

Martyn's Law overview and what you need to know

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Watch the video below for a short overview of the scope and requirements of the new Terrorism (Protection of Premises) Act, known as Martyn's Law.

Video

The Government intends for there to be an implementation period of at least 24 months before the Act comes into force. Whilst those that fall within scope of the Act may wish to consider the requirements, there is no requirement to comply with them until the legislation comes into force. The Home Office will publish statutory guidance during the implementation period. This guidance will assist those responsible to understand the requirements set out in the legislation.

What you need to know about Martyn's Law:

The legislation builds upon the Protect and Prepare strands of the Government's wider counter terrorism strategy, CONTEST.

This Government has been conscious of the need to ensure the Act strikes the right balance between public protection and avoiding undue burdens on premises and events. The provisions in the Act have been developed following engagement with expert security partners, businesses, local authorities and the Martyn's Law campaign team. This includes two public consultations and pre-legislative scrutiny of the draft Bill. The feedback received from this scrutiny has been reflected in the legislation.

The new Act will ensure the public are better protected from terrorism by requiring certain public premises and events to be prepared and ready to keep people safe in the event of an attack.

Certain larger premises will be required to consider and, where appropriate, take steps to reduce their vulnerability to acts of terrorism.

A tiered approach is established under the new Act, with those responsible for premises and events in scope required to fulfil different requirements according to the number of individuals it is reasonable to expect may be present.

Smaller premises where 200-799 individuals may be present will be in the 'standard tier.' The requirements in this tier are centred on simple, low-cost activities designed to ensure those working at premises or events are better able to reduce harm, and save lives, in the event of an attack.

These could be as simple as locking doors, closing shutters and identifying safe routes to cover. There is no requirement to put in place physical measures in the standard tier.

Larger premises – and qualifying public events – where 800 or more individuals may be present will be in the 'enhanced tier.'

In addition to the requirements for the standard tier, these larger premises and events will have further requirements placed upon them. This includes having in place, so far as is reasonably practicable, appropriate public protection measures to reduce their vulnerability to acts of terrorism and the risk of physical harm if one were to occur.

For example, appropriate measures for enhanced duty premises and events could include bag search policies, CCTV or other monitoring and vehicle checks.

Persons responsible for standard tier premises, i.e. qualifying premises where it is reasonable to expect that between 200 and 799 individuals may be present at the same time from time to time, will be required to:

- notify the regulator, the Security Industry Authority (SIA), that they are responsible for their premises
- have in place, so far as reasonably practicable, appropriate public protection procedures that could be reasonably expected to reduce the risk of physical harm being caused to individuals if an attack was to occur there or nearby.

Persons responsible for enhanced tier premises and qualifying events, i.e. qualifying premises and events where it is reasonable to expect more than 800 individuals to be present at the same time from time to time, will be required to:

- notify the SIA that they are responsible for the premises or event
- have in place, so far as reasonably practicable, appropriate public protection procedures that could be expected to reduce the risk of physical harm being caused to individuals if an attack was to occur there or nearby
- have in place, so far as reasonably practicable, appropriate measures that could reasonably be expected to reduce both (i) the vulnerability of the premises or event to an act of terrorism occurring, and (ii) the risk of physical harm being caused to individuals if an attack was to occur there or nearby
- document the public protection procedures and measures in place, or proposed to be put in place, and provide this document to the Security Industry Authority.

For all premises and events, requirements relating to procedures and measures are subject to the concept of 'reasonably practicable'. Reasonably practicable is a concept found in other regimes, such as Fire Safety and Health and Safety. In determining what is reasonably practicable, the responsible person will need to take into account their particular circumstances, including the nature of the premises and the resources available to them.

Ultimately, what is appropriate and reasonably practicable will be a consideration at each of the individual premises in scope. The particular procedures in place at one location may not be appropriate and reasonably practicable at another.

The Act requires the production of two separate pieces of statutory guidance: guidance for the public to understand how they might meet the requirements of the legislation; and operational guidance which will set out how the regulator will discharge its duties.

Figen Murray on Martyn's Law

Video

KEYWORDS

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