bombing. This trend, from radicalised self-initiated actors, makes identification and disruption difficult, and it becomes increasingly challenging to predict threat at specific locations. However, the threat picture remains complex and, whilst low-complexity attacks involving low-sophistication attack methodologies remain most likely, the threat from more sophisticated attack methodologies remains.

6. The terrorist threat we currently face is multifaceted, diverse, and continually evolving. In MI5's recent annual threat update (November 2022), MI5 Director General Ken McCallum noted that "In a free country, detecting self-initiated terrorists – who often don't reveal their plans to anyone, and can move quickly and sometimes spontaneously from intent to violence – is an inherently hard challenge." Ken McCallum also stated that "Since the start of 2017, MI5 and the police have together disrupted 37 late-stage attack plots. That's another 8 potentially deadly plots disrupted since I gave my update last year. And as before it's a mix of Islamist and extreme right-wing terrorism".
7. In June 2021, the Manchester Arena Inquiry Chair published Volume One of his Report. This strongly criticised 'the lack of a duty to identify and mitigate the risk of terrorism...to provide adequate protection to the public,' issuing a monitored recommendation to introduce legislation to improve the safety and security of public venues¹. This was in addition to the Prevention of Future Deaths Report from the London Bridge and Borough Market Inquests, which also recommended the introduction of legislation to clearly set out the duties of owners and public authorities regarding protective security and a 2017 Intelligence and Security Committee (ISC) recommendation to do the same as part of a report considering the five 2017 attacks. The plans have been developed following a [public consultation](#) and extensive engagement with security partners, business and victims' groups, including Figen Murray and the Martyn's Law Campaign Team, and Survivors Against Terror.
8. The UK's approach to protective security at public venues has been entirely voluntary. The police, security services, and other partners go to extensive efforts to do all they can to combat the terror threat. There is an extensive programme of advice and guidance in place, developed by security experts (e.g. the National Protective Security Authority, the Centre for the Protection of National Infrastructure, CT Policing, and other partners) to provide those responsible for public places with high quality advice and guidance. Many businesses and organisations do excellent work to improve their security and preparedness. However, independent research conducted in 2019 showed that, without legal compulsion, counter terrorism security efforts are often deprioritised behind other legally required activities (e.g. fire safety). This results in inconsistent consideration and application of security processes and measures. The Government's view is that voluntary approaches have been exploited as much as possible, and it is now time to redress this position by setting out clear legislative requirements to turn the dial and deliver a step change in protective security and preparedness.
9. To aid in reducing the risk from terrorism and increase public safety, we must require a certain standard of protection. We must ensure there are consistent approaches to preparedness and protective security. We recognise the need to further improve security and

¹ [Recommendations – Manchester Arena Inquiry](#)

ensure robust, yet proportionate, measures at public venues; balancing the interests of business and organisations against the threat we face today.

What the Bill will do

10. A person responsible for qualifying public premises or a qualifying public event will be subject to the terrorism protection requirements set out in the Bill. A person is responsible for a qualifying public premises if the person has control of the premises or event, both of which must be accessible to the public as described in the Bill. Premises are included by reference to their use and both events and premises must have the minimum capacities specified. Qualifying public premises may be located within other premises, such as a retail store within a shopping centre. The requirements will not apply to premises (or parts thereof) that are used as private dwellings or offices.
11. Qualifying public premises may be either standard duty premises or enhanced duty premises. Enhanced duty premises are those with a public capacity of 800 individuals or more. Standard duty premises are those with a capacity of 100 to 799 individuals. The Bill allows for provision to be made for some premises to be treated as standard duty premises when they would otherwise be enhanced duty premises, and vice versa.
12. The requirements which will apply to enhanced duty premises will also apply to qualifying public events. These are public events held at premises that are not qualifying public premises with a capacity of 800 or over, where express permission is required to enter for the purpose of attending the event (with or without payment).
13. The public capacity of premises and events will be determined in accordance with regulations made by the Secretary of State. Such regulations might require some types of premises to determine their capacity differently from others.

Duties

14. Persons responsible for standard duty premises will be required to undertake what are intended to be low-cost activities which seek to improve protective security and preparedness. They will be required to ensure that relevant workers are given appropriate terrorism protection training. It is expected that they will be able to utilise free terrorism protection training materials to educate relevant personnel on the threat posed by terrorism, and the actions personnel should undertake in response. Persons responsible for standard duty premises will also be required to undertake a standard terrorism evaluation in which they consider how best to respond in the event of a terrorist event, e.g. procedures to evacuate their premises.
15. Persons responsible for enhanced duty premises or qualifying public events will also be required to ensure that terrorism protection training is provided to relevant workers at their premises. In addition, they must appoint an individual as the designated senior officer for the premises or event, and must complete and regularly review their terrorism risk assessment. In completing this assessment, they will consider the types of terrorist act most likely to occur at or around their premises or event and the 'reasonably practicable' measures that might be expected to reduce the risk of such an act occurring, or the risk of physical harm to individuals as a result of such an act.
16. Persons responsible for enhanced duty premises or a qualifying public event must implement reasonably practicable security measures to reduce the risk of, and harm caused by, terrorist

acts occurring at or near the premises or event. Measure must include, for example, those relating to monitoring the premises and vicinity and procedures to be followed in the event of an attack.

17. Persons responsible for enhanced duty premises or a qualifying public event must keep and maintain a security plan, which must also be provided to the regulator. The security plan documents, amongst other things, information about the premises or event, the persons responsible for the premises or event, and information arising out of compliance with the other requirements.
18. Other persons who to some extent have control over premises – whether qualifying public premises or those at a which a qualifying public event is to be held - will be under a duty to co-operate with the person responsible for the premises or event under the Bill insofar as it relates to a matter within that other person's control. For example, the person responsible for a store within a shopping centre must comply with the operator of the shopping centre as necessary for the operator to fulfil their duties under the Bill.
19. Persons responsible for both standard and enhanced duty premises will also be responsible for ensuring premises are registered with the regulator. Persons responsible for qualifying public events will be required to give notice of the event to the regulator.

Enforcement

20. We envisage that the majority of people will want to comply with the Bill, and to that end we foresee the regulator primarily providing a guidance function for businesses. However, in the event of non-compliance, the regulator will have a range of sanctions to swiftly address non-compliance and impose penalties where appropriate.

Sanctions

21. A credible sanctions regime with suitable sanctions is needed to enable the regulator to secure compliance where a person responsible for qualifying public premises or qualifying public event refuses to comply or the regulator identifies serious breaches. The Bill will provide the regulator with the ability to impose a range of civil sanctions which will be utilised to address non-compliance, reducing potential harm and, we expect, placing a lower burden on the criminal justice system in providing an alternative to criminal sanctions. Due to the seriousness of some contraventions and in line with other regulatory regimes, the Bill will nonetheless also provide for certain criminal offences.
22. The regulator will be able to issue a contravention notice to a person they consider to have contravened, or be contravening, a relevant requirement under the Bill. A notice will require the person to remedy the contravention by taking specified steps or providing evidence as to their compliance.
23. In rare cases, a restriction notice may be issued to a person in relation to enhanced duty premises or a qualifying public event. These notices are to be issued where 1) the regulator believes a person is contravening a requirement of the legislation and 2) it is necessary to impose qualifying pr on the use of the premises concerned to protect the public from the risk of harm arising from acts of terrorism.
24. The regulator will be able to issue civil monetary penalties. In many cases, it is expected that these will be issued following a failure to comply with a contravention or restriction notice. For standard duty premises, the regulator will have the power to issue a fixed penalty up to a maximum of £10,000. And for enhanced duty premises and qualifying public events, the regulator will be able to issue a maximum fixed penalty of the higher of £18m or 5% of worldwide revenue. It will be possible for the regulator to require payment of daily penalties

until a contravention ceases (up to a specified maximum amount), where non-compliance with a requirement persists after the period for payment of the fixed penalty expires.

25. It will be a criminal offence to fail to comply with a contravention notice (unless it relates to standard duty premises) or restriction notice and to provide false or misleading information in compliance, or purported compliance, with a requirement of the Bill.

Investigatory powers

26. The regulator will be equipped with a set of inspection powers (see Schedule 2) which will ensure that investigations into compliance at qualifying public premises and qualifying public events can take place. The Bill seeks to ensure that inspection activity is not hindered by obstruction or non-compliance with an inspector exercising their powers lawfully.
27. In order to ensure the effective functioning of these powers, the Bill includes criminal offences for failing to comply with an information notice and obstructing an inspector. In addition, the Bill will create a criminal offence for pretending to be an authorised inspector with intent to deceive.

Government consultation

28. As part of the development process the Government held an 18-week consultation, which closed on 2 July 2021 and received a total of 2,755 responses from a wide range of participants from across the UK and a variety of sectors.
29. 70% of respondents agreed or strongly agreed that those responsible for publicly accessible locations should take appropriate and proportionate measures to protect the public from terrorist attacks. 70% of respondents also agreed that responsible venues and organisations should prepare their staff to respond appropriately in the event of a terrorist attack.
30. When asked what criteria would best determine which venues a duty should apply to, the capacity of a venue was the most popular criterion. For those who considered capacity was the best criterion, over half considered that a threshold of 100 persons or more should determine venues in scope of the duty.

Legal background

31. Whilst there are already in existence legal requirements that could involve the consideration of the risks of terrorist attacks in relation to some buildings, there is no existing legal obligation to consider the risk of a terrorist attack occurring, and the harm that might arise if one did, across the range of premises to which this Bill will apply.
32. The creation of a new, statutory “Protect Duty” was a recommendation resulting from the public inquiry into the deaths of 22 victims at Manchester Arena on 22nd May 2017. The monitored recommendation (‘MR4’) was made by the Manchester Arena Inquiry Chair in his Volume 1 report which considered security at the arena.
33. The introduction of these statutory requirements is novel in the United Kingdom and the Bill does not amend, repeal or otherwise touch upon existing legal regimes, save for the provisions at clause 38 and Schedule 3 which amend the Licensing Act 2003.

Territorial extent and application

34. Clause 46 sets out the territorial extent of the Bill.

35. The provisions of the Bill extend and apply to England and Wales, Scotland and Northern Ireland, save for clause 38 and Schedule 3 which extend and apply to England and Wales only.

Commentary on provisions of Bill

Clause 1: The regulator

Clause 1: The regulator

36. This clause provides for a regulator, which will have the powers of inspection and enforcement set out in the Bill and, unless specified in regulations by the Secretary of State, will be the Secretary of State. A regulator specified in regulations must be a public authority as described in subsection (3).

Clauses 2 to 8: Qualifying public premises and events etc

Clause 2: Qualifying public premises

37. This clause defines “qualifying public premises”, which are the premises in respect of which a person may be subject to the requirements of the Bill (see clause 5 for the person responsible).
38. To be “qualifying public premises”, the premises must:
 - a. be primarily used for a use or uses specified in Schedule 1;
 - b. be accessible to the public (or a section thereof), including only in part; and
 - c. have a public capacity of 100 or more individuals (see clause 6 for public capacity).
39. The uses in Schedule 1 include use for the sale of food or drink (e.g. a bar), as a nightclub, the provision of entertainment (e.g. a theatre), as a sports ground and for recreation, exercise or leisure amongst others (see Schedule 1 to the Bill).
40. Subsection (2) sets out what public access to the premises means. For land in the open air, there must be express permission to access the premises but, for other premises, access may be by virtue of implied permission.
41. For these purposes, individuals who attend the premises as a place of work do not comprise a section of the public and access to premises by a member of the public does not include access solely by such individuals.
42. Subsections (3) and (4) clarify that there may be qualifying public premises within other premises (for example, a store within a shopping centre or cinema within an entertainment complex). Where this is the case, the Bill will apply to each of those premises as well as the larger premises, if they are each qualifying public premises.

Clause 3: Standard duty premises and enhanced duty premises

43. This clause defines the terms “enhanced duty premises” and “standard duty premises”, which are used throughout the Bill.
44. Enhanced duty premises are qualifying public premises with a public capacity of 800 or more individuals.
45. Standard duty premises are qualifying public premises which are not enhanced duty premises.

Clause 4: Qualifying public events

46. This clause defines “qualifying public event”, which are the events in respect of which a person may be subject to certain of the requirements of the Bill (see clause 5 for the person responsible).
47. To be a “qualifying public event”, the event must satisfy the following conditions:
 - a. it is to be held at premises which are not qualifying public premises;
 - b. those premises (or parts thereof) are accessible to the public, or a section of the public, for the purpose of attending the event; and
 - c. the public capacity of the premises is 800 or more individuals.
48. Subsection (2) states access to the event by members of the public must be by express permission only (whether or not on payment).
49. For these purposes, individuals who attend the premises as a place of work, including to work at an event, do not comprise a section of the public and access to the premises does not include access solely by such individuals.

Clause 5: Persons responsible for qualifying public premises or events

50. This clause sets out the persons responsible for qualifying public premises or a qualifying public event:
 - a. For qualifying public premises, they will be the person who has control of the premises, as the occupier or otherwise, in connection with their relevant Schedule 1 use; and
 - b. For qualifying public events, they will be the person in control of the premises at which the event is to be held in connection with their use for that event.
51. Subsection (2) provides that if there is more than one person responsible under subsection (1), then references in the Bill are to each such person, and that those persons may act jointly in fulfilling the requirements of the Bill.
52. Subsection (3) clarifies that subsections (1) and (2) are subject to any provisions in Schedule 1 which specify the person responsible for premises of a particular description.
53. Subsection (4) explains the meaning of “relevant Schedule 1 use” for the purpose of the Bill.

Clause 6: Capacity of premises

54. This clause sets out that “public capacity” is to be determined in accordance with regulations made by the Secretary of State.
55. Subsection (2) states that the regulations may (among other things) make different provision in relation to premises, or parts thereof, of different descriptions. In making provision, the Secretary of State may make reference to a document issued by them or another person. The Secretary of State may confer functions on the regulator under said regulations.

Clause 7: Parts of premises to be disregarded

56. This clause provides that the requirements of the Bill are to be disregarded – i.e. do not apply - in relation to any parts of qualifying public premises or premises at which a qualifying public event is to be held which are used as private dwellings or as an office or for office purposes, or to which a listed transport security regime applies. Subsection (1)(d) provides the Secretary of State with the power to specify other parts of qualifying public premises which are to be

disregarded for the purposes of requirements under the Bill.

57. Subsection (2) lists the transport security regimes which, if applicable to premises, means that the premises will not be subject to the requirements of the Bill. For example, the requirements of the Bill should be disregarded in respect of an airport – and premises within that airport (such as a restaurant) – for which a security plan under section 24AE of the Aviation Security Act 1982 is in force.

Clause 8: Powers to amend or modify application of Act

58. Subsection (1)(a) provides for a power to substitute a different figure for the minimum public capacity of qualifying public premises, qualifying public events or enhanced duty premises.
59. Subsection (1) is otherwise self-explanatory and its use is subject to the limitations in subsection (2).

Clauses 9 and 10: Registration of premises and notification of events

Clause 9: Registration of qualifying public premises

60. This clause provides that the person responsible for qualifying public premises must ensure that the premises are registered with the regulator as provided in this clause.
61. The regulator must register the premises on application by the person made in accordance with this clause and regulations under it. Subsections (4) to (7) set out the matters about which the Secretary of State may make particular provision in said regulations.
62. The regulator must remove premises from the register if it appears to the regulator that they are not, or are no longer, qualifying public premises, as provided in subsection (3).

Clause 10: Notification of qualifying public events

63. This clause imposes a requirement on the person responsible for a qualifying public event to ensure that the regulator is notified of the event in accordance with the clause and any regulations made under it. Subsections (3) to (5) set out the matters about which the Secretary of State may make particular provision in said regulations.
64. Such notification must be given before, or as soon as is reasonably practicable after, details of the event are first made available to members of the public or a section of the public and, in any event, before the event begins, as set out in subsection (2).

Clauses 11 and 12: Evaluation and assessment of terrorism risk

Clause 11: Standard terrorism evaluation

65. This clause provides that the person responsible for standard duty premises must:
 - a. ensure that a standard terrorism evaluation of the premises has been completed;
 - b. ensure that the evaluation is reviewed in accordance with subsection (2);
 - c. from time to time revise the evaluation to keep it up to date;
 - d. ensure that a copy of the most recent evaluation is made available to each individual who uses the premises as a place of work; and
 - e. if requested to do so by the regulator; provide a copy of the current evaluation.
66. The evaluation must be reviewed each time a material change is made to the premises or to

the use of the premises, and before the end of the period of 12 months starting on the day on which the evaluation or most recent review was completed. The meaning of “material” is at subsection (3).

67. A standard terrorism evaluation is to be completed in such form as may be specified in a notice by the Secretary of State, and subsections (4)(a) to (4)(f) set out the matters about which the evaluation must provide information.
68. Subsection (5) provides that the Secretary of State may prescribe different versions of the standard terrorism evaluation for premises of different descriptions.

Clause 12: Enhanced terrorism risk assessment

69. This clause provides that the person responsible for enhanced duty premises or a qualifying public event must ensure that a terrorism risk assessment of the premises has been completed and, from time to time, revise the risk assessment to keep it up to date.
70. For enhanced duty premises, the assessment must be reviewed each time a material change is made to the premises or use of the premises and, in any event, before the end of the period of 12 months, from the date on which the risk assessment or most recent review was completed. The meaning of “material” is at subsection (3).
71. For qualifying public events, the terrorism risk assessment must be completed at least 3 months before the date on which the event will commence, or where details of the event are first made available to the public less than 3 months before it begins, as soon as reasonably practicable after they are made public but before the event begins.
72. A terrorism risk assessment for both enhanced duty premises and qualifying public events is, as set out in subsection (5), an assessment of:
 - a. the types of acts of terrorism that are most likely to occur at, or in the immediate vicinity of, the premises or event (if they were to occur);
 - b. the reasonably practicable measures that might be expected to reduce the risk of acts of terrorism of the types in (a) occurring at, or in the immediate vicinity of, the premises or event;
 - c. the reasonably practicable measures that might be expected to reduce the risk of physical harm to individuals if acts of terrorism of the types in (a) were to occur at, or in the immediate vicinity, of the premises or event; and
 - d. other matters specified in regulations.
73. Upon conducting or reviewing a terrorism risk assessment, regard must be had to:
 - a. the size and other characteristics of the enhanced duty premises or the premises at which the qualifying public event is to be held;
 - b. existing measures in place in relation to the premises;
 - c. for enhanced duty premises, the current and likely future uses of the premises; and
 - d. for qualifying public events, the nature of the event.

Clauses 13 and 14: Provision of terrorism protection training

Clause 13: Duty to provide terrorism protection training

74. This clause provides that the person responsible for qualifying public premises or a qualifying public event must ensure that relevant workers have been provided with terrorism protection

training in relation to the premises or event.

75. A “relevant worker” is an individual who works at, or in connection with, the premises or event and who has responsibilities that make terrorism protection training appropriate. Subsection (3) is self-explanatory in setting out what matters are irrelevant to whether a person is a “relevant worker”.
76. For qualifying public premises, terrorism protection training must be provided:
- a. before, or as soon as reasonably practicable after, the relevant worker first assumes the responsibilities mentioned in subsection (2)(b);
 - b. for enhanced duty premises, as soon as reasonably practicable after the preparation or material revision of a terrorism risk assessment; and
 - c. in any case, before the end of 12 months from the date on which the relevant worker was last provided with terrorism protection training.
77. For qualifying public events, terrorism protection training must be provided before the event begins.

Clause 14: Content of terrorism protection training

78. This clause sets out the meaning of terrorism protection training in relation to qualifying public premises (i.e. both standard and enhanced duty premises) or a qualifying public event.
79. Subsection (2) states that the terrorism protection training provided under clause 13 must be appropriate to the:
- a. size and other characteristics of the qualifying public premises or the premises at which the qualifying public event is being held;
 - b. in respect of qualifying public premises, the use of the premises (including but not limited to uses specified in Schedule 1);
 - c. in relation to a qualifying public event, the nature of the event; and
 - d. the responsibilities of the relevant worker in relation to the premises or event.

Clause 15: Enhanced duty to take security measures

Clause 15: Security measures

80. This clause requires that the person responsible for enhanced duty premises or a qualifying public event must ensure that all such reasonably practicable measures are put in place in relation to the premises or event as might (cumulatively) be expected to reduce:
- a. the risk of acts of terrorism occurring at, or in the immediate vicinity of, the premises or event, and
 - b. the risk of physical harm to individuals in the event that acts of terrorism were to occur at, or in the immediate vicinity of, the premises or event.
81. Subsection (2) sets out that where a risk assessment has been conducted and reviewed, further references within this clause to acts of terrorism are to acts of the types identified in that risk assessment.
82. The measures that must be included are listed at subsection (3) and include procedures to be followed in the event that an act of terrorism was to occur on the premises or at the event (or in the immediate vicinity) of the sort listed at subsection (5).

83. Subsection (6) clarifies that nothing in the clause requires a person to take any step which is not within their power to take, or which would place a disproportionate burden upon that person (having regard to their resources and the premises to which the step relates).

Clauses 16 and 17: Coordinating and recording compliance with enhanced duties

Clause 16: Designated senior officers

84. This clause provides that the person responsible for enhanced duty premises or a qualifying public event must ensure that an individual is appointed as the designated senior officer for the premises or event and that the regulator is notified of, and kept updated as to, that individual's name and contact details.
85. If the person responsible for premises or an event is an individual, the designated senior officer may either be that person or another individual that has managerial responsibility in relation to the premises or event.
86. If the person responsible for the premises or an event is a body corporate, the designated senior officer must be a director, manager, secretary or other similar officer of the body.
87. Subsection (4) sets out the responsibilities that the person responsible for enhanced duty premises or a qualifying public event must afford to the designated senior officer. These responsibilities concern co-ordination of risk assessments, of the preparation and maintenance of security plans, and of responses to any notice or other communication made by the regulator to the person responsible for the premises or event.
88. A notice under the Bill – e.g. a contravention notice – may be given to the designated senior officer for the premises or event, as described in subsection (6).

Clause 17: Security plans

89. This clause provides for a requirement that the person responsible for enhanced duty premises or a qualifying public event must ensure that a security plan relating to the premises or event is prepared and maintained.
90. A person responsible for enhanced duty premises or a qualifying public event must provide an up-to-date copy of the security plan to the regulator as soon as reasonably practicable after the completion or material revision of a terrorism risk assessment of the premises or event, or if requested to provide the security plan by the regulator, within such reasonable period as the regulator may specify.
91. Subsection (3) sets out the matters that a security plan must contain.
92. A security plan must be prepared in the format specified in a notice by the Secretary of State.

Clauses 18 to 20: Cooperation and dispute resolution

Clause 18: Cooperation of other persons with control of premises

93. This clause provides that where there is a person responsible for qualifying public premises or a qualifying public event (R), R may give another person (P) a cooperation notice if:
- a. P has to any extent control of the qualifying public premises or the premises at which the event is to be held;
 - b. a requirement imposed on R by or under the Bill relates to a matter that is within P's control; and

c. in order to comply with the requirement, R reasonably requires the cooperation of P.

94. A cooperation notice must specify the matters set out in subsection (2) and must also be sent to the regulator.
95. If R gives a cooperation notice to P, P must take the steps specified in the notice within the period specified in that notice for taking the steps but, as subsection (5) sets out, nothing in this clause requires P to take any step which is not within their power to take or which would place a disproportionate burden upon them.

Clause 19: Cooperation with persons responsible for fire safety

96. This clause applies where there is a person responsible for the qualifying public premises or qualifying public event (R), and there are one or more persons other than R who are responsible persons as set out by article 3 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), in relation to the premises concerned.
97. In such circumstances, R must cooperate with each person under Article 3 of the 2005 Order in the performance of their duties in relation to the qualifying public premises or premises at which an event is to be held (including relevant parts of those premises).

Clause 20: Determinations by the tribunal

98. This clause provides for an “interested person” to apply to the tribunal for a determination of certain matters set out in subsection (1).
99. The tribunal, on application by an interested person (the regulator or a person who has, to any extent, control of the premises or event to which the application relates or the premises at which the event is to be held), to give directions to a person who is responsible for complying with a requirement under the Bill as to how that requirement is to be discharged.

Clause 21: Investigatory powers

Clause 21: Investigatory powers

100. This clause provides for the investigatory powers of the regulator set out in Schedule 2 to the Bill.

Clauses 22 to 25: Enforcement

Clause 22: Contravention notices

101. This clause enables the regulator to issue a contravention notice to a person where the regulator has reasonable grounds to believe that the person is failing to comply, or has failed to comply, with a relevant requirement. The effect of the notice will be to impose a requirement to remedy the non-compliance – by complying with the specified relevant requirement - within a specified period. As part of the notice, the regulator may specify steps that the person is required to take in order to comply with the notice.
102. Subsection (3) sets out what must be contained within a notice and subsection (4) what that notice may require, namely that it may require the person to take specified steps to comply or provide evidence that they are complying, or have complied, with the notice.
103. Before giving a notice to a person, the regulator must notify the person that they intend to issue a notice, and give reasonable opportunity to make representations about the giving of the notice.
104. Only one notice can be issued per contravention under subsection (6) but this would not prevent the regulator from issuing contravention notices for new contraventions that occurred

at a future date, if they were of the same nature as previous contraventions for which a notice was issued.

105. Subsections (7) and (8) make provision for the regulator to vary or withdraw contravention notices but any decision to vary a notice cannot introduce more onerous requirements.

106. A “relevant requirement” is a requirement imposed by or under any of clauses 9 to 19.

Clause 23: Restriction notices

107. This clause provides that the regulator may issue a restriction notice to a person responsible for enhanced duty premises or a qualifying public event, or anyone else who to any extent has control of the specified premises, where the regulator has reasonable grounds to believe that:

- a. a person is contravening, or has contravened, a relevant requirement (whether or not that person is the recipient of the notice);
- b. that requirement relates to enhanced duty premises or qualifying public event; and
- c. giving the notice is necessary to protect the public, or a section of the public, from the risk of harm arising from acts of terrorism at, or in the immediate vicinity of, the premises or event.

108. The person to whom the restriction notice is served must take such steps as may reasonably be expected to ensure that use of the specified premises is prevented or restricted as specified in the notice. Subsection (4) sets out the content required for a valid notice, including the reasons for the notice, the period of its effect, consequences and appeal rights.

109. Subsection (5) sets out the types of restrictions that can be imposed by a notice.

110. Before issuing a restriction notice, the regulator must notify the person that they intend to issue a notice and give a reasonable opportunity to make representations unless it is a case of urgent need (see subsections (7) and (8)).

111. The regulator may vary or withdraw the restriction notice but any decision to vary a notice cannot introduce more onerous requirements.

112. A “relevant requirement” is a requirement imposed by or under any of clauses 9 to 19.

Clause 24: Duration of restriction notices

113. This clause sets out the maximum length of time for a restriction notice to have effect unless extended.

114. The regulator will be able to issue a restriction notice for an initial maximum period of 6 months. Prior to the notice expiring the regulator will be able to extend the notice if the conditions outlined in clause 23(1) still prevail. Whilst no extension can exceed 3 months, more than one extension can be made.

115. Prior to extending the notice the regulator must notify the person of their intention to extend and provide reasonable opportunity for representations to be made.

Clause 25: Appeals in relation to contravention notices and restriction notices

116. This clause sets out that a person who is given a contravention notice or restriction notice may appeal to the tribunal against the giving of the notice or a particular provision contained within it. Decisions to extend or vary a notice may also be appealed under this clause.

117. Subsection (2) is self-explanatory in setting out the timeframe for when an appeal must be lodged and, unless the tribunal directs otherwise, the bringing of an appeal will under

subsection (9) suspend the effect of a contravention notice pending the resolution of the appeal, but the requirements of a restriction notice will continue to have effect (unless expired or withdrawn before the appeal concludes).

118. The grounds on which an appeal can be made are set out in subsection (5).

119. The tribunal can, when determining an appeal, review any determination of fact on which the relevant decision was based and consider evidence that was not available to the regulator at the time.

120. Subsections (3), (4) and (6) to (8) are self-explanatory in setting out how an appeal may be determined.

Clauses 26 to 33: Monetary penalties

Clause 26: Penalty notices

121. This clause gives the regulator the power to issue a penalty notice where it is satisfied, on the balance of probabilities, that a person is failing to meet – or has failed to meet - a requirement imposed by or under any of clauses 9 to 19, 22 or 23.

122. A penalty notice requires a person to pay a penalty of a specified amount (“fixed penalty”) to the regulator in a specified time period. Only one such notice can be given in respect of a single contravention and a notice cannot require a person to pay more than the maximum amounts specified in clause 29. A penalty notice need not follow a contravention notice or restriction notice.

123. A person may must be given a period of no fewer than 28 days to pay the penalty, as set out in subsection (5).

124. Whilst the regulator may vary or withdraw a penalty notice, they may not increase the amount of penalty, shorten the period for payment, or add a requirement to pay daily penalties by varying an existing notice.

Clause 27: Daily penalties

125. If a penalty notice is given to a person, that notice may in addition to imposing a fixed penalty require the payment of a daily penalty. This will be payable where the specified time period for paying the penalty has passed but the contravention continues, with the daily penalty being incurred until the contravention is rectified (or total amount reached). The total amount of daily penalties for which a person may be liable cannot exceed the amount of the fixed penalty specified in a penalty notice.

126. Where a fixed penalty imposed relates to standard duty premises, the daily penalty must not exceed £500 a day.

127. Where a fixed penalty imposed relates to enhanced duty premises or a qualifying public event, the daily penalty must not exceed 1% of the amount of the fixed penalty.

Clause 28: Determining the amount of a penalty

128. This clause provides that the amount imposed by a penalty notice must be of an amount that the regulator considers to be both appropriate and proportionate to the contravention in respect of which it is imposed.

129. In determining the amount, the regulator must consider (amongst other things) the effects of the contravention, the actions taken by the person to rectify or mitigate the contravention, and any statement issued by the Secretary of State for the purpose of determining the amount of a penalty.

Clause 29: Maximum amounts of fixed penalties

130. This clause sets out the maximum amounts of the fixed penalty that can be issued to a person by way of a penalty notice.
131. If the fixed penalty relates to standard duty premises, the maximum amount is £10,000.
132. If the fixed penalty relates to enhanced duty premises or a qualifying public event, the maximum amount is whichever is the greater of—
- a. £18 million, or
 - b. 5% of the person's qualifying worldwide revenue.
133. A person's qualifying worldwide revenue will be determined in accordance with regulations made by the Secretary of State.
134. The Secretary of State may, through regulations, amend the maximum amounts mentioned above.

Clause 30: Penalty notices: procedure

135. This clause sets out the procedures that the regulator must follow before issuing a penalty notice and outlines what information must be contained in a penalty notice.

Clause 31: Appeals against penalties

136. This clause provides that where a person is issued with a penalty notice they will have a right of an appeal to the tribunal. They will be able to appeal the decision to give a penalty notice, the amount of the fixed penalty or any daily penalty imposed by the notice, the period in which the penalty must be paid, and any variation of the penalty notice.
137. Subsection (2) sets out the timeframe for when an appeal must be lodged and, unless the tribunal directs otherwise, the bringing of an appeal will under subsection (8) suspend the effect of a penalty notice pending the resolution of the appeal (unless withdrawn).
138. The grounds on which an appeal can be made are set out in subsection (4).
139. Subsections (3) and (5) to (7) are self-explanatory in setting out how an appeal may be determined.

Clause 32: Recovery of penalties

140. This clause outlines the process for recovering unpaid financial penalties for each part of the United Kingdom and that sums received by the regulator by way of a penalty or interest on a penalty are to be paid into the Consolidated Fund.

Clause 33: Double jeopardy

141. Under this clause, a person is not liable to a penalty under the Bill in respect of anything in respect of which the person has been convicted of an offence under the Bill.

Clauses 34 and 35: Offences

Clause 34: Offences

142. This clause provides that a person commits an offence if that person has failed to comply with a contravention notice that was given in relation to an enhanced duty premises or qualifying public event (subsection (1)). Where it relates to standard duty premises, a failure to comply with a contravention notice is not an offence.
143. Similarly, a person commits an offence if the person fails to comply with a restriction notice

(subsection (2)). A restriction notice can only be issued in relation to enhanced duty premises and qualifying public events.

144. It is a defence to both offences above for a person (P) to show that they took all reasonable steps to comply with the notice. Subsection (4) clarifies that the Defendant carries only the evidential burden.

145. P may not rely upon the defence if it involves a “third-party allegation” unless P has given notice to the prosecutor in accordance with subsections (7) to (10) or obtained the permission of the court, as stated in subsection (5).

146. A “third party allegation” is an allegation that the failure was due to either the act or omission of another person or P’s reliance on information provided by another person, as explained in subsection (6).

147. Subsection (11) provides that it is also an offence for a person to provide false or misleading information to the regulator in compliance, or purported compliance, with a requirement imposed on the person by or under this Bill., if they know that, or are reckless as to whether, the information is false or misleading.

148. The sentences on conviction for an offence under this clause are set out in subsection (12).

Clause 35: Offences by directors, partners etc

149. This clause provides that, where a corporate body commits an offence, and it is proved that the offence has been committed with the consent or connivance of a person listed in subsection (2) or is due to neglect on the part of such a person, that person is guilty of the offence as well as the body corporate.

150. Subsection (2) lists a director, manager, secretary or other similar officer of the body and any person purporting to act in such a capacity. Subsection (3) provides for circumstances in which a body corporate is managed by its members.

151. Subsections (4) makes equivalent provision for Scottish partnerships.

Clauses 36 and 37: Guidance

Clause 36: Guidance about requirements

152. This clause provides that the Secretary of State must issue guidance regarding the discharge of requirements placed upon persons under the Bill and may revise or reissue the guidance.

153. Such guidance may be in a form that the Secretary of State deems appropriate, including online training material. In addition, the guidance may make provision by reference to documents issued by the Secretary of State or any other person.

154. Proof of compliance with the relevant guidance can be relied as tending to establish that there was no contravention by the person, where subsection (4) applies.

Clause 37: Guidance about the exercise of the regulator’s functions

155. This clause requires the regulator to issue guidance as to how it proposes to exercise its functions under the Bill. This must be kept under review and may be revised by the regulator. Subsection (3) sets out the procedural requirements for such guidance to be issued by the regulator under this clause.

Clause 38: Licensing applications for premises at heightened terrorism risk

Clause 38: Licensing of premises at heightened terrorism risk

156. This clause introduces the amendments of the Licensing Act 2003 set out in Schedule 3 to the Bill, to prevent the disclosure of plans of certain premises held by licensing authorities, where this is considered necessary to reduce the risk of their possible use to assist terrorist activity.

Clauses 39 to 48: General

Clause 39: Data protection

157. This clause provides that that disclosure of information under the Bill, or any regulations made under the Bill, does not constitute a breach of any obligation of confidence owed by the person making the disclosure or any other restriction on the disclosure of information.

158. It also provides that nothing in the Bill requires or authorises disclosure of information that would contravene data protection legislation (within the meaning of section 3 of the Data Protection Act 2018).

Clause 40: Means of giving notices

159. This clause details the way in which a notice under the Bill may be given to a person e.g. a notice could be handed to the person or posted.

Clause 41: Further provision about notices

160. This clause enables the Secretary of State to make, through regulations, further provision about notices.

Clause 42: Civil liability

161. This clause provides that, unless otherwise provided, the Bill does not confer a right of action in any civil proceedings – such as in tort – in respect of a contravention of a requirement under the Bill. This is without prejudice to any right of action that exists independently of the Bill.

Clause 43: Interpretation

162. This clause defines key terms used in the Bill, including “contravention”, “terrorism” and “the tribunal”. In particular, subsections (3), (4) and (6) define “premises”, “building” and “measures” respectively, and subsection (5) explains that any reference in the Bill to a person as having control of premises is a reference to them having control as occupier or otherwise.

Clause 44: Regulations

163. This clause provides that, save for regulations under those provisions listed in subsection (5), any regulations under the Bill are to be made subject to annulment by a resolution of either House of Parliament (the “negative procedure”).

164. Regulations under the provisions listed in subsection (5) must be laid in draft before, and approved by, both Houses of Parliament (the “affirmative procedure”).

Clause 45: Extent

165. Save for clause 38 and Schedule 3, which extend to England and Wales only, the provisions of this Bill extend to England and Wales, Scotland and Northern Ireland.

Clause 46: Commencement and transitional provision

166. This clause provides for itself and clauses 39 to 45 and 47 to come into force on the day the Bill is passed.
167. The other provisions of the Bill come into force on such day as is appointed by regulations made by the Secretary of State.
168. Regulations under this section may include provision of the sort mentioned in subsections (3) and (4). They are to be made by statutory instrument but are not subject to the negative or affirmative Parliamentary procedure.

Clause 47: Short title

169. This Bill, as enacted, is to be cited as the Terrorism (Protection of Premises) Act 2023.

Schedules

Schedule 1: Specified uses of premises

170. Schedule 1 specifies uses of premises for the purposes of identifying qualifying public premises and “relevant Schedule 1 uses” (see clauses 2 and 5).
171. The Secretary of State has the powers in clause 8 to amend this Schedule to specify further uses; specify that qualifying public premises that would ordinarily be enhanced duty premises with relevant Schedule 1 use of a particular description are to be treated as standard duty premises and vice versa; specify the person responsible for qualifying public premises with a relevant Schedule 1 use of a particular description; and remove or modify a provision of the Schedule.

Schedule 2: Investigatory powers

172. This Schedule provides for the investigatory powers that will be available to inspectors authorised by the regulator for the purposes of a terrorism protection investigation. These powers allow the inspector to assess compliance and determine whether a requirement of the Bill has been, or is being, contravened, or an offence under the Bill has been, or is being, committed.
173. Paragraph 2 sets out the process by which an inspector may be authorised to exercise these powers by the regulator. Only authorised inspectors will be able to exercise the powers set out in this Schedule.
174. The Schedule sets out the powers which will be given to an inspector by the Bill. The powers are as follows:
- a. information gathering powers (paragraph 3): the power to - by notice - require a person to provide specified information, or information of specified descriptions, by a specified date; or to attend at a specified time and place and provide information by answering questions (an interview). Safeguards have been built into this power, including that a person is not required to provide information which might incriminate themselves, and that information provided by the person is not admissible in evidence against them in criminal proceedings except as specified;
 - b. powers of entry without a warrant (paragraph 4): on at least 72 hours’ notice and at a reasonable hour, an inspector may enter qualifying public premises or premises at which a qualifying public event is to be held to inspect the premises and undertake other investigatory activity listed, as necessary for the purposes of a terrorism protection investigation;

- c. entry with a warrant (paragraphs 5 and 6): an inspector may apply for, and execute, a warrant of entry to premises in the UK that are not mainly or wholly used as a private dwelling where the power of entry in paragraph 4 is not available or suitable.

175. Entry under paragraphs 4 to 6 allows the inspector to be accompanied by any person required for any purpose for which the inspector is exercising the power of entry. This might include a technical expert, who can advise on the details of particular security measures, or a constable.

176. Paragraphs 7 and 8 concern evidence of the inspector's authority and the retention of evidence obtained under this Schedule.

177. Paragraph 9 sets out criminal offences in relation to investigations:

- a. there is a criminal offence for failing to comply with an information notice under paragraph 3, with it being a defence to show that the person took all reasonable steps to comply. The offence is summary only and, on conviction, a person is liable to a fine; and
- b. there are the offences of intentionally obstructing an authorised inspector in the performance of their powers under this Schedule, and of falsely pretending, with intent to deceive, to be an authorised inspector. These offences are triable either way and, on conviction on indictment, a person is liable to imprisonment for a term not exceeding 2 years and/or a fine.

178. Paragraph 10 maintains the protection of legal professional privilege (or, in Scotland, confidentiality of communications) in not conferring a power to require information to be provided or to seize anything over which a claim to such privilege could be claimed in legal proceedings.

Schedule 3: Licensing of premises at heightened terrorism risk

179. Schedule 3 amends the Licensing Act 2003. Currently, the Act requires that operating schedules and premises plans for all licensed premises must be made available for inspection by the public, free of charge, with no requirement for the person seeking to inspect the documents to provide identification or name or address information.

180. The plans could be used for hostile reconnaissance, to prevent this the Government is amending the Licensing Act 2003.

181. The amendments will require a licensing authority not to make a plan of premises available for inspection, or to supply any person with a copy of the plan, where it has received a "terrorism protection statement" in relation to the premises to which the plan relates. The statement must be certified by "an appropriate security advisor",.

182. Plans will still be provided by the licensing authority to other responsible authorities such as local police and fire teams.

183. A "terrorism protection statement", in relation to premises, is a statement that, in the opinion of an appropriate security adviser, the premises are at heightened risk of being a target of terrorist activity. A set of criteria is currently under development.

Commencement

184. Clauses 39 to 47 come into force on the day which the Bill is passed.
185. The other provisions in the Bill will come into force on such day as the Secretary of State may by regulations appoint, and different days may be appointed for different purposes. The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Bill.

Financial implications of the Bill

Cost of Regulator to Government

186. The majority of the financial cost to Government stems from the need for a regulator to ensure that premises meet the requirements of the Bill. There are currently multiple options being considered for how this role will be carried out including the responsibility being undertaken by an existing body or a new body being created.
187. The set-up costs to Government of the regulator include the staffing and non-staffing costs of both the regulator itself and a Home Office based support team. They also include the costs of handling cases and appeals. The ongoing costs to government will include the salaries of inspectors and other staff as well as non-staff running costs. These are assumed to be constant over the 10-year appraisal period, with changes in the cost being due to economic discounting. There will also be ongoing costs relating to the additional burden on the Criminal Justice System for dealing with additional offences alongside ongoing court costs.
188. The financial cost of the regulator to Government is estimated to be between £89 million to £178 million with a central estimate of £130 million (2022 prices). This cost is based on the assumption that the regulator will be a new arms' length body. All costs have been discounted in accordance with HMT Green Book guidance.

Other Costs to Government

189. Outside of the costs of the regulator to Government there will be an additional cost to local authorities due to the administrative burden of removing premise plans from the public domain in response to terrorism protection statements under the Licensing Act 2003 as amended by Schedule 3 to the Bill. The majority of these costs are the set-up costs including familiarisation and the administrative cost of removing already existing premises' plans from the public domain. For new premises, these plans will simply not be filed in a way that makes the relevant parts publicly accessible. This means ongoing costs are negligible.
190. There will be cost borne by both local authorities and central government in bringing the sites they own and operate into compliance with the Bill. There will be economic costs of lost productive time for sites in the standard tier with a central estimate of £2000 per site (10-year cost) for the cost of bringing sites into compliance. It is currently unknown the exact cost to Government from publicly owned sites that fall under the Bill, but it is estimated there are 9,100 sites which are owned by Local Authorities and Central Government and a large proportion of these sites such as schools will be subject to the requirements of the Bill. The cost of bringing these sites into compliance will be borne by Local Authorities. For sites in the enhanced tier, local authorities could face a cost of £80,000 per site (10-year cost) to bring them into compliance with the Bill.

Parliamentary approval for financial costs or for charges imposed

191. This section is not required at this stage, this will be needed when the explanatory notes are prepared for the final Bill when it is introduced.

Compatibility with the European Convention on Human Rights

192. The Government considers that the Bill is compatible with the European Convention on Human Rights. Accordingly, a statement under section 19(1)(a) of the Human Rights Act 1998 will be made.

Related documents

193. The following documents are relevant to the Bill and can be read at the stated locations:

- [Protect Duty consultation document - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Government response document - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Annex A - Territorial extent and application in the United Kingdom

Schedule 1: The Bill extends to the whole of the United Kingdom. Clause 34 and Schedule 3 apply only to England and Wales.

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 1	Yes	Yes	No	Yes	No	Yes	No
Clause 2	Yes	Yes	No	Yes	No	Yes	No
Clause 3	Yes	Yes	No	Yes	No	Yes	No
Clause 4	Yes	Yes	No	Yes	No	Yes	No
Clause 5	Yes	Yes	No	Yes	No	Yes	No
Clause 6	Yes	Yes	No	Yes	No	Yes	No
Clause 7	Yes	Yes	No	Yes	No	Yes	No
Clause 8	Yes	Yes	No	Yes	No	Yes	No
Clause 9	Yes	Yes	No	Yes	No	Yes	No
Clause 10	Yes	Yes	No	Yes	No	Yes	No
Clause 11	Yes	Yes	No	Yes	No	Yes	No
Clause 12	Yes	Yes	No	Yes	No	Yes	No
Clause 13	Yes	Yes	No	Yes	No	Yes	No
Clause 14	Yes	Yes	No	Yes	No	Yes	No
Clause 15	Yes	Yes	No	Yes	No	Yes	No
Clause 16	Yes	Yes	No	Yes	No	Yes	No
Clause 17	Yes	Yes	No	Yes	No	Yes	No
Clause 18	Yes	Yes	No	Yes	No	Yes	No
Clause 19	Yes	Yes	No	Yes	No	Yes	No
Clause 20	Yes	Yes	No	Yes	No	Yes	No
Clause 21	Yes	Yes	No	Yes	No	Yes	No
Clause 22	Yes	Yes	No	Yes	No	Yes	No
Clause 23	Yes	Yes	No	Yes	No	Yes	No
Clause 24	Yes	Yes	No	Yes	No	Yes	No
Clause 25	Yes	Yes	No	Yes	No	Yes	No
Clause 26	Yes	Yes	No	Yes	No	Yes	No
Clause 27	Yes	Yes	No	Yes	No	Yes	No
Clause 28	Yes	Yes	No	Yes	No	Yes	No
Clause 29	Yes	Yes	No	Yes	No	Yes	No

These Explanatory Notes relate to the Terrorism (Protection of Premises) Bill as published in Draft on 2 May 2023 (Bill CP 840)

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 30	Yes	Yes	No	Yes	No	Yes	No
Clause 31	Yes	Yes	No	Yes	No	Yes	No
Clause 32	Yes	Yes	No	Yes	No	Yes	No
Clause 33	Yes	Yes	No	Yes	No	Yes	No
Clause 34	Yes	Yes	No	Yes	No	Yes	No
Clause 35	Yes	Yes	No	Yes	No	Yes	No
Clause 36	Yes	Yes	No	Yes	No	Yes	No
Clause 37	Yes	Yes	No	Yes	No	Yes	No
Clause 38	Yes	Yes	No	No	No	No	No
Clause 16	Yes	Yes	No	Yes	No	Yes	No
Clause 17	Yes	Yes	No	Yes	No	Yes	No
Clause 39	Yes	Yes	No	Yes	No	Yes	No
Clause 40	Yes	Yes	No	Yes	No	Yes	No
Clause 41	Yes	Yes	No	Yes	No	Yes	No
Clause 42	Yes	Yes	No	Yes	No	Yes	No
Clause 43	Yes	Yes	No	Yes	No	Yes	No
Clause 44	Yes	Yes	No	Yes	No	Yes	No
Clause 45	Yes	Yes	No	Yes	No	Yes	No
Schedule 1	Yes	Yes	No	Yes	No	Yes	No
Schedule 2	Yes	Yes	No	Yes	No	Yes	No
Schedule 3	Yes	Yes	No	No	No	No	No

Subject matter and legislative competence of devolved legislatures

194. There is a convention (“the Sewel Convention”) that the UK Parliament will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned. In relation to Scotland and Wales, this convention is enshrined in law (see section 28(8) of the Scotland Act 1998 and section 107(6) of the Government of Wales Act 2006).

195. None of the provisions in the Bill involve the UK Parliament legislating for a matter that is within the legislative competence of a devolved legislature, and so the consent of devolved legislatures is not required under the Sewel Convention. If there are amendments relating to matters within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, the consent of the relevant devolved legislature(s) will be sought for the amendments.

TERRORISM (PROTECTION OF PREMISES) BILL

EXPLANATORY NOTES

These Explanatory Notes relate to the Terrorism (Protection of Premises) Bill as published in Draft on 2 May 2023 (Bill CP 840).

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