

Research Briefing

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The Terrorism (Protection of Premises) Bill 2024-2025



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Summary

The Terrorism (Protection of Premises) Bill 2024-25 was introduced in the House of Commons on 12 September 2024.

The bill would implement a commitment in the [2024 Labour Party manifesto](#) (pdf) to strengthen the security of public events and venues. Known as ‘Martyn’s Law’ in recognition of the campaign led by the mother of one of the victims of the Manchester Arena bombings, it would require those responsible for publicly accessible venues to take steps to reduce the threat to the public from terrorist attack.

The bill follows [a draft bill](#) introduced by the previous government which underwent [pre-legislative scrutiny](#) by the Home Affairs Committee. The Committee was supportive of the policy aims of the draft bill but recommended a number of significant changes.

There was then a [further consultation](#) to help refine the proposals.

What would the bill do?

The bill would introduce requirements on those responsible for certain publicly accessible premises and events to implement measures to protect against terrorist attacks.

It would apply to certain premises in connection with their use, such as shops, nightclubs and railway stations and divides them into standard duty and enhanced duty premises.

The legislation would apply across the UK as national security is reserved to the UK parliament under devolution legislation.

Standard duty premises

Standard duty premises would be premises where it would be reasonable to expect that from time to time 200 or more people may be present in connection with one of the uses listed in schedule 1. A person responsible for standard duty premises would be required to put in place public protection measures to reduce the risk of physical harm to individuals in the event of an act of terrorism on or near the premises. These would include evacuation procedures and the providing information.

Enhanced duty premises and qualifying events

Enhanced duty premises would be those where it would be reasonable to expect 800 or more people to be present from time to time in connection with one of the listed uses.

Qualifying events would be ticketed or otherwise restricted events attended by 800 or more people.

Additional requirements would be placed on persons responsible for enhanced duty premises and qualifying events to reduce their vulnerability to acts of terrorism. These would include monitoring the premises or event and surrounding area and documenting compliance with the requirements.

Regulation: the Security Industry Authority

The bill would the [Security Industry Authority](#) (SIA) regulatory oversight with powers to assess compliance with requirements and take enforcement action as necessary.

The SIA would have powers to issue notices requiring compliance, restricting the use of venues in the case of non-compliance, and financial penalties.

The bill would also create criminal offences for persistent failure to comply.

How does it differ from the draft bill?

The bill differs from the draft bill in certain key respects:

- The threshold for a standard duty premises has increased from 100 to 200. This is now defined by reference to the number of people it might be reasonable to expect to attend, rather than potential capacity
- Responsible persons are only expected to take measures that are 'reasonably practicable'
- There is no longer an expectation that venues undertake standardised training
- The Security Industry Authority is established as the regulator. This was left open in the draft bill
- Education settings and places of worship are classified as standard duty premises regardless of capacity

Why is the Government legislating?

Following a series of fatal terrorist attacks in 2017, the [Intelligence and Security Committee recommended](#) (pdf) that the Government should clarify legal responsibilities relating to protective measures.

The public inquiry into the Manchester Arena bombing, in which 22 people were killed, also recommended the introduction of a statutory 'Protect duty'.

The threat level from terrorism in the UK is currently substantial, meaning an attack is likely. The 2023 [CONTEST](#) counter-terrorism strategy summarised the current threat facing the UK as 'enduring and evolving', with a domestic threat which 'is less predictable and harder to detect and investigate'.

Progress of the bill

The bill had its second reading on 14 October 2024 and received cross party support.

It was considered by a Public Bill Committee over four sessions on 29 and 31 October.

A number of government amendments were made to the bill in committee, which were largely technical or clarificatory.

The opposition tabled amendments aimed at ensuring that the bill would not overburden individuals or businesses, and at reviewing the role of the SIA. None were pressed to a division.

Further reading

Bill documents, including the explanatory notes, the impact assessment, the delegated powers memorandum, and the human rights memorandum are available on the [bill pages on parliament.uk](#).

The Home Office has published a [series of eight factsheets](#) on the bill .

There is a commons library briefing on the [draft Terrorism \(Protection of Premises\) Bill](#).

Home Affairs Select Committee [report on the Terrorism \(Protection of Premises\) draft Bill](#).

1 Background

1.1 The UK's approach to countering terrorism

Contest strategy

The Government's overarching counter-terrorism strategy – CONTEST – is made up for four main strands: Prevent, Pursue, Protect and Prepare.¹ According to the explanatory notes accompanying the bill, it will build upon the Protect and Prepare pillars of CONTEST.²

Protect

Two of the main objectives of the Protect strand are to reduce both “the physical risk to people as they go about their lives” and “the vulnerability of public venues, transport, and our Critical National Infrastructure”.³

It is delivered through government departments, devolved administrations, operational experts, intelligence agencies, the private sector, the public, and international allies.

Counter-Terrorism Security Advisers and the National Protective Security Authority (NPSA, part of MI5) provide advice to businesses and communities.

There is also a Places of Worship Protective Security Funding Scheme and a Jewish Community Protective Security Grant which provide protective measures at places of worship and associated faith community centres that are vulnerable to hate crime.⁴

According to CONTEST, duty holders under the bill will be supported by ProtectUK, a new platform launched in 2022 to provide free guidance, advice and training.

Prepare

The aim of the Prepare pillar is to minimise the impact of an attack and reduce the likelihood of further attacks.⁵

¹ [CONTEST: The United Kingdom's Strategy for Countering Terrorism 2023, CP 903](#)

² [Explanatory Notes to the Draft Terrorism \(Protection of Premises\) Bill](#), para 3

³ [CONTEST: The United Kingdom's Strategy for Countering Terrorism 2023, CP 903](#), para 105

⁴ As above, para 108

⁵ As above, para 119

One of its objectives is, in response to an attack, to deploy a “systemised, effective, and co-ordinated multi-agency response, using specialist and non-specialist capabilities, to save lives, mitigate harm, and prevent further attacks”. Another is to “adapt and improve by identifying and sharing learning from research, training, testing, exercising, and previous incidents”.⁶

CONTEST states that civil society will be equipped with the tools to react safely in the earliest stages after an attack, before the emergency services arrive.⁷

Legislative framework

The principal enactments relating to countering terrorism are the [Terrorism Act 2000](#) ; the [Anti-terrorism, Crime and Security Act 2001](#) ; the [Terrorism Act 2006](#); the [Counter-Terrorism Act 2008](#); the [Terrorist Asset-Freezing etc Act 2010](#); the [Terrorism Prevention and Investigation Measures Act 2011](#); and, the [Counter-Terrorism and Security Act 2015](#).

These have been amended and supplemented by several further pieces of legislation introduced in recent years in response to terrorist attacks. See below at 1.5 for further details.

Amongst other things, the Terrorism Act 2000:

- Provides for a definition of “terrorism” ([section 1](#))
- Provides a power for the Secretary of State to proscribe organisations that are concerned in terrorism and sets out associated offences (part 2)
- Provides the police with powers to arrest and detain suspected terrorists, and powers to search premises, vehicles and pedestrians (part 5). Schedule 7 provides examination powers at ports and borders; and schedule 8 provides for the treatment of suspects who are detained (including the taking and retention of fingerprints and DNA samples and profiles) and for judicial extension of the initial period of detention
- Provides for various terrorism offences (sections 54 to 63), including the collection of information likely to be useful to a person committing or preparing an act of terrorism (section 58) and eliciting, publishing or communicating information about members of the armed forces etc (section 58A), and for the UK courts to have jurisdiction in respect of certain terrorism offences committed abroad by UK nationals or residents (sections 63A to 63E)

The **Error! Bookmark not defined.** makes provision for:

- The freezing and forfeiture of terrorist property (parts 1-3)

⁶ [CONTEST: The United Kingdom’s Strategy for Countering Terrorism 2023, CP 903](#), para 120

⁷ As above, para 124

- Offences relating to weapons of mass destruction; the security of pathogens and toxins; and aviation security (parts 6-9)

Provisions in the Terrorism Act 2006 Act include:

- Further terrorism-related offences, focused in particular on preparatory conduct, including encouragement of terrorism (section 1) and dissemination of terrorism publications (section 2)
- A duty on the Secretary of State to appoint a person to review the provisions of the 2000 Act and part 1 of the 2006 Act⁸. The current Independent Reviewer of Terrorism Legislation, Jonathan Hall KC, was appointed in May 2019.

Amongst other things, the [Counter-Terrorism Act 2008](#):

- Provides for a court, when sentencing an offender convicted under the general criminal law, to treat a terrorist connection as an aggravating factor (sections 30 to 33);
- Makes provision about the notification of information to the police by certain individuals convicted of terrorism or terrorism-related offences (part 4);

The Terrorism Asset-Freezing etc Act 2010 seeks to prevent the financing of terrorist acts by imposing financial restrictions on, and in relation to, certain persons believed to be, or to have been, involved in terrorist activities.

The [Terrorism Prevention and Investigation Measures Act 2011](#) confers powers on the Secretary of State to impose specified terrorism prevention and investigation measures on an individual (TPIMs). These are executive measures which can be imposed on those believed to be involved in terrorism, where prosecution is not feasible. They replaced the control order regime previously provided for by the (now repealed) Prevention of Terrorism Act 2005.

The [Counter-Terrorism and Security Act 2015](#):

- Enabled the Secretary of State to make a temporary exclusion order to disrupt and control the return to the UK of a British citizen reasonably suspected of involvement of terrorism activity abroad (part 1, chapter 2);
- Expanded the measures available under a TPIM (part 2);
- Required specified bodies (including local authorities, chief officers of police, schools and universities and NHS organisations) to have regard, in the exercise of their functions, to the need to prevent people from being drawn into terrorism (part 5, chapter 1). Local authorities are

⁸ The Independent Reviewer of Terrorism Legislation is also responsible for reviewing the operation of Part 1 of the Anti-Terrorism, Crime and Security Act 2001, the 2008 Act, the Terrorism Asset-Freezing etc Act 2010, the 2011 Act and Part 1 of the 2015 Act.

further required to have a panel to provide support for people vulnerable to being drawn into terrorism (part 5, chapter 2).

1.2 The threat picture

The national threat level from terrorism is currently “Substantial”. This means that an attack is likely. It was reduced from “Severe”, meaning that an attack is highly likely, in February 2022.⁹

The threat level is set by the Joint Terrorism Analysis Centre (JTAC) and MI5.

The Director General of MI5, Ken McCallum, [gave a threat update on 8 October 2024](#). He said that, since March 2017, MI5 and the police have disrupted 43 late-stage attack plots. He explained that MI5 were dealing with more “volatile would-be terrorists” and that the risks of “short-run mobilisation to attacks” alongside “slower-burn radicalisation”, required a cross-government and community-based approach.¹⁰

According to Home Office statistics, there were 242 arrests for terrorism-related activity in the year ending 30 June 2024. This was a 49% increase compared to the previous year and a 19% increase on the five-year median, but below the historical 10-year median of 259.

During the same period 73 individuals were tried for terrorism-related offences, of which 72 were convicted.

At the end of June 2024 there were 252 persons in custody for terrorism and terrorism-connected offence (following conviction or on remand). This was the highest number since comparable records began in September 2020.¹¹

At the end of February 2024 there were two terrorism prevention and investigation measures in force.¹²

Recent attacks

The Government says that since March 2017, the UK has experienced fifteen terrorist attacks as defined by Counter Terrorism Policing (CTP).

The following is a summary of some of the most high-profile attacks.

⁹ Changes to the threat level since it was first published are available [on MI5's website](#).

¹⁰ [Director General Ken McCallum give latest threat update](#), mi5.gov.uk, 8 October 2024

¹¹ [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to June 2024](#), Home Office, 12 September 2024

¹² [HCWS375](#), 25 March 2024

2021

- Sir David Amess, MP for Southend West, was killed during a constituency surgery by Ali Harbi Ali on 15 October 2021. Ali was also convicted of engaging in the preparation of terrorist acts. This involved reconnaissance of locations of targets to attack, including the vicinity of the Houses of Parliament, and internet research on possible targets. He was radicalised online and was aligned to Islamic State. Following its loss of Raqqa in 2017, Islamic State appealed to its sympathisers around the world to carry out ‘lone wolf’ attacks and this led Ali to plan an attack on MPs who had voted for the motion to bomb Islamic State in Syria. He was sentenced to life imprisonment with a whole life order, meaning he will never be released unless there are exceptional compassionate circumstances.¹³
- On 14 November 2021 Emad Al-Swealmeen was killed when a bomb he had made went off while he was in a taxi outside Liverpool Women’s hospital. The taxi driver was injured but survived.¹⁴

2020

- On 2 February 2020 Sudesh Amman attacked two people with a knife in Streatham (neither of whom died), before being shot by police. Amman had been released from prison in January 2020, having been convicted of terrorism offences in November 2018. He was given a standard determinate sentence of 3 years’ and 4 months’ detention. He was released from prison automatically at the halfway point.¹⁵ The Parole Board was not involved in his release.
- On 9 January 2020 a convicted terrorist offender, Brusthom Ziamani, was reported to have attacked a prison officer with another inmate at HMP Whitemoor. Both were reported to have been wearing fake suicide vests. A prison officer was slashed and stabbed and several others were injured.¹⁶ The Metropolitan Police confirmed that the incident was being treated as a terrorist attack and investigated by officers from the Met Police Counter Terrorism Command.¹⁷ Both have been charged with attempted murder.¹⁸

¹³ [R v Ali Harbi Ali, Sentencing remarks, 13 April 2022](#)

¹⁴ [Liverpool bomber made device with murderous intent, coroner says](#), bbc.co.uk, 30 December 2021. A subsequent report by Policing North West suggested he had a grievance against the British state relating to his asylum claim, but did not find evidence that he was seeking to advance a particular cause, calling into question whether this was in fact an act of terrorism: Liverpool Women’s Hospital bomber had asylum grievance, police say, [bbc.co.uk](#), 2 October 2023

¹⁵ [R. v. Sudesh Faraz Amman, Sentencing remarks, 17 December 2018](#)

¹⁶ [HMP Whitemoor prison stabbings classed as ‘terror attack’](#), bbc.co.uk, 10 January 2020

¹⁷ [Update: Counter Terrorism investigation into serious assault at HMP Whitemoor](#), 10 January 2020, news.met.police.uk

¹⁸ [Two to face trial in September re attack on prison officer at HMP Whitemoor](#), news.met.police.uk, 8 April 2020

2019

- On 30 November 2019 Usman Khan killed two people at Fishmongers' Hall near London Bridge before being shot by police. Khan had been released from prison in December 2018, having been convicted of terrorism offences in 2012. He was released from prison automatically at the halfway point of the custodial part of an extended sentence for public protection (EPP).¹⁹

2017

- Between March and June 2017 there were four terrorist attacks in London and Manchester in which vehicles, knives and explosives were used to kill and injure members of the public. 36 people were killed in the attacks and almost 200 were injured.
 - On 22 March 2017 Khalid Masood attacked Parliament killing five people in Westminster, including an on-duty police officer, before being shot by armed police.
 - On 22 May 2017 Salman Abedi detonated an explosive at Manchester Arena, killing himself and 22 others.
 - On 3 June 2017 Khurum Butt, Rachid Redouane and Youssef Zaghba killed eight people near London Bridge before being shot by armed police.
 - On 19 June 2017 Darren Osbourne drove a van into a crowd outside Finsbury Park Islamic Centre, one of whom died.
 - On 15 September 2017 Ahmed Hassan left an improvised explosive device on an underground train. It partially exploded after the train arrived at Parsons Green station, injuring a number of people. No one was killed.

Response

Intelligence and Security Committee report into the 2017 attacks

In November 2018 the ISC published its report on the terrorist attacks that took place at Westminster, Manchester, London Bridge, Finsbury Park and Parsons Green in 2017.²⁰

The Inquiry looked at whether mistakes were made by MI5 or CTP prior to the attacks, and whether all changes and improvements required were identified in internal reviews. It concluded that a number of mistakes had been made in

¹⁹ [R v. Khan & ors \[2013\] EWCA Crim 468](#). Khan had successfully appealed his original sentence

²⁰ [The 2017 Attacks: What needs to change?](#), Intelligence and Security Committee of Parliament, HC 1694, November 2018

Salman Abedi's case (the Manchester Arena attack) which led to potential opportunities to prevent it being missed.

It also heard evidence on existing processes for implementing physical protective security measures. The Office for Security and Counter Terrorism (OSCT) told the Committee that the Government assists owners of certain crowded places and Critical National Infrastructure sites, providing support and encouraging them to "design out the threat ... on a user pays basis".²¹

OSCT noted that owners normally accept advice and that there was "considerable appetite in the industry to help ...".²²

However, the Committee also heard that it is not always clear who is responsible for a particular public space, especially on complex sites where there are multiple freeholders and leaseholders.

CTP told the ISC that another problem came where owners were reluctant to pay for security measures deemed necessary. When asked whether there should be legal obligations in relation to the installation of physical counter-terrorism measures, CTP said that it had proposed a 'protect' duty to the government, but did not consider it likely that this would be taken forward. As a result CTP said that "[Currently] there is no legal clarity about who is responsible and therefore who will pay".²³

Both the OSCT and CTP suggested that the Security Industry Authority should provide counter-terrorism training to its members as standard.

The ISC expressed concern that there was no way of mandating owners of public spaces to install protective security measures where they do not do so voluntarily. It recommended that the government should consider clarifying the legal responsibilities of both site owners and relevant public authorities.²⁴

The government response was published in January 2019. It noted the ISC's concerns, and stated that the government keeps the matter under regular review to ensure strategies deliver effective protection through appropriate and proportionate security measures, including potential legislative measures.²⁵

Inquests

Inquests into the victims of the 2017 attack and perpetrator Khalid Masood concluded that the victims had been unlawfully killed and that Masood had been lawfully killed.

²¹ As above, para 267

²² [The 2017 Attacks: What needs to change?](#), Intelligence and Security Committee of Parliament, HC 1694, November 2018, para 268

²³ As above, para 270

²⁴ As above, recommendation LL

²⁵ [Government response to the Intelligence and Security Committee of Parliament Report 'The 2017 Attacks: What needs to change?'](#), CP 22, 2019

The inquest into the death of PC Palmer concluded that there were shortcomings in the supervision of police officers at the Palace of Westminster, and that had armed police officers been stationed at Carriage Gates at the time of the attack it is possible that they may have been able to prevent PC Palmer suffering fatal injuries:

Before the start of the attack, the armed officers stationed in New Palace Yard had not been in close proximity to the Carriage Gates entrance. They had been some distance away and out of view of the entrance because they had understood their duty to involve a roving patrol around the Yard. In fact, tactical advice and written instructions stated that armed officers should be stationed close to the Carriage Gates entrance so as to protect those in the Estate and their unarmed colleagues. Due to shortcomings in the security system at New Palace Yard, including the supervision of those engaged in such duties, the armed officers were not aware of a requirement to remain in close proximity to the Gates. Had they been stationed there, it is possible that they may have been able to prevent PC Palmer suffering fatal injuries.²⁶

Following the inquests, the Chief Coroner published a report on action to prevent future deaths.²⁷

The report stated that the evidence received during the inquests gave rise to concern that future deaths could occur unless action was taken. The Chief Coroner made a number of recommendations, including:

- Revising the way written instructions are given to Metropolitan Police Service (MPS) officers on how to conduct routine patrols of the Palace, including high risk areas such as New Palace Yard, to ensure that they are received and understood;
- Ensuring that there are armed officers stationed at all open public entry points to the Palace of Westminster, and possibly some other buildings on the Parliamentary Estate;
- A review of the adequacy of training of armed officers, unarmed officers and security officers by the MPS and the Parliamentary Authorities to ensure effective coordination, and to address the threat from lone actor and multi-actor marauding attacks;
- Consideration of the use and automation of Carriage Gates to address the finding that during the attack, the physical features of the gates made it harder for police officers to keep the Palace secure.

Public inquiry into the Manchester Arena bombings

Sir John Saunders was appointed in 2018 to conduct inquests into the deaths of the victims of the Manchester Arena attack. In 2019 he made a ruling about material to which public interest immunity attached (material which it would not be in the public interest to disclose in the course of an inquest), and a

²⁶ [Inquests arising from the deaths in the Westminster terror attack of 22 March 2017: Regulation 28 report on action to prevent future deaths](#)

²⁷ As above

public Inquiry was established in order to enable him to investigate that material.²⁸

Volume 1 of the Inquiry Report addressed the security arrangements at the Ariana Grande concert. The Report noted the limitations of existing schemes designed to protect the public in crowded spaces, namely that they applied to a limited number of locations, and that they were voluntary and recommended that a 'Protect Duty' should be enacted via primary legislation.²⁹

It considered the proposals in the Government consultation in so far as they would apply to large public venues. Acknowledging the need for proportionality, it suggested that the Protect Duty must not be so prescriptive as to prevent people enjoying a normal life. However, a high standard of protective security would be justified for premises like Manchester Arena.

The Report questioned whether setting the threshold for the first category of venue at 100 people would be workable, given the differences between a venue capable of accommodating 100 people and one capable of accommodating many thousands. It suggested that the government should consider further categories above the 100 person capacity.

It also suggested that consideration of the vulnerability of a terrorist attack could become part of the planning and licensing process.

The report included the following recommendations as to what the Protect Duty should involve:

- The Duty should be formulated as a requirement to take such steps as are 'reasonably practicable' to ensure the security of members of the public. Security in this context would mean protecting those to whom the Duty is owed from harm as a result of a terrorist attack;
- In addition to owners and occupiers of land, consideration should be given to imposing the Duty on organisations with responsibility for security;
- It may be necessary to consider whether local authorities should be subject to the Duty, given their role in providing protective security through the operation of CCTV which does not cover land that they own;
- Where there is more than one Duty holder in relation to a space, there should be a requirement to cooperation, communicate and act in a

²⁸ [Open Ruling on PII applications made by the Secretary of State for the Home Department and Counter Terrorism Police North West](#), 13 September 2019. For further explanation of the conversion of inquests into inquiries see Library Briefing Papers [Statutory public inquiries: the Inquiries Act 2005](#), 2022, section 5.8, and [Inquests and public inquiries](#), 2017

²⁹ [Manchester Arena Inquiry Volume 1: Security for the Arena](#), HC 279, June 2021. Volume 2: Emergency Response, and Volume 3: Radicalisation and Preventability are available on the [Inquiry website](#).

coordinated manner with other Duty holders in order to discharge their own Duty;

- The process should include the Duty holder assessing the risk, deciding on actions to mitigate the risk, carrying out those actions, and subsequent checks to ensure the actions have been carried out;
- There should be a recognised standard of training for those involved in the preparation of risk assessments and solutions;
- Consideration should be given to providing state help in preparing plans which are not straightforward and the Duty holder, such as a charity, does not have the means to pay for assistance;
- All people working in relevant venues should have some training, with higher level training for certain employees;
- There should be an adequate and effective enforcement mechanism with the ability to impose a penalty if there is a breach, including criminal prosecutions;
- Consideration should be given to amending the Security Industry Authority (SIA) legislation to require that companies which carry out security work which many include a counter-terrorism element are required to be licensed.³⁰

MI5 and police internal reviews

Lord Anderson KC, a former Independent Reviewer of Terrorism Legislation, carried an Independent Assessment of the Security Service (MI5) and Police Internal Reviews in relation to the 2017 attacks. The reviews looked at issues including the intelligence held on the perpetrators prior to the attacks, and their consequent status as ‘subjects of interest’ or otherwise. Based on access to these classified Internal Reviews, which considered what lessons should be learned by the police and MI5 as to whether any of the attacks could have been prevented, Lord Anderson endorsed their conclusions and recommendations. He concluded that if properly implemented the recommendations taken as a whole would strengthen MI5 and the police in their ability to stop more terrorist attacks.³¹

Government action

The government response to the attacks and subsequent reviews has included significant legislative and non-legislative measures.

³⁰ [Manchester Arena Inquiry Volume 1: Security for the Arena](#), paras 8.27-8.112

³¹ David Anderson QC, [Attacks in London and Manchester March-June 2017](#), December 2017

CONTEST update

In 2018 the Government published an updated CONTEST strategy. The Prime Minister said that it was the result of a comprehensive review of the approach to counter terrorism undertaken following the attacks in 2017. It aimed to build on progress made since the publication of the 2011 strategy, evolving to counter new and emerging threats, to reflect the changing situation around the world, and to learn lessons from the attacks the previous year.³²

A further update was published in July 2023. It explained that since the previous version, counter-terrorism efforts by the UK and key allies had been successful in driving down the threat from terrorism. This had enabled a “rebalancing of finite national security resource to other areas of threat”.³³

However it identified a number of factors contributing to an increased threat in coming years:

- A domestic terrorist threat which is less predictable, harder to detect and investigate
- A persistent and evolving threat from Islamic terrorist groups overseas
- An operating environment where accelerating advances in technology provide both opportunity and risk to counter-terrorism efforts

Given the anticipated increase, it noted the need to balance the duty to protect the UK from terrorism against the need to respond to other national security threats “within finite resource”.³⁴

The new strategy committed to:

- Realise the full potential of the UK’s Counter-terrorism Operations Centre (CTOC)
- Ensure that counter-terrorism investigations draw on an increased range of expert advice and non-law enforcement interventions to mitigate the evolving terrorist threat
- Maintain investment in critical threat assessment capabilities, through the Joint Terrorism Assessment Centre (JTAC)
- Deepen international partnerships
- Further strengthen the UK border using new immigration tools, detection, targeting and biometric capabilities

³² [CONTEST: The United Kingdom’s Strategy for Countering Terrorism](#), 2018, paras 10-14

³³ [CONTEST: The United Kingdom’s Strategy for Countering Terrorism](#), 2023, CP903, para 3

³⁴ As above, para 5

- Continue to invest in the identification of future threats and opportunities that derive from technology
- Build on engagement with the tech sector, including international efforts to suppress terrorist exploitation of the internet
- Enable access to data needed to investigate and disrupt terrorist activity through setting international data standards³⁵

Legislative response

The [Counter-Terrorism and Border Security Act 2019](#) introduced a number of new terrorism offences and provided for longer prison sentences for certain existing offences. For further information see Library Briefing [Counter-Terrorism and Border Security Bill 2017-19](#).

Following the attacks at Fishmongers Hall in November 2019 and in Streatham in February 2020 the [Terrorist Offenders \(Restriction of Early Release\) Act 2020](#) was passed as emergency legislation to change release arrangements for certain terrorist offenders, meaning that they would spend longer in prison. For further information see Library Briefing [Terrorist Offenders \(Restriction of Early Release\) Bill 2019-2020](#).

The [Counter-Terrorism and Sentencing Act 2021](#) made further changes in relation to the sentencing of terrorist offenders, increasing maximum sentences for certain offences and introducing a new “serious terrorism sentence” which the courts are required to impose for specified offences. It also revised the scheme for imposing TPIMs, lowering the standard of proof, expanding the range of measures available and removing time limits. For further information see Library Briefing [Counter-Terrorism and Sentencing Bill 2019-21](#).

Other measures

The day after the 2017 attack on Parliament, the then Prime Minister Theresa May announced a review of parliamentary security.³⁶

The Speaker subsequently announced two reviews to establish whether any lessons could be learned:

The Lord Speaker and I are commissioning an external independent review of how the perimeter of the parliamentary estate, including outbuildings, is secured and protected to produce a preliminary report by the end of April. The two Clerks are commissioning an externally led lessons learned review of the operation last week of Parliament’s incident management framework to report by the end of June.³⁷

³⁵ As above, para 7

³⁶ [HC Deb 23 March 2017, c929](#)

³⁷ [Speaker’s statement, 29 March 2017](#)

Neither review was made public, however, some of the recommendations of a review into perimeter security, carried out by former police Chief Constable Sir Jon Murphy, were reported in the press, including:

- The installation of a physical barrier in the river to stop boats approaching;
- Changes to perimeter fencing to make it less easy to gain entry by climbing over;
- Consideration of the pedestrianisation of Parliament Square to restrict the movement of traffic around the Palace of Westminster;
- Improving deterrents at key checkpoints such as Carriage Gates, including police dogs.³⁸
- After the London Bridge attack, Counter Terrorism Policing installed Hostile Vehicle Mitigation Barriers to protect the pavement on eight central London bridges and at certain other vulnerable locations.

The government announced various other non-legislative measures in response to the attacks, including an increase in funding for counter-terrorism policing; additional funding for victims of terrorism; and an independent review of the multi-agency public protection arrangements.³⁹

1.3

Draft bill

Consultation

Figen Murray, the mother of Martyn Hett, one of the Manchester Arena attack victims, began the campaign for Martyn's law together with Survivors Against Terror. She proposed that venues should engage with freely available counter-terrorism advice and training, should be required to undertake a vulnerability assessment of the area to which the public have access, and to have a mitigation plan for the risks created by any vulnerabilities.⁴⁰

In February 2021 the government published a Protect Duty consultation which ran until July 2021. The consultation was open to the public and targeted at venues, organisations, businesses, local and public authorities, and individuals who own or operate at publicly accessible locations, or others

³⁸ [Westminster security is top priority after 'stark' report](#), The Sunday Telegraph, 27 August 2017

³⁹ [HC Deb 3 February 2020](#), c54-55. The MAPPA review was carried out by the Independent Reviewer of Terrorism Legislation, Jonathan Hall QC, who [delivered his report](#) to the Government on 22 May 2020. The recommendations requiring legislative change were implemented via the Police, Crime, Sentencing and Courts Act 2022. See Library Briefing [Police, Crime, Sentencing and Courts Bill: Parts 10 and 11 – Management and rehabilitation of offenders](#) for further information.

⁴⁰ www.figenmurray.co.uk/martyn-s-law

whom the proposed Duty would affect.⁴¹ The consultation was divided into four sections focussing on the following questions:

- Who (or where) should the legislation apply to?
- What should the requirements be?
- How should compliance work?
- How should Government best support and work with partners?

A Draft Protect Duty Bill was announced in the Queen’s Speech in May 2022. The background briefing notes to the speech stated that the purpose of the bill was to “Keep people safe by introducing new security requirements for certain public locations and venues to ensure preparedness for and protection from terrorist attacks.”⁴² The main elements would be the establishment of a new requirements framework for those in control of certain public locations and venues to consider and take measures to mitigate the threat from terrorism. There would also be an inspection and enforcement regime, aiming to educate, advise and ensure compliance.

The government response to the consultation stated that the consultation had received 2755 responses from individuals or organisations. A majority of seven in ten respondents agreed or strongly agreed that those responsible for publicly accessible locations should take appropriate and proportionate measures to protect the public from attack at these locations.⁴³

However, the response acknowledged that a recurring theme throughout the consultation was concern that the Duty may negatively impact organisations financially. 66% of respondents disagreed with the cost and benefit estimates included in the consultation. The main reasons for this were:

- General additional costs, not just for businesses but for the public purse, such as adding policing requirements due to the enforcement measures;
- Potential closure of organisations due to additional costs. In particular, small businesses, charities, voluntary organisations and places of worship were deemed most at risk;
- The potential increase in insurance costs;
- The vagueness of expense and overstatement of benefit.⁴⁴

⁴¹ [Protect Duty consultation](#), Home Office, 2021

⁴² [The Queen’s Speech 2022](#), Prime Minister’s Office, 10 May 2022, p89

⁴³ [Government response document](#), Home Office, May 2023

⁴⁴ As above

Pre-legislative scrutiny

A [draft bill](#) (pdf) was published on 2 May 2023. Introducing the bill as ‘Martyn’s Law’, then Security Minister Tom Tugendhat thanked Figen Murray for her significant contribution through her campaign to introduce the bill.

He said that the current threat picture meant it was right that the bill should seek to improve protective security and organisational preparedness at a wide range of public premises across the UK.

He said that the government recognised that it would not be appropriate for all locations to consider and put in place security measures, and that “Striking the right balance between protecting the public and proportionality” had been at the heart of the bill’s development.⁴⁵

The same day he wrote to the Chair of the Home Affairs Select Committee, Dame Diana Johnson, to invite the Committee to conduct pre-legislative scrutiny of the draft bill.

He highlighted concerns raised by the Regulatory Policy Committee with respect to the bill’s impact assessment and suggested that pre-legislative scrutiny would provide an opportunity 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”.⁴⁶

The government published a [series of overarching documents](#) on the draft bill, including the explanatory notes, impact assessment and memorandum to the delegated powers and regulatory reform committee.

The impact assessment estimated the total set-up and on-going cost of Martyn’s Law to be between £1.1 billion and £6.3 billion with a central estimate of £2.7 billion.

As noted above, the Regulatory Policy Committee (RPC) raised concerns over the impact assessment, rating it as not fit for purpose. The concerns related specifically to the small and micro business assessment (SaMBA).

The RPC noted in particular that the SaMBA did not make it sufficiently clear that the costs to small or micro businesses in the enhanced tier are only slightly lower than that for large businesses and that this represents a proportionately higher burden. It also failed to address the impact of these costs on the viability of smaller businesses.

The impact assessment also failed to adequately address the evidence to justify its assertion that the bill’s objectives would be compromised by exempting small and medium sized businesses, according to the RPC. It cited

⁴⁵ [HCWS751, 2 May 2023](#)

⁴⁶ [Letter from Tom Tugendhat to Dame Diana Johnson](#), 2 May 2023

a source relating to the variety in the origin of threats rather than in potential targets.⁴⁷

Other concerns raised by the RPC included the fact that the impact assessment did not provide evidence that the measures would reduce terrorism, nor did it fully explain why local authority inspectors could not ensure compliance, rather than creating a new national regulator and team of compliance staff across the country.

Home Affairs Committee report

The Home Affairs Committee held two evidence sessions and published a report in July 2023.⁴⁸

The Committee welcomed the government's overall intention behind the draft bill, but expressed serious concerns about its proportionality, especially in relation to the impact on smaller businesses, voluntary and community-run organisations. It suggested that there was a lack of evidence that the bill will adequately reduce the threat of terrorism for smaller organisations. Further concerns were raised about the unfinished provisions in the bill, its clarity of purpose, the proposed regulator and some of the duties required.

Among other things, the Committee recommended that:

- The bill, the explanatory notes, and all related guidance should set out clearly and consistently what its purpose is (paragraph 10);
- The Home Office should initiate a communications campaign aimed at duty holders to raise awareness of what obligations are likely to be imposed on them (paragraph 15);
- The bill's provisions should be implemented in stages, starting with the enhanced tier (paragraph 40);
- There should be regular post-legislative review of the bill's effectiveness before introducing the standard tier measures (paragraph 41);
- The government should consider extending the scope of the bill to large outdoor events not currently within scope (paragraph 46);
- The government should develop concrete proposals for the regulator before the bill is introduced (paragraph 66);
- The government should include a provision to provide mandatory life-saving training to staff of premises captured by the bill (paragraph 77)

⁴⁷ [Regulatory Policy Committee Opinion, RPC-HO-5254\(1\)](#)

⁴⁸ [Terrorism \(Protection of Premises\) draft Bill](#), Home Affairs Committee, HC 1359, 27 July 2023

Further consultation

In February 2024 Tom Tugendhat announced that the government was launching a further consultation on Martyn's Law.

He said that, on the basis of feedback on the draft bill, work had been done to revise the standard tier requirements to make them clearer and more proportionate, whilst ensuring they continue to deliver on the primary objective of implementing simple procedures to reduce harm and save lives. The consultation focused on this revised approach to the standard tier. He explained that the new approach was more “proportionate, meaningful, effective and transparent” for the following reasons:

- the purpose of the primary duty is now outcome-focused, aligns with comparable regimes (i.e. Health and Safety) and removes any previous assumptions around the Standard Tier requirements being too instructive and rigid i.e. a “tick box” exercise.
- It brings greater clarity to costs and expectations i.e. the Standard Tier holds no legal requirement for premises to consider physical security measures, but focuses on procedures and the actions people working at the premises should take in response to an attack.
- It measures all premises in scope against the same standard of “reasonably practicable”. This approach is better suited to the wide range of organisations that will be within scope of the Standard Tier because they will assess and implement procedures that are suitable for their individual circumstances. The “reasonably practicable” test includes what is financially feasible for a premises.
- We have moved away from a prescribed training requirement (i.e. a one size fits all package for all relevant staff). Instead, those responsible will be required to ensure that their procedures are adequately communicated and practised by relevant staff. Again, in implementing relevant procedures, those responsible will be held to a “reasonably practicable” standard.⁴⁹

The consultation also sought views on how costs incurred by the standard tier requirements should be met.

The consultation closed on 18 March 2024 and the new government published the results on 12 September, the day the bill was introduced in Parliament.

1,981 responses were received, with 40 percent being from owners or operators of a premises or event.

Around half of the respondents to the consultation agreed that those responsible for a standard tier premises should have a legal obligation to be prepared for an attack.

⁴⁹ [HCWS240](#)

Around sixty percent thought that the revised requirements for the standard tier were more appropriate than those in the draft bill.

Around half of respondents felt the revised requirements would be difficult to implement and were concerned about costs.

Concerns about the impact of the requirements came in particular from respondents with smaller capacity premises (below 299) and from places of worship and village halls and community centres.⁵⁰

⁵⁰ [Terrorism \(Protection of Premises\) Bill – Standard Tier Consultation 2024: Results](#) (PDF), Home Office, 12 September 2024

2 The bill

2.1 Part 1: Public protection requirements

Clauses 1-4: introductory

Overview

Clause 1 is an overview clause which sets out the overall structure of the bill. Clauses 2-4 set out the definition of the venues and events that the bill's requirements would apply to, and the person responsible for them.

Qualifying premises

To qualify the premises must:

- Be a building, or a combination of a building and land. A building includes part of a building (e.g. a unit within a shopping centre) or a group of buildings (e.g. buildings forming a university campus)
- Be primarily used for one of the reasons listed in schedule 1 (including food and drink; nightclubs; sports grounds; libraries, museums and galleries; childcare; places of worship)
- Have a capacity of 200 or more individuals (including some premises that occasionally host 200 individuals)⁵¹

Schedule 2 exempts some premises from these duties (including the Houses of Parliament or devolved legislatures and governments; premises that have an existing transport security regime; parks, gardens, recreation grounds that can be entered without a ticket or some other form of entry pass).

The bill differentiates between two types of qualifying premises: standard duty premises and enhanced duty premises. It will impose different requirements on each. Standard duty premises are qualifying premises that can host between 200-799 individuals. Enhanced duty premises are qualifying premises that can host 800 or more individuals.

⁵¹ Clause 2. Subsection (d) says premises will qualify if “it is reasonable to expect that from time to time 200 or more individuals may be present on the premises at the same time in connection with one or more uses specified in Schedule 1”. “from time to time” is not further defined, although the explanatory notes give the example of a shop that has a peak season in the run up to Christmas.

The draft bill also differentiated between standard duty premises and enhanced duty premises. However, qualifying premises within the draft bill would have had to have:

- Been primarily used for one of the uses listed in schedule 1 (including food and drink venues; nightclubs; theatres and music venues; sports grounds; libraries, museums and galleries; conference centres; childcare and education settings; and places of worship)
- Been accessible to the public
- A capacity of more than 100 people

Whilst the Home Affairs Committee agreed with the capacity limits for enhanced duty premises in its pre-legislative scrutiny of the previous bill, in regard to standard duty premises, it concluded that the “capacity figure of 100 for standard tier premises, which will capture small and micro-sized businesses, and community-run and voluntary groups, could be disproportionate and burdensome”.⁵² It argued that smaller venues may lack sufficient resources to cover the cost of what is proposed.

It recommended that the bill be implemented in stages, starting with the enhanced duty premises and that financial assistance should be given to small and micro-sized businesses before the bill is introduced to Parliament.

Qualifying events

An event would be a qualifying event if:

- The premises where the event is held consists of a building (including part of or a group of buildings), other land or a combination of a building and other land
- The premises where the event is held are not enhanced duty premises
- Members of the public are accessing all or part of the event
- The event is not excluded in schedule 2 of the bill (exclusions include the Houses of Parliament; the devolved legislatures; and some of parts of some of the devolved administrations; and others)
- Individuals are employed to control access to the event (specifically to check tickets, passes or taking payments)⁵³

Under the draft bill, qualifying events were events taking place at a venue which is not a qualifying public premises, which is accessible to the public on the basis of express permission, and with a capacity of more than 800.

⁵² [Terrorism \(Protection of Premises\) draft Bill](#), Home Affairs Committee, HC 1359, 27 July 2023.

⁵³ Clause 3

The Home Affairs Committee's pre-legislative scrutiny of the draft bill noted that some events were excluded from that bill, including outdoor events such as Christmas markets. It argued that the bill should be expanded to include outdoor events with a capacity of over 800 and where express permission and payment is not required to enter.

Persons responsible for qualifying premises or events

Clause 4 of the bill defines who is responsible for qualifying premises or a qualifying event, and therefore responsible for meeting the relevant requirements set out in the bill.

A person would be responsible for a qualifying premises where they have control of the premises in connection with the relevant schedule 1 use. Schedule 1 lists the categories of premises to which the requirements will apply, these include shops; venues serving food and drink; nightclubs and entertainment venues; hotels; visitor attractions; healthcare facilities; childcare and education facilities; and places of worship. Places of worship and education settings would be subject to the standard tier duties regardless of capacity.⁵⁴

A person responsible for a qualifying event will be the person who has control of the premises where the qualifying event will be held for the purpose of the event.

Where there may be more than one person responsible for qualifying premises or a qualifying event, they are jointly responsible for ensuring compliance with the duties in the bill. Where the person responsible for enhanced duty premises or a qualifying event is not an individual, a senior individual must have responsibility for ensuring compliance with the requirements of the bill.

Clauses 5-11: requirements on qualifying premises and events

Public protection procedures

Clauses 5-11 set out the duties on the person responsible for standard and enhanced tier premises and qualifying events to ensure that public protection procedures are in place to reduce the risk of physical harm to people in the event of a terrorist attack, so far as reasonably practicable.

These are procedures to be followed by those working at the venue if there is reason to believe a terrorist attack may occur at or near the venue. They would comprise procedures to evacuate people; to move them to a safer

⁵⁴ Particular concerns were raised during pre-legislative scrutiny and the consultation about the impact of the proposals on places of worship and their ability to meet the requirements.

location; to prevent people leaving or entering the venue; and, to provide information.⁵⁵

The explanatory notes say that regard should be had to all relevant circumstances, including the physical nature of the venue and the resources of the responsible person, when determining whether it is appropriate and reasonably practicable to put procedures in place.⁵⁶

Additional measures would be required for enhanced duty premises and qualifying events. They would comprise measures relating to monitoring the event or venue and its immediate vicinity; to the movement of people in and out of the venue or event; to the physical safety and security of the venue; and, to the security of information about the venue or event.⁵⁷

These would be aimed at reducing the vulnerability of the venue to acts of terrorism as well as reducing the risk of physical harm.⁵⁸

The Secretary of State would be able to amend both lists of measures via secondary legislation to add or omit procedures if doing so would reduce the risk of harm or vulnerability to acts of terrorism, or leave it unchanged.⁵⁹

Additional requirements for qualifying premises and events

The bill would impose certain other requirements on persons responsible for qualifying premises and qualifying events. These include:

- A requirement on persons responsible for enhanced duty premises and qualifying events to document the public protection measures in place and an assessment of how they would reduce the risk of harm or vulnerability to terrorist attack. This would need to be provided to the security industry authority (SIA) as soon as reasonably practicable.⁶⁰
- A requirement to co-ordinate and cooperate so far as reasonably possible
 - with any other person responsible for the same premises or event
 - with anyone responsible for other premises of which the qualifying premises in question form part (for example, a shop within a shopping centre)
 - with anyone who has a degree of control over an event or premises but is not the responsible person.⁶¹

⁵⁵ Clause 5(3)

⁵⁶ [Explanatory Notes to the Terrorism \(Protection of Premises\) Bill 2024-2025](#), para 72

⁵⁷ Clause 6(3)

⁵⁸ Clause 6(2)

⁵⁹ Clauses 5(4)-(6) & 6(4)-(6)

⁶⁰ Clause 7

⁶¹ Clause 8

- A requirement to notify the SIA when a person becomes responsible or ceases to be responsible for a qualifying event or premises. The Secretary of State would have a power to impose further notification requirements, as well as to determine the timing and form of the notification.⁶²
- A requirement to designate a senior individual to be responsible for all requirements under part 1 of the bill, where the person responsible for enhanced duty premises or a qualifying event is not an individual.⁶³

Determinations by the tribunal

The SIA or a person with control of a premises or event to which the requirements imposed by the bill may apply can apply to the tribunal for a determination as to the status of the venue as a qualifying premises, an enhanced duty premises, or a qualifying event; or, as to their status as a responsible person.⁶⁴

Clauses 12-16: enforcement by the Security Industry Authority

Clauses 12-16 and schedule 3 establish the Security Industry Authority (SIA) as the regulator responsible for enforcing the requirements provided for by the bill and set out its functions and powers.

Functions

The SIA would be required to carry out the functions provided for in clauses 5 to 10, including by using the investigatory powers provided for by schedule 3 to assess compliance, and taking necessary enforcement action.⁶⁵

The SIA would also be required to:

- prepare guidance as to how it intends to carry out its functions
- provide advice to those likely to be subject to the requirements in clauses 5 to 10, which should be published, subject to approval by the Secretary of State, and kept under review and revised as necessary
- keep under review the effectiveness of the requirements in reducing the risk of physical harm or vulnerability to terrorism⁶⁶

The bill would also amend the Private Security Industry Act 2001, which established the SIA. It would bring some matters in the bill within the scope of existing functions and clarify that certain provisions of the 2001 Act do not

⁶² Clause 9

⁶³ Clause 10

⁶⁴ Clause 11

⁶⁵ Clause 12(1)

⁶⁶ Clause 12(2)-(3)

apply in relation to some functions under the bill. The amendments would mean that the SIA would have to comply with directions and requests for information from the Secretary of State and provide them with an annual report to be laid before Parliament.⁶⁷

Notices

The bill would enable the SIA to issue compliance notices and restriction notices:

- Compliance notices could be given to a person where there were reasonable grounds to believe that they had contravened a requirement imposed by clauses 5-10. It would require them to take specified steps within a specified timeframe in order to comply with the requirement. The person would have the opportunity to make representations before the notice was issued.⁶⁸
- Restriction notices could be given to those responsible for enhanced duty premises and qualifying events. There would need to be reasonable grounds to believe that they had contravened a public protection requirement (clauses 5 & 6), and that it was necessary to reduce the risk of physical harm arising from acts of terrorism at the venue. The notice could restrict or prohibit the use of the premises or scope of the event for up to six months. The person would have the opportunity to make representations before the notice was issued, except in urgent cases.⁶⁹

It would be possible to vary or withdraw notices by giving notice to the original recipient of the notice. The only circumstances in which it would be possible to vary a notice to make it more onerous would be to extend the duration of a restriction notice. The SIA would need to have reasonable grounds to believe that the original grounds for giving the notice continued to apply. The recipient would have the opportunity to make representations and the extension could be for up to three months at a time.⁷⁰

It would be possible to appeal to the tribunal against a notice or variation within 28 days.

The tribunal could cancel or vary the notice if satisfied that it was:

- based wholly or partly on an error of fact
- wrong in law
- unfair or unreasonable for any other reason

⁶⁷ Clause 12(4)-(10); [Explanatory Notes to the Terrorism \(Protection of Premises\) Bill 2024-2025](#), para 94-95

⁶⁸ Clause 13

⁶⁹ Clause 14

⁷⁰ Clause 15

The tribunal would be able to review any determination of fact by the SIA in issuing the notice and to take account of any evidence not available to it.

A compliance notice would have no effect until any appeal was decided. In the case of a restriction notice, the court could order that it had no effect until the appeal was decided.⁷¹

Investigatory powers: schedule 3

Schedule 3 would confer investigatory powers on authorised SIA inspectors to enable them to carry out investigation and enforcement functions. These would be exercisable where necessary for the purpose of “terrorism protection investigations” to determine compliance with the requirements of the bill.

The powers include:

- Information gathering powers to require a person to provide specified information or to attend an interview.⁷²
- Powers to enter premises believed to be within scope of the bill without a warrant, in order to inspect the premises, observe activities, view or take copies of documents, inspect equipment and take photographs and recordings. It would not be possible to force entrance or seize items.⁷³
- Powers to enter a premises by force under a warrant, for example where the premises are not within the scope of the bill, or where an attempt to enter without a warrant has been frustrated. A warrant may also permit the seizure of documents, equipment or other items.⁷⁴

It would be an offence to obstruct an authorised inspector in the exercise of any of the powers.⁷⁵

Clauses 17-23: monetary penalties

Clauses 17-23 would confer powers on the SIA to issue penalty notices to those in contravention of the bill’s requirements.⁷⁶

Non-compliance penalties

A “non-compliance penalty” notice would require the recipient to pay a specified penalty to the SIA within a specified period of at least 28 days.

⁷¹ Clause 16

⁷² Schedule 3, para 3

⁷³ Schedule 3, para 4

⁷⁴ Schedule 3, paras 5 & 6

⁷⁵ Schedule 3, para 11

⁷⁶ Specifically, those contained in clauses 5 to 10, 13, 14 or paragraph 3 of schedule 3

Only one penalty could be given per contravention, and there would be no requirement to also issue a compliance or restriction notice.⁷⁷ The subject of a notice would be given the opportunity to make representations before it was given.⁷⁸

The maximum amount for a non-compliance penalty would be £10,000 for a standard duty premises and the greater of £18m or 5% of “qualifying worldwide revenue” for an enhanced duty premises or qualifying event.⁷⁹ The SIA would be required to publish a statement on what it considers to be qualifying revenue following consultation with the Secretary of State.⁸⁰

Daily penalties

The SIA would also be able to issue a notice requiring the payment of a daily penalty in respect of an ongoing contravention of a compliance or restriction notice, for each day after the end of the period specified for payment of the non-compliance penalty. The maximum amount per day would be £500 for a standard duty premises or £50,000 for an enhanced duty premises or qualifying event.⁸¹

Determining the amount

The amount for both non-compliance penalties and daily penalties would both need to be considered appropriate and proportionate by the SIA, taking account of the following factors:

- The effect of the contravention
- Any action taken to remedy it or mitigate its effects
- The ability of the person to pay⁸²

Variation and withdrawal

It would be possible to vary or withdraw a penalty notice, by giving notice to the recipient. However it would not be possible to increase the amount, shorten the period for payment, or require the payment of daily penalties not already provided for.⁸³

Appeals

There would be a right of appeal to the tribunal against a penalty notice or variation, which would need to be brought within 28 days.

⁷⁷ Clause 17

⁷⁸ Clause 21(2)

⁷⁹ Clause 18. This would be determined by reference to accounting periods. The Secretary of State would be able to amend these amounts by regulations.

⁸⁰ Clause 18(5)-(6)

⁸¹ Clause 19. The Secretary of State would be able to amend these amounts by regulations.

⁸² Clause 20

⁸³ Clause 21(3)-(4)

The tribunal could vary or cancel the penalty if satisfied that it was

- Based wholly or partly on an error of fact
- Wrong in law
- Unfair or unreasonable for any other reason⁸⁴

Payment and recovery

Any payment received by the SIA would be required to be paid into the [Consolidated Fund](#).⁸⁵

The bill provides for recovery of unpaid penalties by analogy with existing processes for recovering unpaid penalties in different parts of the UK.⁸⁶

Clauses 24-26: offences

Clauses 24 to 26 would create offences of failing to comply with a compliance or restriction notice and providing false or misleading information, and provide for liability for offences committed by a body.

The failure to comply offence would only apply in relation to a compliance notice relating to enhanced duty premises or a qualifying event, or a restriction notice. It would be a defence to show that the person served with the notice took all reasonable steps to comply. Provided sufficient evidence is adduced to raise an issue, it would revert to the prosecution to prove the contrary. The maximum sentence is a term not exceeding two years or a fine (or both).⁸⁷

The false information offence is committed when a person knowingly or recklessly provides false or misleading information to the SIA in compliance, or purported compliance with a requirement imposed by part 1 of the bill. This offence would also carry the maximum penalty of a two year term or a fine (or both).⁸⁸

Where an offence is committed by a body, a 'relevant person' may also be liable if they have management or control functions.⁸⁹ Where the offence relates to a failure to comply with a compliance, restriction or information notice, an actual or purported relevant person may be liable if it was committed with their consent or connivance. Where the offence concerns the provision of false or misleading information, obstructing an inspector or

⁸⁴ Clause 21

⁸⁵ The Consolidated Fund is the Government's general bank account at the Bank of England. Payments from this account must be authorised in advance by the House of Commons.

⁸⁶ Clause 23

⁸⁷ Clause 24

⁸⁸ Clause 25

⁸⁹ Clause 26(5) sets out the definition of 'relevant person' for different categories of organisation

pretending to be an inspector, an actual or purported relevant person may be liable if the offence was committed with their consent or connivance.⁹⁰

Clauses 27-33: general provisions

Clauses 27-33 would provide for general issues relevant to part 1 of the bill, including:

- The Secretary of State would be required to produce statutory guidance about the requirements imposed by part 1 to be laid before Parliament, compliance with which may be relied upon as evidence of compliance with the requirement.⁹¹
- The disclosure of information in accordance with the bill would not breach any confidentiality obligation or other restriction on the disclosure of information. The bill would not however require the disclosure of information protected by data protection legislation or the Investigatory Powers Act 2016.⁹²
- Notices could be given in person, by post at a person's proper address,⁹³ by leaving it at the address, or by email.⁹⁴
- There would be no right of action in civil proceedings except as provided for by part 1.⁹⁵
- The Secretary of State could by regulations:
 - Make further provision about notices, in particular their form and content or variation and withdrawal⁹⁶
 - Change the threshold for standard duty premises to a figure not less than 100⁹⁷
 - Change the threshold for the enhanced tier and qualifying events to a figure not less than 500⁹⁸

⁹⁰ Clause 26

⁹¹ Clause 27

⁹² Clause 28

⁹³ As defined by subsections (6) & (7)

⁹⁴ Clause 29

⁹⁵ Clause 31

⁹⁶ Clause 30

⁹⁷ Clause 32(a)

⁹⁸ Clause 32(b)

- Specify new uses for the purposes of defining qualifying premises⁹⁹
- Provide that certain qualifying premises are standard or enhanced duty premises, regardless of how they would otherwise be classed¹⁰⁰
- Specify a person responsible for qualifying premises in certain cases¹⁰¹
- Exclude further premises from the application of part 1¹⁰²

2.2 Part 2: licensing

Clause 34 and schedule 4 would amend the Licensing Act 2003 and the Licensing (Scotland) Act 2005 to prevent sensitive information in premises plans being available to the public where it might be useful to a person committing or preparing an act of terrorism.¹⁰³

2.3 Part 3: general

Clauses 35-38 deal with regulation making powers, territorial extent, commencement and the short title.

2.4 Other bill documents

Impact assessment

The impact assessment estimates that the 10-year cost to standard duty premises will be £3,313 per premises, and to enhanced duty premises £52,093 per premises.

The 10-year cost of the regulator is estimated to be between £30.m and £68.1m, with a central estimate of £46.6m.

It notes that the majority of the cost of the policy falls to business, and that 178,900 sites are considered to be in scope.¹⁰⁴

⁹⁹ Clause 32(c)

¹⁰⁰ As above

¹⁰¹ As above

¹⁰² Clause 32(d)

¹⁰³ [Explanatory Notes to the Terrorism \(Protection of Premises\) Bill 2024-2025](#), para 168-173

¹⁰⁴ [Impact Assessment](#) (PDF), page 2

Explaining the rationale for intervention, the impact assessment notes that beyond the impact on victims and families, terrorism causes economic damage and a negative impact on the wider economy through fear. The Home Office assessed the 2017 terrorist attacks to have had direct economic and social costs of £196.4m (2024 prices).¹⁰⁵

The Regulatory Policy Committee has rated the impact assessment as fit for purpose.¹⁰⁶ It said that the department had sufficiently improved the assessment of impacts on small and micro business. However it said that the impact assessment does not provide evidence that the proposals would reduce terrorism for small venues. It also noted a lack of evidence that a new regulator with national inspectors would be efficient compared with local authority compliance. It rates the rationale and options, cost-benefit analysis and wider impact assessment as weak.

Human rights memorandum

The human rights memorandum produced by the Home Office states that the bill may engage the following human rights:¹⁰⁷

- Article 6 – right to a fair trial
- Article 8 – right to respect for private and family life, home life and correspondence
- Article 1, protocol 1 (A1P1) – right to peaceful enjoyment of possessions

Compliance and restriction notices

The government consider that the SIA power to issue a restriction notice under clause 14 may engage A1P1, by preventing a person from enjoying their rights over the premises in question.

A1P1 is a ‘qualified right’ meaning that it may be possible to restrict it in order to protect the rights of others or the public interest. Any interference must nonetheless be necessary and proportionate in pursuit of a legitimate purpose, and prescribed by law.

The government’s view is that any interference is justified on the basis that is a requirement that the SIA have reasonable grounds to believe a person is in contravention of a requirement and that a restriction notice is necessary to reduce the risk of physical harm. Together with the time limits placed on the duration of notices, this ensures that they are proportionate to the harm

¹⁰⁵ [Impact Assessment](#) (PDF), para 21

¹⁰⁶ [Terrorism \(Protection of Premises\) Bill – Martyn’s Law](#), RPC-HO-5254(2), 22 August 2024. As noted above, it rated the draft Bill’s impact assessment as not fit for purpose.

¹⁰⁷ See the [European Convention on Human Rights](#), as given effect by the [Human Rights Act 1998](#)

caused. Further notices are clearly prescribed by law (via the bill) and there is a statutory right of appeal.¹⁰⁸

The government also considers that compliance and restriction notices may engage Article 6, in that they involve the determination of a civil obligation. However, the government's view is that the provisions are compatible with Article 6, on the basis that in addition to the requirements for the SIA to have reasonable grounds to believe in the contravention, and in the necessity of the notice to reduce harm, the provision for a statutory right of appeal in clause 16 provides "sufficiency of review".¹⁰⁹

Penalty notices

The government also considers that the power to issue penalty notices involves the determination of a civil right and thus engages Article 6.

However, the provision are deemed to be compatible with Article 6 on the basis that they are necessary for the SIA to address instances of serious or repeated non-compliance and will likely only be used when other enforcement mechanisms have been used. Other safeguards relevant to compatibility include: that the SIA will prepare guidance as to how it will exercise its functions; penalties are required to be proportionate, in light of the effect of the contravention and any attempt to mitigate; and, there is a statutory right of appeal.¹¹⁰

Criminal offences

The criminal offences created by the bill would also engage Article 6. The government's view is that they are necessary to support the SIA's enforcement function or to address wrongdoing and that they will be tried by a court of competent jurisdiction with the minimum fair trial rights required by Article 6.¹¹¹

Powers of investigation

The government's view is that the powers of investigation in schedule 3 may engage Article 8, but that they are compatible because they can only be used when necessary for the purposes of a terrorism protection investigation, and any interference will be justified. Other relevant safeguards include: the exclusion of premises mainly or wholly used as a dwelling from the warrant provisions; protection for information subject to legal professional privilege; and, protection from self-incrimination.¹¹²

¹⁰⁸ [Terrorism \(Protection of Premises\) Bill: Memorandum for the Joint Committee on Human Rights](#) (PDF), Home Office, September 2024, paras 17-19

¹⁰⁹ [Terrorism \(Protection of Premises\) Bill: Memorandum for the Joint Committee on Human Rights](#) (PDF), Home Office, September 2024, paras 20-25

¹¹⁰ As above, paras 28-32

¹¹¹ As above, paras 34-36

¹¹² As above, paras 38-39

3

Reaction

In a post on X (formerly Twitter), the Independent Reviewer of Terrorism Legislation, Jonathan Hall KC, said that it was interesting, and a tribute to Parliamentary scrutiny of the draft bill, that the bill as introduced was markedly different from the original proposals. He said the increased threshold for the standard tier was an “important concession to the “village hall” conundrum where too many premises would be affected”. He also noted the change from a “one size fits all” approach to training with the removal of the requirement for a mandatory Standard Terrorism Evaluation form to be completed, and the addition of “reasonably practicable” in the drafting. He suggested that the explanatory notes indicate that the changes were driven by scrutiny and substantive thinking rather than by the change of government.¹¹³

Several law firms have published commentary on the bill.

Alistair Kinley, Director of Policy and Government Affairs at Clyde and Co suggested that a number of important changes have been made, by comparison with the draft bill. The most important was defining the objective of the new statutory duty as reducing the risk of physical harm to members of the public from a terrorist attack on the premises or in the immediate vicinity. Other noted improvements included the designation of the SIA as the regulator and the categorisation of places of worship and education settings as standard tier regardless of capacity. However, he suggested that although framing the duty as requiring “reasonably practicable” measures to be taken was welcome

it should nevertheless be recognised that within the enhanced tier ... meeting the [test] is likely to involve a much more bespoke approach to understanding and assessing risk.¹¹⁴

Duncan Strachan and Charlotte Shakespeare of DAC Beechcroft analysed the implications for the insurance sector. They suggested that an immediate impact was likely to be an increase in awareness of and demand for terrorism insurance. Although the bill states that it does not confer a right of action in any civil proceedings, they also predicted that the standards that responsible persons will be expected to meet may be relevant to determining liability, when it comes to analysis of the scope of any duty of care.¹¹⁵

¹¹³ [X.com](#), 12 September 2024

¹¹⁴ [Martyn's law: new bill to be debated in Parliament in October](#), Clyde & Co, 17 September 2024

¹¹⁵ [The Terrorism \(Protection of Premises\) Bill has been introduced into Parliament: Everything you need to know](#), DAC Beechcroft, 16 September 2024

Robert Gardener of Hogan Lovells suggested that the bill reflected a strong political drive to avoid responding to the threat of terrorism through the denial of liberty and spreading of fear. He said that that would do “the terrorists job for them” and that the government is “keen to embed preventative measures in much more of a steady and unnoticeable way: protection without detection”.¹¹⁶

Rory Partridge of Charles Russell Speechlys noted that the “reasonably practicable” wording is also found in health and safety legislation and could be expected to be applied and interpreted similarly in this context. He said that it requires consideration of risk against the sacrifice involved in the measures necessary to avert it, and that those responsible need not do anything that is outside of their control or a disproportionate burden.¹¹⁷

¹¹⁶ [UK: Terrorism \(Protection of Premises\) Bill - what to expect](#), Hogan Lovells, 19 September 2024

¹¹⁷ [Martyn's Law/ the Protect Duty: new Bill published](#), 27 September 2024

4 Progress of the bill

4.1 Second reading

The bill had its second reading on 14 October 2024.

Introducing the bill the Home Secretary, Yvette Cooper, acknowledged the work done by the previous government, and welcomed the cross-party support.

She said that the purpose of the Bill was:

- Ensuring that proper measures are taken to keep us safe;
- Ensuring that people can get on with their lives and making it possible for people to keep enjoying all the things they do;
- And, protection of life – protection of our way of life.¹¹⁸

She noted the need to get the proper balance and detail right with the bill, pointing to the changes made following pre-legislative scrutiny. In particular she noted the raising of the threshold for being in scope from 100 to 200, allowing for a location specific approach, and providing that measures are required only “so far as is reasonably practicable”.¹¹⁹

The shadow Home Secretary, James Cleverly, expressed the opposition’s support for the bill’s aims and aspirations. He welcomed the lighter touch approach taken by the bill, particularly with respect to the standard tier.

He asked whether the government had considered post-legislative assessment of the thresholds, so that they could be adjusted if appropriate; about the readiness of the SIA for its role under the bill; and about engagement with industry and exemptions for voluntary and community organisations.¹²⁰

Liberal Democrat spokesperson Lisa Smart also welcomed the bill, but noted that some concerns remained. These included the power for the Secretary of State to lower the threshold for scope to 100 by regulations; whether the

¹¹⁸ [HC Deb 14 October 2024, c625](#)

¹¹⁹ [As above, c629](#)

¹²⁰ [As above c631](#)

benefits of the bill are proportionate to the costs for smaller venues; and the adequacy of support for venue operators.¹²¹

4.2 Committee stage

The Public Bill Committee (PBC) sat across four sessions on 29 and 31 October.

Oral evidence

During the first two sessions, on 29 October, the PBC heard oral evidence from witnesses. At the first sitting they heard evidence from:

- Figen Murray OBE
- Brendan Cox Andy Burnham, Mayor of Greater Manchester
- Councillor Keith Stevens, Chair, National Association of Local Councils
- Helen Ball, Vice-Chair & Director, Society of Local Council Clerks
- Paul Laffan, Group Safety & Security Manager, The Ambassador Theatre Group
- Stuart Beeby, Group Operations Director, The Ambassador Theatre Group
- Heather Walker, Chief Operating Officer, Royal Ballet and Opera
- Alex Beard CBE, Chief Executive, Royal Ballet and Opera

Figen Murray welcomed the bill but expressed concern that by increasing the threshold from 100 to 200 it risked getting the balance wrong and would exclude too many venues. She suggested that the additional duties imposed by the bill would be a “small add-on” to existing responsibilities in relation to fire safety or health and safety already undertaken by volunteers responsible for managing community spaces and events.¹²²

Andy Burnham agreed that venues with a capacity of 100 should be covered by the bill and urged the committee to strengthen it, rather than water it down. He also expressed the view that it should require mandatory training in the standard tier. He suggested that this training could be provided for free to minimise any burden on venues.¹²³

¹²¹ [As above c636](#)

¹²² PBC 29 October 2024, c6-7

¹²³ As above, c11-13

Keith Stevens welcomed the raising of the threshold, noting that it was proportionate and local councils were receptive to the changes in the bill.¹²⁴

Helen Ball explained that parish councils had become used to dealing with more stringent premises licenses in recent years and that the bill was unlikely to add significantly to that.¹²⁵

Alex Beard explained that venues such as the Royal Ballet and Opera already undertook many of the actions that the bill would require, and that having the support of the authorities and a regulatory body were positive steps. He said that they were fully supportive of the legislation, as did Stuart Beeby, although he cautioned against a formulaic approach to applying the legislation to different premises.¹²⁶

Paul Laffan was supportive of the appointment of the SIA as the regulator, describing it as logical given its existing role. He did however express concerns about its ability to apply risk assessments pragmatically across a varied industry. He also questioned how much power the SIA would have when engaging with external bodies, such as planning authorities, which may have decision making powers in relation to areas external to venues that would be impacted by decisions on internal security.¹²⁷

Stuart Beeby suggested that there would be a challenge on the costs for venues, which would depend on how the SIA applied the legislation in practice. He emphasised the need to take an effects-based rather than formulaic approach.¹²⁸

At the second sitting they heard from:

- Matt Jukes, Assistant Commissioner for Specialist Operations, Metropolitan Police
- Neil Sharpley, Chair, Home Office and Ministry of Justice Policy Units, FSB
- Mike Pearce, Chair, Counter Terrorism Business Information Exchange
- John Frost, Deputy Chair, Counter Terrorism Business Information Exchange
- Cameron Yorston, Director of Communications, Sport and Recreation Alliance
- Max Nicholls, Policy Manager, Sport and Recreation Alliance
- Kate Nicholls OBE, Chief Executive, UK Hospitality

¹²⁴ As above c17

¹²⁵ As above c18

¹²⁶ As above, c20

¹²⁷ As above c21-21

¹²⁸ As above c24

- Mike Kill, Chief Executive Officer, Night Time Industries Association
- Jeremy Leggett MBE, Policy Advisor, Action with Communities in Rural England
- Jon Collins, CEO, LIVE (Live music Industry Venues & Entertainment)
- Melvin Benn, Spokesman, Concert Promoters Association
- Gary Stephen, Association of University Chief Security Officers
- Dan Jarvis, Minister for Security, Home Office
- Debbie Bartlett, Deputy Director for Protect and Prepare, Home Office

Matt Jukes set out the terrorist threat picture for the committee. He noted that access to training and information on the internet meant that it was no longer necessary for people to travel abroad to acquire methodologies and equipment required to carry out attacks. Foreign travel is now a less significant feature of the picture and major terrorist organisations encourage attacks in the UK instead.

He said that the terrorist threat was harder to spot than it had ever been and it was therefore important to prepare and protect potential targets of terrorism. The bill would bring confidence and consistency in the level of preparedness.¹²⁹

He also suggested that the previous threshold of 100 was “a sensible place to start” as it would bring into scope areas where there were multiple venues close together, each with a smaller capacity. He indicated a preference to return to this threshold.¹³⁰

Neil Sharpley, speaking on behalf of the Federation of Small businesses, said that previous concerns about the draft bill, which had been about very small venues and community venues, had been addressed. He questioned whether the bill should make provision for local authorities to work with smaller businesses that surround open areas to address the risks they may face.¹³¹

Mike Pearce said the Counter Terrorism Business Information Exchange was strongly supportive of the bill and had lots of experience supporting government messaging on counter terrorism and was in a good position to support smaller businesses.¹³²

John Frost suggested that raising the threshold to 200 would mean there was a missed opportunity to impose obligations on a large number of sites which may be able to respond to situations using low cost procedures. He also

¹²⁹ PBC 29 October c28-29

¹³⁰ As above, c30-31

¹³¹ As above, c32-33

¹³² As above, c34

questioned whether it was appropriate for training not to be mandatory in the standard tier, given the availability of free products.¹³³

Max Nicholls welcomed the change to the way capacity would be calculated under the bill, noting that for some sporting being able to look at historic data was more appropriate than footprint.¹³⁴

He noted that there was some uncertainty about the interaction between standard tier premises that sometimes hosted qualifying events in terms of the obligations that would apply and identifying the responsible person.¹³⁵

Cameron Yorston welcomed the introduction of the “reasonably practicable” qualification in relation to the bills requirements, but suggested further clarity was needed on how it would be applied.¹³⁶

Mike Kill said that smaller businesses in the night time industries were concerned about the cost implication of additional security measures in the current economic climate, particularly in relation to staffing levels and training.¹³⁷

Kate Nicholls expressed some concern about the imposition of penalties and the scale of fines available under the bill, and the potential impact they could have on businesses.¹³⁸

Jeremy Leggett welcomed the raised threshold for the standard tier, noting that it would remove from scope large number of village halls. He expressed concern about the power in the bill for the threshold to be reduced to 100 by order, given the particular impact on volunteer-run premises, which most smaller village halls are.¹³⁹

Jon Collins expressed concern on behalf of the live music industry as to how the bill’s requirements would interact with the established regime for licensing, suggesting that there could be conflict between the two. He questioned whether the bill could be amended so as to provide that any requirements imposed by the inspectorate should also be reasonably practicable, and not in conflict with a licensing condition.¹⁴⁰

Melvin Benn also expressed concerns about the apparent extent of the regulator’s powers under the bill in the context of imposing requirements on festivals and other events, noting that licensing requirements would already take account of input from police and counter-terrorism advice. He suggested that there may be conflict between the two regimes in terms of the approach to the area outside the venue, noting that the bill applies to “the vicinity”

¹³³ As above, c36

¹³⁴ As above, c37

¹³⁵ As above, c38

¹³⁶ PBC 29 October, c37

¹³⁷ As above, c39-40

¹³⁸ As above, c40

¹³⁹ As above, c41-42

¹⁴⁰ As above, c45

around a venue, which he said was “very ill-defined”. This could cause problems because there would be no legal powers for security personnel to direct crowds in a public place, he said.¹⁴¹

Melvin Benn suggested that an alternative approach would have been to add an additional counter-terrorism requirement into the licensing regime, rather than to create a new one.¹⁴²

Giving evidence to the committee, the security minister, Dan Jarvis, explained that the threshold had been increased, in light of the consultation and previous scrutiny, in the interests of proportionality.¹⁴³

Debbie Bartlett explained that it would reduce the proportion of village halls in scope from 54% to 13%.

She also explained that the sanctions and enforcement regime, being based primarily on civil sanctions, had been designed to be proportionate.¹⁴⁴

Dan Jarvis also explained that the decision to designate the SIA as the regulator was taken in light of Cabinet Office guidance which advises against the creation of new regulatory bodies. He said that the SIA was judged to have the necessary experience and skillset to provide that regulatory function.¹⁴⁵

Debbie Bartlett explained that there should be alignment with other regimes, such as licensing, rather than duplication. She said the licensing regime was limited, which was why new legislation was needed.¹⁴⁶

Debate

Opposition amendments

Then shadow security minister Tom Tugendhat tabled a series of amendments relating to thresholds, the imposition of public protection measures, and delegated powers. He said that this was because the burdens created by the bill would fall on businesses and individuals, and that the amendments were aimed at ensuring that people were not overburdened. These included:

- Qualifying premises:
 - an amendment to clause 2 which would have increased the threshold for standard duty premises from 200 to 300.¹⁴⁷

¹⁴¹ As above, c46

¹⁴² As above, c49

¹⁴³ As above c52-53

¹⁴⁴ As above

¹⁴⁵ As above, c55

¹⁴⁶ As above, c56

¹⁴⁷ Amendment 22

- amendments to clause 32 which would prevent the Secretary of State from reducing thresholds for qualifying event and premises by regulations.¹⁴⁸

Dan Jarvis reiterated that the 200 threshold had been arrived at following extensive consultation and stakeholder engagement. He also said that the power to reduce the thresholds was subject to the affirmative procedure, and that it was necessary to ensure flexibility to enable an effective response to changes in the nature of level of the threat from terrorism.

- Public protection measures: an amendment to clause 6 which would prevent the Secretary of State from creating further requirements for enhanced duty premises by regulations.¹⁴⁹

Dan Jarvis said that the power was necessary to respond to changes in the threat from terrorism and advances in technological solutions. In particular he noted that there may be lessons to learn from future incidents; new common types of attack may emerge; and best practice may evolve.¹⁵⁰

- Independent review: a new clause to require the Secretary of State to review the operation of the enhanced duty premises and qualifying events requirements before commencing the standard duty requirements.¹⁵¹

Dan Jarvis said that although the government did not support the amendment, it was committed to learning lessons from implementation, and there would be a robust monitoring and evaluation plan, and a post-implementation review.¹⁵²

- Role of the Security Industry Authority: a new clause which would require a report reviewing the role of the SIA within 18 months, including a cost-benefit analysis of the its functions compared to them being carried out at local authority level.¹⁵³ Tom Tugendhat said that this was necessary because of the reputation of the SIA, and because work done under the previous government had found that there were alternatives that would offer better value for money and better ministerial oversight and accountability.¹⁵⁴

Dan Jarvis said that it would take 24 months for the SIA to be established as the regulator and after that it would take time before there was robust data on which to evaluate its performance. A review within 18

¹⁴⁸ Amendments 20 and 21

¹⁴⁹ Amendment 26

¹⁵⁰ [PBC 31 October 2024, c75](#)

¹⁵¹ New clause 1, amendments 18 & 19

¹⁵² PBC 31 October 2024, c96

¹⁵³ New clause 2

¹⁵⁴ PBC 31 October 2024, c83

months would not therefore be appropriate. Further the bill already provides several checks and balances, such as the production of an annual report.¹⁵⁵

All the amendments were ultimately withdrawn.

Government amendments

The government tabled a number of technical and clarificatory amendments, all of which were passed unopposed. These included:

- Clarifying and simplifying some of the definitions of certain uses of premises and terms in schedule 1.¹⁵⁶
- Setting the maximum fine that could be imposed on an individual for failure to attend an interview with the SIA.¹⁵⁷
- Providing assurance that disclosures of information to the SIA as required by the bill would not contravene data protection legislation or other relevant obligations.¹⁵⁸ Dan Jarvis said that it created an “information gateway” for the SIA and those who propose to share information with it.¹⁵⁹

¹⁵⁵ PBC 31 October 2024, c82-83

¹⁵⁶ Government amendments 10 to 17

¹⁵⁷ Government amendments 5 to 8

¹⁵⁸ Government amendment 9

¹⁵⁹ PBC 31 October 2024, c91

5

Annex A: How bills go through Parliament

Bills can be introduced in either the House of Commons or the House of Lords. They can be amended but the entire text has to be agreed by both Houses before they can receive Royal Assent and become law. In both Houses, bills go through the same stages although there are slight differences in the practices of the two Houses.

5.1

Commons stages

A bill that is introduced in the House of Commons will go through the following stages.

- First reading sees the formal introduction of a bill, when a clerk reads out the name of the bill in the Commons chamber. The bill was introduced on 12 September 2024. There is no debate at this stage. Bills cannot be published before their introduction. Government bills are usually published immediately after introduction.
- Second reading debate is the first time MPs debate a bill. They discuss the purpose of the bill. Debates are usually scheduled to take a full day (five to six hours). The bill is scheduled to have second reading on 14 October 2024. At the end of the debate, MPs decide whether it should pass to the next stage. Sometimes a ‘reasoned amendment’, which sets out the reasons to reject a bill, is tabled. If this is agreed to, or if the bill is simply voted down, the bill cannot make any further progress. No amendments are made to the bill itself at this stage.
- Committee stage is usually conducted by a small number of MPs (usually 17) in a public bill committee but sometimes bills can be considered in detail in the Commons Chamber by all MPs in a Committee of the whole House. The committee debates and decides whether amendments should be made to the bill and whether each clause and schedule should be included.
- Report stage takes place in the Commons Chamber and involves MPs considering the bill as agreed at committee stage. MPs can also propose further amendments which can be voted on.

- Amendments at committee and report stage can leave out words, substitute words and add words, including whole clauses and schedules. They can be proposed by backbench and frontbench MPs. The Speaker or the chair of the committee selects and groups amendments to debate.
- Third reading, usually on the same day as report stage, is the final chance for MPs to debate the contents of a bill before it goes to the House of Lords. It's usually a short debate and changes cannot be made at this stage in the Commons. At the end of the debate, the House decides whether to approve the bill and therefore pass it onto the House of Lords.

5.2 Lords stages

Bills introduced in the Lords go through the same process, completing all stages in the Lords before being sent to the Commons.

The House of Lords respects the Commons' primacy on financial matters and does not usually amend Finance Bills (those that implement the Budget) or money bills.

Members of the House of Lords debate the bill, going through the same stages as in the Commons. Key differences between the two Houses are that in the Lords, committee stage usually takes place on the floor of the House and a bill can be amended at third reading.

Most bills are considered by a committee of the whole House in the House of Lords. Some are referred to the Lords Grand Committee – which all members can attend. However, divisions (votes) are not permitted in the Grand Committee and any amendments made have to be agreed to without a division.

The Lords can also make amendments to a bill. Major points of difference should have been resolved before third reading but amendments to “tidy-up” a bill are permitted.

No party has a majority in the House of Lords and government defeats are not uncommon. For bills that have started in the House of Commons, the Lords is essentially asking MPs to think again about the subject of the amendment.

5.3 ‘Ping pong’

If the Lords amend a bill that was sent from the Commons, the amendments are returned to the Commons and MPs debate the amendments proposed by the Lords. This is potentially the start of “ping-pong”, a process whereby

amendments and messages about the amendments are sent backwards and forwards between the two Houses until agreement is reached.

Once agreement has been reached, the Bill receives Royal Assent, becoming law when both Houses have been notified that Royal Assent has been granted.

5.4 Amendments

MPs can submit amendments, via the Public Bill Office (PBO), at three different stages of a bill: committee stage, report stage, and when a bill is returned from the Lords. Once the PBO accepts the amendment, it has been 'tabled'. If an MP wants to amend a bill during committee stage but is not a member of the committee, they will need a committee member to 'move' it for debate on their behalf.

In order to be debated, the amendment must be selected by the chair. Similar amendments may be grouped for debate to avoid repetition. For committee stage, selection and grouping is carried out by MPs from the panel of chairs chosen to chair the committee. If there is a Committee of the Whole House, the chair is the

Chairman of Ways and Means (the principal Deputy Speaker). For report stage, it is the Speaker.

Amendments might not be selected for debate if they are, for example, outside the scope of a bill, vague, or tabled to the wrong part of a bill. The PBO can advise on whether an amendment is likely to be selected.

5.5 Further information on bill procedure The MPs' Guide to Procedure has a section on bills.

MPs who have questions about the procedure for bills or want advice on how to amend them should contact the Public Bill Office.

The Library can provide information on the background and potential impact of a bill and of amendments but cannot help MPs with drafting amendments.

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