

TERRORISM (PROTECTION OF PREMISES) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Terrorism (Protection of Premises) Bill as brought from the House of Commons on 10 December 2024 (HL Bill 53)

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

These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

- 1 The Terrorism (Protection of Premises) Bill is intended to improve protective security and organisational preparedness across the UK. The Bill requires those responsible for certain premises to take steps to reduce the risk of physical harm to individuals at the premises, in the event of an attack occurring. In addition to this, certain larger premises and events must also take steps to reduce the vulnerability of the premises to terrorist attacks. It establishes a tiered approach linked to the activity that takes place at premises or an event and the number of individuals it is reasonable to expect may be present on the premises at the same time.
- 2 The Bill also makes amendments to the Licensing Act 2003 and the Licensing (Scotland) Act 2005 to protect premises plans from being used for the purposes of terrorism.

Responsibility for requirements

- 3 A person will be subject to the main requirements of the Bill if they are responsible for qualifying premises or events, which is to be determined on the basis of whether or not the person has control over the premises in connection with an activity that is within the scope of the Bill (this is referred to as the “relevant Schedule 1 use” of the premises).
- 4 The principle of control has been utilised in other regulatory regimes, such as fire safety. A person who has control of premises in connection with their relevant Schedule 1 use is responsible for qualifying premises. For example, the operator of an arena or governing body of a school will be responsible for fulfilling the requirements of the Bill at their respective premises.
- 5 A person who will have control of the premises at which an event is to be held in connection with their use for the event will be responsible for a qualifying event.
- 6 If there is more than one person who is responsible for the qualifying premises or event, they may act jointly in fulfilling the requirements and will, in any event, be required to coordinate with each other.

Qualifying premises

- 7 Premises will be in scope – i.e. premises at which the requirements must be fulfilled – if they are “qualifying premises”. Premises are qualifying premises if:
 - a. the premises consist of a building or of a combination of a building and other land (“building” includes part of a building or a group of buildings);
 - b. they are wholly or mainly used for one or more uses set out in Schedule 1 to the Bill (e.g. for the sale of food and drink for consumption on the premises);
 - c. it is reasonable to expect that from time to time 200 or more individuals may be present on the premises at the same time, and;
 - d. the premises are not excluded by virtue of Schedule 2 to the Bill.
- 8 Where premises are used for only one use set out in Schedule 1, its “relevant Schedule 1 use” would be that use, e.g. a retail store. However, where the premises are used for more than one such use, the relevant Schedule 1 use will be whichever of those uses is the principal use.
- 9 Qualifying premises may be contained within other qualifying premises. For example, at a shopping centre, the shopping centre may be qualifying premises as might a retail unit within the centre if the above conditions are met.
- 10 The Bill separates qualifying premises into two categories, which have their own requirements:

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- a. enhanced duty premises are qualifying premises that it is reasonable to expect that they will, from time to time, host 800 or more individuals at the same time, and
 - b. standard duty premises are all other types of qualifying premises (i.e. those that can be reasonably expected to host between 200 and 799 individuals from time to time).
- 11 In some cases, certain qualifying premises that would otherwise be enhanced duty premises are to be treated as standard duty premises under Schedule 1. For example, places of worship that are qualifying premises are to be treated as standard duty premises even if they host 800 or more individuals from time to time.

Qualifying events

- 12 Events will be in scope – i.e. events at which the requirements must be fulfilled – if they are a “qualifying event”. An event is a qualifying event if:
- a. the premises where the event is to be held consists of a building (including part of a building or a group of buildings), other land or a combination of a building and other land;
 - b. the premises at which the event is to be held are not enhanced duty premises and do not form part of enhanced duty premises (such events are excluded as the premises will already be subject to the enhanced duty requirements);
 - c. members of the public will have access to the premises for the purpose of attending the event;
 - d. it is reasonable to expect that at some point during the event 800 or more individuals may be present on the premises at the same time in connection with their use for the event;
 - e. measures will be in place to control access to the event. Specifically, this will involve checking members of the public wishing to access the event have paid to do so, have invitations or passes, or are members or guests of a club, association or other body; and
 - f. the event is not excluded by virtue of a provision in Part 2 of Schedule 2 to the Bill.

Standard duty premises requirements

- 13 The requirements for standard duty premises are intended to be simple, focusing on having specified procedures in place to follow in the event of a terrorist attack.
- 14 Those responsible for standard duty premises will be required to notify the Security Industry Authority that they are responsible for the premises (i.e. notification).
- 15 Those responsible for standard duty premises will also be required to implement reasonably practicable public protection procedures as appropriate for their premises. These procedures are specified in the Bill and are procedures for lockdown, invacuation (i.e. bringing people onto the premises to shield them), evacuation and communicating necessary information to people at the premises. These procedures are procedures that may be expected, so far as is reasonably practicable, to reduce the risk of physical harm being caused to individuals if an act of terrorism were to occur at the premises or in the immediate vicinity.

Enhanced duty premises and qualifying events requirements

- 16 Those responsible for enhanced duty premises or qualifying events will also be required to notify the Security Industry Authority.
- 17 They will be required to put in place reasonably practicable public protection measures that could be expected to reduce, so far as reasonably practicable, both:
 - a. the vulnerability of the premises or event to an act of terrorism occurring at the location;
 - b. and the risk of physical harm being caused to individuals if an attack was to occur there or nearby.
- 18 They will also be required to produce a document setting out the public protection procedures and measures in place, or proposed to put in place, and to provide this document to the Security Industry Authority. This document should include an assessment as to how those procedures and measures may be expected to reduce, so far as is reasonably practicable, vulnerabilities and the risk of harm.
- 19 Where the person responsible for enhanced duty premises or a qualifying event is not an individual, they will also be required to designate a relevant senior individual who will have responsibility for ensuring that the person responsible complies with the requirements of the Bill. This person must have a sufficient level of seniority.

Inspections and enforcement

- 20 The Bill establishes that the Security Industry Authority will be the regulator. It shall have functions relating to inspections and enforcement as well as providing advice to promote compliance.
- 21 The Bill confers a number of investigation and enforcement powers on the Security Industry Authority. The Security Industry Authority will have powers to issue compliance notices and monetary penalties for contraventions in relation to all qualifying premises and events and, in relation to enhanced duty premises and qualifying events, it may also issue restriction notices.
- 22 For the most part the requirements will be enforced by way of civil penalties and other civil measures. However, the Bill also creates certain criminal offences: for providing false or misleading information to the Security Industry Authority; for failing to comply with a restriction, compliance or information notice; for impersonating an inspector; and for obstructing an inspector.
- 23 The Security Industry Authority will be required to issue guidance as to how it intends to exercise its functions, particularly its powers of investigation. The Security Industry Authority must obtain the consent of the Secretary of State to issue the guidance i.e. the guidance must be approved by the Secretary of State. The Security Industry Authority must provide an annual report to the Secretary of State, who will be able to issue directions to the Security Industry Authority, as part of their oversight of the body.

Support for duty-holders

- 24 The Secretary of State must provide statutory guidance as to how requirements of the Bill may be complied with. This guidance will assist duty-holders in understanding and fulfilling their duties under the Bill.

Licensing: disclosure of plans of premises

- 25 The Bill also makes amendments to the Licensing Act 2003 and the Licensing (Scotland) Act 2005, mandating that all new licence applicants applying for a premises licence in England, Wales and Scotland will be required to supply two plans to the Local Licensing Authority in support of the application. The first plan will be a detailed plan for the Local Licensing Authority's use, whilst the second plan - which is the new component of this provision - will be a less detailed plan that will be made available for public inspection. This will prevent sensitive information in premises plans being made available to the public, where this is considered necessary to reduce the risk of this sensitive information potentially being used to assist terrorist activity.

Policy background

- 26 In 2017, 22 victims lost their lives to a terror attack at the Manchester Arena.
- 27 In June 2021 the Manchester Arena Inquiry chair published Volume One of his report which criticised 'the lack of a duty to identify and mitigate the risk of terrorism [...] to provide adequate protection to the public', and issued monitored recommendation 4 which called for legislation to be introduced to improve the safety and security of public venues. This was in addition to the Prevention of Future Deaths Report from the London Bridge and Borough Market Inquests, which also recommended the introduction of legislation to clearly set out the duties of owners and public authorities regarding protective security and a 2017 Intelligence and Security Committee (ISC) recommendation to do the same as part of a report considering the five 2017 attacks. The introduction of this Bill is part of the Government's response to these reports.
- 28 Since the start of 2017, security agencies and law enforcement have disrupted 39 late-stage plots and there have been 15 domestic terror attacks (including the 2017 Manchester Arena bombing) These terrorist attacks have sadly demonstrated that the public may be targeted at a broad range of public venues and spaces.
- 29 The threat to the UK from terrorism is currently SUBSTANTIAL, meaning an attack is likely. The 2023 CONTEST strategy summarised the current terrorist threat facing the UK as 'enduring and evolving', with a domestic threat which 'is less predictable and harder to detect and investigate'.
- 30 Furthermore, terrorist attackers have targeted a wide range of people and places in recent years. It is not possible to predict where in the UK an attack might happen, or the type of buildings or events that could be impacted – either directly (as the target of an attack) or indirectly (by being located near to the target of an attack).
- 31 Therefore, the Government believes a broad range of premises and events must improve their protective security and organisational preparedness. This will be achieved by providing for a legal requirement that those responsible for certain premises and events consider the vulnerability of their premises or event to an attack and how they would respond to an attack.
- 32 The Bill's proposals have been developed following extensive engagement with security partners, the police, businesses, victims' groups, and parliamentarians.
- 33 In July 2021 the previous Government held an 18-week consultation on making the public safer at publicly accessible locations. 70% of respondents agreed or strongly agreed that those responsible for publicly accessible locations should take appropriate and proportionate measures to protect the public from terrorist attacks. 70% of respondents also agreed that

responsible venues and organisations should prepare their staff to respond appropriately in the event of a terrorist attack.

- 34 In May 2023, the previous Government published a draft Bill which underwent pre-legislative scrutiny conducted by the Home Affairs Select Committee. The Committee subsequently published their pre-legislative scrutiny report, on 27 July 2023.
- 35 In February 2024 the previous Government conducted a consultation specifically on the Bill's proposals for standard duty premises. The Government has published a summary of the results to support scrutiny.
- 36 The Government has reflected on commentary on the Bill to date and has made several changes since its publication in draft in May 2023, with the intention of ensuring a better balance between protecting national security and the burden on businesses and other organisations.
- 37 The requirements for standard duty premises have been refined, the Government has removed the requirements for the completion of a mandatory Standard Terrorism Evaluation form – in recognition that a one size fits all approach is not appropriate and could be onerous.
- 38 As there is no longer a requirement for generic training, those in scope will be required to ensure that the relevant individuals at premises and events should be trained, or otherwise educated, to effectively implement the procedures and measures.
- 39 Furthermore, the 'reasonably practicable' test has been extended to the standard duty premises requirements, which will allow organisations to tailor the implementation of their procedures to their specific circumstances.
- 40 The Government has also increased the threshold for bringing premises into scope as qualifying premises. Previously, premises with capacity for 100 – 799 people would have been in scope and so subject to the Bill's requirements. Now, only premises that reasonably accommodate 200 or more individuals will be qualifying premises and, where they only accommodate fewer than 800, they will be standard duty premises.

Legal background

- 41 There are no existing legal obligations to consider the risk of a terrorist attack occurring, and the harm that might arise if one did, across the range of premises and events to which this Bill will apply.
- 42 The creation of a new, statutory "Protect Duty" was a recommendation resulting from the public inquiry into the deaths of 22 victims at Manchester Arena on 22 May 2017. The monitored recommendation ('MR4') was made by the Manchester Arena Inquiry Chair in his Volume 1 report which considered security at the arena. The introduction of these statutory requirements is new.
- 43 The Bill does not amend or repeal existing legal regimes, save for the provisions at clause 34 and Schedule 4 which amend the Licensing Act 2003 and the Licensing (Scotland) Act 2005.
- 44 The Licensing Act 2003 is the principal legislation in England and Wales regulating 'licensable activities':
 - a. the sale by retail of alcohol;
 - b. the supply of alcohol in a club setting;
 - c. the provision of certain 'regulated entertainment'; and

- d. the provision of 'late-night refreshment' (food and hot beverages between 11pm and 5am).
- 45 The 2003 Act promotes four statutory objectives to be considered when a licensing function is carried out by a local licensing authority in England and Wales. The objectives are:
- a. the prevention of crime and disorder;
 - b. public safety;
 - c. the prevention of public nuisance; and
 - d. the protection of children from harm.
- 46 The principal legislation controlling the sale of alcohol in Scotland is the Licensing (Scotland) Act 2005.
- 47 The 2005 Act contains five licensing objectives:
- a. preventing crime and disorder;
 - b. securing public safety;
 - c. preventing public nuisance;
 - d. protecting and improving public health; and
 - e. protecting children and young persons from harm.

Territorial extent and application

- 48 Clause 36 sets out the territorial extent of the Bill.
- 49 Parts 1 and 3, which comprise the majority of the provisions, extend and apply to England and Wales, Scotland and Northern Ireland.
- 50 Part 2 of the Bill, which is concerned with licensing, extends and applies only to England and Wales and Scotland.
- 51 None of the clauses give rise to the need for a legislative consent motion from any of the devolved legislatures.
- 52 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of Bill

Part 1: Public Protection Requirements

Introductory: clauses 1 to 4

Clause 1: Overview

53 This clause is self-explanatory, it provides an overview as to the Bill's structure.

Clause 2: Qualifying premises

54 This clause defines qualifying premises, which are the premises to which the Bill's requirements apply.

55 Premises are qualifying premises if (see subsection (2)):

- a. the premises consist of a building or a combination of a building and land (for example, a pub and its beer garden). For these purposes a building also includes a part of a building (for example, a unit within a shopping centre) or a group of buildings (for example, a group of buildings that together form a university campus);
- b. they are wholly or mainly used for one or more Schedule 1 uses (Schedule 1 recognises various types of uses, such as the sale of food and drink to members of the public for consumption on the premises);
- c. 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 the Schedule 1 use or uses;
- d. and the premises are not subject to any of the exemptions that are set out in Schedule 2.

56 The term 'wholly' captures premises that are solely used for one or more Schedule 1 activities. The term 'mainly' captures premises which have more than one use, and at least one use is a use that is set out in Schedule 1. Whether premises are used mainly for one use or for another will be determined based on circumstances of each set of premises. The amount of time used for each will be a key factor; and if the premises are used for one or more Schedule 1 uses for a greater amount of time during the year compared to the amount of time that they are used in other ways, then the premises will very likely fall within scope.

57 The requirement that the premises host 200 or more people from time to time includes premises that host 200 or more individuals only at certain times of the year, such as a shop that has a peak season in the run up to Christmas. It does not include premises that host 200 or more individuals for reasons other than in connection with the Schedule 1 use or uses (for example, if the premises are used to host an occasional private event).

58 The Bill recognises two types of qualifying premises: "enhanced duty premises" and "standard duty premises"; and imposes additional requirements in relation to the enhanced duty premises. Subsection (3) provides the meaning of those two terms. Enhanced duty premises are qualifying premises that can reasonably be expected to host 800 or more individuals; while for standard duty premises the number is between 200 and 799.

59 Schedule 1 includes certain provisions that require some qualifying premises to be treated as a standard duty premises or enhanced duty premises regardless of the number of individuals

that they might be expected to host (for example, paragraph 9(2) requires that all qualifying premises that are used as places of worship are standard duty premises).

- 60 Qualifying premises can be within another qualifying premises, for example a shop in a shopping centre or a cinema in an entertainment complex. Subsection (5)(b) captures each qualifying part of the premises as well as the overarching premises. Subsection (5)(a) provides that where the same person is responsible for premises that are within other premises, they are to be treated as a single set of premises for the purposes of meeting the relevant requirements (for example, if the person responsible for a shopping centre is also responsible for an ice rink within it, the ice rink should be treated as forming part of the same premises as the centre).

Clause 3: Qualifying events

- 61 This clause defines a 'qualifying event'. Specifically, an event is a qualifying event, and thereby subject to the Bill's requirements, if:
- a. the premises where the event is to be held consist of a building (including part of a building or a group of buildings) and/or other land (whether or not the land includes buildings). This means that an event that will take place entirely in the open-air could be a qualifying event;
 - b. the premises at which the event is to be held are not enhanced duty premises and do not form part of enhanced duty premises. This provision reflects the fact that such premises are already subject to equivalent requirements under the legislation. However, a qualifying event may take place at standard duty premises;
 - c. members of the public will have access to the premises for the purpose of attending the event; and
 - d. it is reasonable to expect that at some point during the event 800 or more individuals may be present on the premises at the same time in connection with their use for the event. This may be only at certain points during the event. An event will not be caught if it will be attended by 800 or more individuals over the course of the event but never at any one time. Likewise, an event will not be a qualifying event if fewer than 800 individuals are expected to be present on the premises for the event even though the total number at the premises exceeds 800 individuals. For example, a music event in a large park for 700 people will not be a qualifying event just because the wider park may have more than 800 people present for other purposes at the same time;
 - e. the event must have measures in place to check that attendees have satisfied a condition of entry. This could include checks undertaken by people, for example employees or volunteers, or automated entry checks, for example via turnstiles or Artificial Intelligence systems. Specifically, the conditions of entry are that members of the public have paid to attend the event, have an invitation or pass granting access (which might include a free ticket), or are members or guests of a club, association or other body. Both paid-for events and free events may, therefore, be qualifying events, if there are such measures. However, an unorganised gathering of people in a specific location, with no check that attendees have satisfied such conditions, would not be within the scope of the Bill; and
 - f. it is not excluded by virtue of Part 2 of Schedule 2, which makes provision to exclude from the scope of the requirements events that are held at certain types of premises.

62 Subsection 2 clarifies that, where an “event” comprises both areas where access is controlled (as specified in paragraph 61(e) above) and open areas where access is not controlled, each area(s) that has controlled access is to be treated separately for the purpose of being a potential qualifying event. Therefore, the Bill will apply separately to an event in each such area if the other conditions in clause 3 are met.

Clause 4: Persons responsible for qualifying premises or events

63 This clause defines who is responsible for qualifying premises or a qualifying event (and therefore who is responsible for meeting the relevant requirements). Subsection (1) provides that a person is responsible for a qualifying premises where they have control of the premises in connection with the relevant Schedule 1 use (see below for an explanation of that term). For example, that might be the organisation which operates a theatre or the company which holds the lease for and operates a shopping centre. Where a party is appointed as a contractor to carry out work at the premises, but that party has only limited control over the premises (for example, a security guarding company that is appointed to provide door staff at a nightclub) it is highly unlikely that they will be the person responsible for the premises in connection with the relevant Schedule 1 use.

64 Schedule 1 includes certain provisions (such as paragraph 16(2)) to specify who is the person responsible for certain types of premises.

65 The person responsible for a qualifying event will be the person who has control of the premises where the qualifying event is to be held for the purposes of the event. The relevant circumstances of the event will need to be considered to determine who the responsible person is. For example, if a concert is to be held in a park and the company putting on the event takes control of an area of the park and has control of that area for the purposes of that concert, the company putting on the event will be the responsible person. Conversely, if a stately home puts on a concert in its grounds and maintains control of the site of the concert for the purposes of that event, the stately home will be the responsible person. This would be the case even if the stately home contracted organisations to do aspects of the event (e.g. to provide door security or ticketing). Responsibility cannot be delegated to contracted services.

66 Subsection (2) provides the meaning of “relevant Schedule 1 use”. If the premises are only used for one of the activities recognised by Schedule 1, it will be that use. If the premises are used for more than one type of activities, the relevant Schedule 1 use will be whichever of those is the principal use. The principal use of the premises will be determined on a case-by-case basis, taking account of factors such as the amount of time for which the premises are used for each type of activity. However, in addition, subsection (3) provides a regulation-making power that enables the Secretary of State to provide specific rules as to how principal use is to be determined.

67 If there is more than one person responsible for qualifying premises or a qualifying event, then they are jointly responsible for ensuring compliance with the Bill’s requirements (subsection (5)), and they must work together to comply with those requirements (see clause 8). Such a situation will arise only where each of the parties has control over the premises in connection with the relevant Schedule 1 use. It does not mean, for example, that the multiple tenants of a shopping centre are jointly responsible for the shopping centre as a whole; rather each will be responsible for their respective premises.

Requirements: clauses 5 to 11

Clause 5: Public protection procedures

- 68 Subsection (1) of this clause requires that a person responsible for qualifying premises or a qualifying event must, to the extent that it is reasonably practicable to do so, put in place appropriate public protection procedures for the premises or the event in order to reduce the risk of physical harm being caused to individuals in the event of an attack at the premises or in the immediate vicinity.
- 69 As part of the requirement to put in place such procedures the person must ensure that the individuals working at the premises are aware of the procedures and are ready to put them into practice if needed.
- 70 Subsection (3) provides an exhaustive list of the procedures to be implemented at the premises (including premises where an event is to be held):
- a. procedures for evacuating individuals from the premises;
 - b. procedures for moving individuals to a place where there is less risk of physical harm (i.e. invacuating) e.g. moving individuals away from windows and to a designated safe area;
 - c. procedures for preventing individuals leaving or entering the premises (i.e. locking down or securing the premises);
 - d. procedures for providing information to those at the premises.
- 71 In determining whether it is appropriate and reasonably practicable to put in place particular procedures, regard should be had to all relevant circumstances surrounding the premises; including the physical nature of the premises and the resources available to the person who is responsible for them.
- 72 Subsection (4) confers a regulation-making power on the Secretary of State allowing them to add to, remove or amend the description of the procedures listed in subsection (3). Procedures can only be added where the Secretary of State believes the new procedures will reduce the risk of physical harm being caused to individuals. Procedures can only be removed, or their description amended for a specific time where the Secretary of State believes the removal will not increase the risk of physical harm to individuals.

Clause 6: Public protection measures for enhanced duty premises and qualifying events

- 73 This clause imposes additional requirements (i.e. beyond those under clause 5) that apply to a person who is responsible for enhanced duty premises or a qualifying event. The person must (see subsection (1)), to the extent that it is reasonably practicable to do so, put in place appropriate public protection measures, in order to further the objectives in subsection (2). The subsection (2) objectives are: to reduce the premises or event's vulnerability to an attack occurring, as well as to reduce the risk of physical harm being caused to individuals if an act of terrorism were to occur.
- 74 Subsection (3) provides an exhaustive list of categories of measures that must be implemented. The categories of measures are those relating to:
- a. monitoring of the premises or event and the immediate vicinity;
 - b. movement of individuals into, out of, or within, the premises or event;

- c. the physical safety and security of the premises or event;
 - d. the security of information that would be useful to a person committing or preparing an act of terrorism.
- 75 The Secretary of State may, by regulations, amend the list to add measures. This power can only be exercised where the Secretary of State considers the amendment will reduce the vulnerability of premises or an event to a risk of terrorism occurring, or reduce the risk of physical harm being caused to individuals.
- 76 The Secretary of State may, by regulations, amend the list to remove or amend the description of measures. This power can only be exercised where the Secretary of State considers the amendment will not increase the vulnerability of a premises or event to a risk of terrorism occurring, or increase the risk of physical harm being caused to individuals.

Clause 7: Enhanced duty premises and qualifying events: documenting compliance

- 77 The person responsible for an enhanced duty premises or qualifying event must prepare and update a document which contains:
- a. a statement detailing the procedures that have been implemented, in accordance with clause 5, accompanied by an assessment as to how those measures may be expected to reduce (so far as is reasonably practicable) the risk mentioned in that clause;
 - b. a statement detailing the measures in place or proposed to be put in place in accordance with clause 6, accompanied with an assessment as to how those measures may be expected to reduce the vulnerability and risk mentioned in that clause;
 - c. and any information which the Secretary of State may, by regulations, require.
 - d. Subsection (2) establishes that the person responsible must ensure that a copy of the document is provided to the Security Industry Authority as soon as is reasonably practicable after it is prepared. When it is updated, the person must provide this to the regulator no later than 30 days after it was updated.

Clause 8: Requirements to co-ordinate and co-operate

- 78 This clause imposes obligations on persons to co-ordinate and co-operate in complying with the relevant requirements of this Bill, under different scenarios.
- 79 Subsections (1) and (2) apply to situations where there is more than one responsible person for single qualifying premises or a qualifying event; which will be the case if there is more than one person who has control over the premises in connection with the relevant Schedule 1 use (e.g. where two parties jointly occupy the premises to deliver a service). In such cases, those persons must co-ordinate, so far as is reasonably practicable, in complying with the requirements imposed on them by this Bill.
- 80 Subsections (3) and (4) apply to situations where qualifying premises form part of other qualifying premises. In such cases, the responsible persons for each must co-ordinate, so far as is reasonably practicable to do so, to comply with the requirements of this Bill. This situation would commonly be expected to arise at a shopping centre or entertainment complex, where the units in scope of the Bill's requirements would co-operate with the shopping centre operator or entertainment complex operator as required to deliver relevant procedures and measures. The individual units, where they meet qualifying premises criteria, will also have responsibility for their own requirements within their unit (but no additional requirements are imposed on them).

- 81 Subsections (5) and (6) apply to situations where a person has some degree of control over enhanced duty premises or the premises for a qualifying event, but is not the responsible person. In such cases the person must co-operate with the responsible person, so far as is reasonably practicable to do so, to assist them in meeting their requirements. This situation might arise, for example, where a theatre operator holds the lease for a theatre building, and it is necessary to make modifications to the building structure and the building owner is required to provide their agreement to the modifications. For a qualifying event, this situation could arise where the event organiser is responsible for delivering an event in a field, however, they require the landowners' agreement to put in place certain protective measures.
- 82 References in clause 8 to requirements do not include any requirements imposed under a penalty notice (see subsection (7)).

Clause 9: Notification requirements

- 83 Subsections (1) and (2) provide that a person who becomes responsible for qualifying premises or a qualifying event, or who ceases to be responsible, must notify the Security Industry Authority of that fact within the required time.
- 84 Through regulations, the Secretary of State may specify further matters relating to qualifying premises or a qualifying event that the responsible person will have to inform the Security Industry Authority of. Through regulations the Secretary of State will also define "required time".
- 85 If any information given in respect to who is responsible for a qualifying premises or qualifying event ceases to be accurate, the person must notify the Security Industry Authority within the required time (see subsection (4)).
- 86 Under subsection (6) and (7) the Secretary of State may, by regulations, require specified information to be provided with a notification, or require the notification to be made in a specific form or manner (e.g. via an online portal). As a result of subsection (8), regulations made under (6) may include provisions to delegate decision-making powers about the form of notifications etc. to the Secretary of State or to the Security Industry Authority.

Clause 10: Designating a senior individual

- 87 Where the person responsible for an enhanced duty premises or qualifying event is not an individual (e.g. if it is a company, a partnership or an association of members), the person responsible must designate a "relevant individual". The relevant individual will have responsibility for ensuring that the entity complies with the relevant requirements imposed on it by the Bill.
- 88 An individual may be designated as the senior individual only where the person exercises functions of management or control in relation to the responsible person. This means that the individual must hold a senior position within the responsible person and be in a position, by virtue of that position, to take decisions concerning the persons activities or be able to exercise strong influence over the persons who do take such decisions.

Clause 11: Determinations by the tribunal

- 89 An "interested person" i.e. the Security Industry Authority, or a person who has, to any extent, control of the premises or event can apply to the tribunal to determine:
- a. whether premises are qualifying premises;
 - b. whether qualifying premises are enhanced duty premises;

- c. the relevant Schedule 1 use of qualifying premises. This could be uncertain where a premises has more than one Schedule 1 use e.g. a church which is also used as a nursery some days of the week and it is unclear which use is the principal (and therefore relevant) one;
- d. whether an event is a qualifying event;
- e. the premises at which a qualifying event is to be held;
- f. whether a person is responsible for a qualifying premises or qualifying event or not;
- g. the extent of a person's control of an enhanced duty premises or a premises where a qualifying event is to be held.

Investigations and enforcement: clauses 12 to 16

Clause 12: Role of the Security Industry Authority

- 90 The Bill confers the enforcement functions and investigatory powers in the Bill on the Security Industry Authority and its authorised inspectors. The Security Industry Authority was established by the Private Security Industry Act 2001.
- 91 This clause provides for further functions in relation to providing advice about compliance and reviewing the effectiveness of the requirements in the Bill.
- 92 The clause also amends the 2001 Act to, in some places, bring matters under this Bill within the scope of existing functions and provision and, in other cases, clarify that certain provisions of the 2001 Act do not apply in relation to functions under this Bill.
- 93 These amendments mean that the Security Industry Authority must, in particular:
- a. comply with directions given by, and requests for information from, the Secretary of State, and
 - b. provide to the Secretary of State an annual report on its functions, which is to be laid before Parliament.
- 94 The clause requires the Security Industry Authority to prepare guidance about how it proposes to carry out its functions in the Bill, especially the powers of investigation in Schedule 3 of the Bill. The guidance must be approved by the Secretary of State, after which it will be issued by the Security Industry Authority. The guidance must be kept under review by the Security Industry Authority and may, as needed, be revised.

Clause 13: Compliance notices

- 95 This clause provides for compliance notices, which can be issued in relation to qualifying premises and qualifying events.
- 96 Such a notice requires a person to comply with a specified relevant requirement within the time specified in the notice. It may require the person to take specified steps in order to comply with the requirement, or to provide evidence of compliance to the Security Industry Authority.
- 97 The Security Industry Authority may issue a compliance notice if it has reasonable grounds to believe that the person is failing to comply, or has failed to comply, with a relevant requirement. A notice may not be given more than once in relation to the same contravention, but a notice may be given if further contraventions occur in future.
- 98 Before a notice is issued, the Security Industry Authority must:

- a. notify the person of their intention to issue the notice, and
- b. give the person an opportunity to make representations.

99 A valid notice must include the reasons for giving the notice, explain the consequences of non-compliance, and explain how it may be appealed.

100 The relevant requirements for contravention of which a compliance notice can be issued are those imposed by clauses 5 to 10.

Clause 14: Restriction notices

101 This clause provides for restriction notices, which can only be issued to a person responsible for enhanced duty premises or a qualifying event.

102 A restriction notice requires a person to comply with specified prohibitions or restrictions relating to use of the premises or carrying on of the event. It may not have effect for longer than 6 months, unless it is varied under clause 15.

103 The clause specifically provides that a notice may:

- a. prohibit use of the premises in certain ways or the event from taking place,
- b. restrict the times at which premises may be used or the event can take place, and
- c. limit the number of people who may permitted to be on the premises or attend the event at any time.

104 The notice may state that a given prohibition or restriction does not apply if certain conditions specified in the notice are met. It may also require the recipient to provide evidence to the Security Industry Authority of their compliance with the notice.

105 The Security Industry Authority may only issue a restriction notice if it has reasonable grounds to believe both that:

- a. the person is contravening, or has contravened, a requirement in clauses 5 and 6 in relation to the premises or event,
- b. issuing the notice is necessary in order to reduce the risk of physical harm being caused to people were a terrorist attack to occur at the premises or event or in the immediate vicinity.

106 Before giving a notice, the Security Industry Authority must (unless there is considered to be an urgent need to give the notice):

- a. notify the person of their intention to issue the notice, and
- b. provide the person with an opportunity to make representations.

107 The Security Industry Authority must include in a valid notice its reason(s) for giving the notice, state the period for which the notice will last, and explain that this period may be varied (including an extension), the consequences of non-compliance and avenues of appeal.

Clause 15: Variation or withdrawal of notices

108 As set out in this clause, the Security Industry Authority may vary or withdraw an issued compliance notice or restriction notice by giving notice to the person who received the original notice.

109 Whilst a notice cannot be made more onerous (e.g. it cannot add a new prohibition to a restriction notice), the period for which a restriction notice has effect can be extended for up to 3 months at a time but:

- a. it must be extended before the current period ends, and
- b. the Security Industry Authority must have reasonable grounds to believe that the variation is necessary to reduce the risk of physical harm being caused to people if a terrorist attack occurred at the premises or event or in their immediate vicinity (i.e. the same condition as for imposing the restriction notice originally).

110 Before extending the period for which a restriction notice has effect, the Security Industry Authority must:

- a. notify the person of their intention to vary the notice in this way, and
- b. give the person the opportunity to make representations.

Clause 16: Appeals against notices

111 This clause sets out the rights of appeal for a person who is given a compliance or restriction notice (or variation of the same).

112 An appeal may be made to the tribunal before the end of the period of 28 days from the day on which the notice is given or varied (as the case may be).

113 On appeal, the tribunal may cancel or vary the compliance or restriction notice (or variation). If it is not satisfied in the appeal, the tribunal must confirm the notice or variation.

114 An appeal may be brought on the grounds that the decision to give or vary the notice (or include a provision within the notice) was:

- a. based on an error of fact (whether wholly or partly),
- b. wrong in law, or
- c. unfair or unreasonable for another reason.

115 The tribunal may not only review factual evidence on which the decision to give the notice was based but also consider evidence that was not available to the Security Industry Authority at the time.

116 When an appeal is brought in relation to a compliance notice, the notice (or variation) will not have effect until the appeal is withdrawn or concluded, unless the tribunal orders otherwise.

117 Whilst a restriction notice (or variation) will continue to have effect pending the outcome of an appeal in relation to it, the tribunal may order that it does not.

Monetary penalties: clauses 17 to 23

Clause 17: Penalty notices

118 This clause gives the Security Industry Authority the power to issue a penalty notice.

119 A penalty notice requires a person to pay a specified amount to the Security Industry Authority within the specified time (no less than 28 days from the date of the notice). This is a non-compliance penalty.

120 A penalty notice may be given to a person if the Security Industry Authority is satisfied that the person is contravening or has contravened a relevant requirement. The standard of proof is that the Security Industry Authority must be satisfied on the balance of probabilities.

121 The relevant requirements are set out in subsection (8) and include, for example, the requirements to put in place public protection procedures at qualifying premises and events, and public protection measures at enhanced duty premises and qualifying events.

122 A person cannot receive more than one penalty notice in respect of a single contravention, but a person can receive a penalty notice regardless of whether they have previously received a compliance or restriction notice.

123 A person cannot be required to pay a monetary penalty in respect of a failure to comply with a compliance or restriction notice if they have already been convicted of an offence under the Bill in relation to that contravention.

Clause 18: Maximum amount of a non-compliance penalty

124 This clause sets out that:

- a. the maximum amount of non-compliance penalty for failing to comply with a notice issued under paragraph 3(1)(b) of Schedule 3 (requirement to attend an interview) is £5,000,
- b. for all other contraventions in relation to standard duty premises, the maximum amount of a non-compliance penalty is £10,000; and
- c. for all other contraventions in relation to enhanced duty premises or a qualifying event, the maximum amount of a non-compliance penalty is the greater of:
 - i. £18 million, or
 - ii. 5% of the person's qualifying worldwide revenue for the most recent complete accounting period (if they have an accounting period).

125 If the relevant accounting period is less than 1 year in duration, the amount is to be proportionately increase whereas, if the relevant accounting period is more than 1 year, the amount is to be proportionately reduced.

126 The maximum amounts above may be amended by regulations made by the Secretary of State, and the applicable parliamentary procedure is set out in clause 35.

127 The Security Industry Authority must:

- a. produce a statement that sets out how it will determine a person's qualifying worldwide revenue for these purposes;
- b. consult the Secretary of State before producing the statement;
- c. publish the statement and send a copy to the Secretary of State, who will lay a copy before Parliament; and
- d. keep the statement under review.

128 The requirements in respect of consultation, publication and laying before Parliament apply to a revised or replacement statement as well as the first statement produced.

Clause 19: Daily penalties

129 In addition to a non-compliance penalty, the Security Industry Authority may also require in a penalty notice that a person pay daily penalties. These are to be paid for each day a contravention continues after the date on which the non-compliance penalty was due to be paid.

130 A daily penalty may only be imposed if the penalty notice relates to the contravention of a compliance or restriction notice.

131 The maximum amount of a daily penalty is:

- a. £500 where the contravention relates to standard duty premises, and
- b. £50,000 where the contravention relates to enhanced duty premises or a qualifying event.

132 The Secretary of State may, by regulations, change the maximum amounts above.

Clause 20: Determining the amount of a penalty

133 This clause provides that non-compliance and daily penalties imposed by a penalty notice must be of an amount that the Security Industry Authority considers to be appropriate and proportionate to the contravention to which it relates.

134 When determining the amount of a penalty, the following must be considered (among other things):

- a. the effects of the contravention to which it relates;
- b. any actions taken by the person to remedy the contravention or mitigate its effects; and
- c. the person's ability to pay the penalty.

Clause 21: Penalty notices: contents, procedure, variation and withdrawal

135 This clause sets out that, before giving a penalty notice, the Security Industry Authority must notify the person and give the opportunity to make representations. It also sets out the required content of a valid notice.

136 The regulator may vary a penalty notice by giving notice to the person, but it may not increase the amount of a penalty or shorten the period for payment of a penalty. Daily penalties cannot be added to a penalty notice by way of variation.

Clause 22: Appeals against penalties

137 A person who has received a penalty notice may appeal that notice, or its variation, to the tribunal. The appeal must be brought within 28 days of the notice being given or varied.

138 The grounds on which an appeal may be brought are that the decision to give or vary the notice was:

- a. based on an error of fact (whether wholly or partly);
- b. wrong in law; or
- c. unfair or unreasonable for any other reason.

139 If it does not dismiss the appeal, the tribunal may cancel the penalty notice or vary the notice, (change the amount of a penalty or period for payment)

140 The tribunal may not only review factual evidence on which the decision to give the notice was based, but also consider evidence that was not available to the Security Industry Authority at the time.

141 When an appeal is brought, the penalty notice or variation does not have effect until the appeal is concluded or withdrawn unless otherwise ordered by the tribunal.

Clause 23: Recovery of penalties

142 This clause sets out how penalties imposed by way of a notice under Part 1 may be recovered and that unpaid sums may carry interest.

143 The clause also provides that the Security Industry Authority must pay sums (including interest) received through the imposition of penalty notices into the Consolidated Fund.

Offences: clauses 24 to 26

Clause 24: Offences of failing to comply with compliance note or restriction notice

144 A person commits an offence if they fail to comply with a compliance notice that was given in relation to enhanced duty premises or a qualifying event. Where it relates to standard duty premises, failure to comply with a compliance notice is not an offence.

145 Similarly, a person commits an offence if the person fails to comply with a restriction notice. A restriction notice can only be issued in relation to enhanced duty premises and qualifying events.

146 If charged with an offence under this clause, it is a defence for a person to show that they took all reasonable steps to comply with the notice. The Defendant carries the evidential burden.

147 The Defendant may not rely on the defence if it involves a “third-party allegation” (see below) unless the Defendant has:

- a. given notice to the prosecutor in accordance with this clause (e.g. at the time provided for), or
- b. obtained the permission of the court.

148 A “third party allegation” is an allegation that the failure was due to either the act or omission of another person, or the Defendant’s reliance on information provided by another person.

149 The offence is triable either way and the sentences for which a person may be liable on conviction are set out at subsection (11).

Clause 25: Offence of providing false or misleading information

150 A person commits an offence if:

- a. they provide false information to the Security Industry Authority in compliance, or purported compliance, with a requirement under Part 1 of the Bill, and
- b. they know that the information is false or misleading, or are reckless as to whether the information is false or misleading.

151 The offence is triable either way and the sentences for which a person may be liable are set out at subsection (2).

Clause 26: Liability for offence committed by a body

152 This clause provides for cases in which a relevant person may be liable for offences in the Bill that are committed by a body in which they have management or control functions. For example, if the conditions are met, a company director may be held liable for an offence committed by a company in addition to the company being liable.

153 The relevant persons are listed in subsection (5) for different types of body or entity.

154 Where the offence relates to a failure to comply with a compliance, restriction or information notice under the Bill, the relevant person or person purporting to act in the capacity of a relevant person (P) is liable to in addition to the body if either:

- a. the offence was committed with the consent or connivance of P, or
- b. is attributable to P's neglect.

155 Where the offence concerns the provision of false or misleading information, obstructing an inspector or pretending to be an inspector, the relevant person or person purporting to act in the capacity of a relevant person (P) is liable in addition to the body if the offence was committed with the consent or connivance of P.

General: clauses 27 to 33

Clause 27: Guidance

156 This clause provides that the Secretary of State must issue guidance about the requirements imposed by or under Part 1 of the Bill, such as the requirements to put in place public protection procedures and public protection measures.

157 Guidance issued by the Secretary of State must be kept under review. The guidance may be revised and, when it is revised, it must be reissued. A copy of the guidance, including reissued guidance, must be laid before Parliament.

158 If a person is alleged to have contravened a requirement, they may rely on proof that they acted in accordance with the issued guidance in legal proceedings. That reliance will tend to establish that they did not contravene a requirement.

Clause 28: Disclosure of information

159 This clause provides a statutory gateway for the disclosure of information to the SIA. Any person can disclose information to the SIA for the purpose of the SIA's functions under Part 1 of the Bill.

160 At the same time, the SIA may disclose information:

- a. to any person for the purpose of exercising its functions under Part 1, and
- b. to a person with functions of a public nature (e.g. a public authority) for the purpose of exercising those functions.

161 This clause further provides that the disclosure of information under Part 1 of the Bill does not constitute a breach an obligation of confidence or other restriction on disclosure.

162 The Bill does not authorise disclosure that would breach data protection legislation (as defined in section 3 of the Data Protection Act 2018). The requirements imposed by the Bill, and powers provided for, will be relevant to determining whether there is such a breach.

Clause 29: Means of giving notices

163 This clause provides for the ways in which a notice under Part 1 of the Bill (e.g. a penalty notice) may be given to a person and is self-explanatory.

Clause 30: Further provision about notices

164 The Secretary of State may make regulations for further provision in relation to notices under Part 1 of the Bill. Such regulations may include matters such as the form or content of a notice.

Clause 31: Civil liability

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

166 This means that a person cannot bring a claim in private law against a person responsible for qualifying premises or a qualifying event solely for breach of statutory duty in failing to comply with the Bill's requirements (for example, an employee suing their employer).

Clause 32: Powers to amend this Part

167 This clause contains powers for the Secretary of State to, by regulations, amend certain provisions in Part 1 of the Bill. The Secretary of State may:

- a. change the figure in clause 2(2)(c) for the minimum number of individuals expected to be present for premises to be qualifying premises (provided that it is not amended to less than 100);
- b. change the figure in clauses 2(3)(a) and 3(d) for the minimum number of individuals expected to be present for premises and events to be enhanced duty premises and qualifying events respectively (provided that they are not amended to less than 500);
- c. amend Schedule 1 of the Bill to:
 - i. add a new specified use,
 - ii. omit or amend a specified use already included in the Schedule,
 - iii. make provision in certain cases for qualifying premises to be treated as standard duty premises or enhanced duty premises where they would not be otherwise (according to their relevant Schedule 1 use); and
 - iv. make provision for a description of a person to be responsible for qualifying premises whose relevant Schedule 1 use is a particular specified use.
- d. amend Schedule 2 of the Bill to:
 - i. exclude further premises or events from being subject to the requirements of Part 1 of the Bill, and
 - ii. omit or amend an existing description of premises or events to be excluded by virtue of this Schedule.

Clause 33: Interpretation of this Part

168 This clause is self-explanatory. It defines terms used throughout the Bill.

Part 2: Licensing: Disclosure of plans of premises

Clause 34: Licensing: disclosure of plans of premises

169 This clause provides for the amendment of licensing legislation in England, Wales and Scotland to prevent sensitive information in premises plans being available to the public, where this is considered necessary to reduce the risk of this sensitive information potentially being used to assist terrorist activity.

170 Subsection (1) allows for Schedule 4 to amend existing licensing legislation in England, Wales and Scotland.

- 171 Subsection (2) contains a power for the Secretary of State to make provisions as to the form and content of plans.
- 172 Subsection (3) sets out that the regulations may be made only for the purpose of restricting the disclosure of sensitive information that the Secretary of State considers is likely to be useful to a person committing or preparing an act of terrorism.
- 173 Subsection (4) enables the Secretary of State to make regulations about the fee charged by licensing authorities to applicants who wish to replace any pre-existing premises plan with a new less-detailed plan. It is not mandatory for businesses with licenses already in place to replace pre-existing plans, even if the plans are not compliant with Schedule 4.
- 174 Subsection (5) sets out that in subsection (3) “terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act) and “committing or preparing an act of terrorism” includes the use or threat of action which it is reasonable to suspect may be being carried out in the course of, or in the planning or preparation of, an act of terrorism.

Part 3: General

Clause 35: Regulations

- 175 This clause does not apply to commencement regulations made under clause 37. It provides that, save for regulations under the provisions listed in subsection (3), regulations under the Bill are to be made subject to annulment by a resolution of either House of Parliament (the “negative procedure”).
- 176 Regulations under the provisions listed in subsection (3) must be laid in draft before, and approved by, both Houses of Parliament before they are made (the “affirmative procedure”).

Clause 36: Extent

- 177 Parts 1 and 3 of the Bill extend to England and Wales, Scotland and Northern Ireland. Part 2 of the Bill does not extend to Northern Ireland, with Part of 1 of Schedule 4 extending to England and Wales and Part 2 of Schedule 4 extending to Scotland.

Clause 37: Commencement

- 178 Part 3 and regulation-making powers in Parts 1 and 2 of the Bill come into force on the day the Bill is passed.
- 179 Other provisions come into force on such day as is appointed by regulations made by the Secretary of State, and different days may be appointed for different purposes or areas. Transitional or saving provision can be made in connection with the commencement of any provision of the Bill.

Clause 38: Short title

- 180 This Bill, once passed, is to be referred to as the Terrorism (Protection of Premises) Act 2024.

Schedules

Schedule 1 – Specified uses of premises

- 181 This Schedule sets out the specified uses of premises for the purposes of clause 2:
- a. if premises are wholly or mainly used for one or more of these uses, they may be qualifying premises subject to the other conditions in clause 2 being met, but

- b. if they are not so used, they will not be qualifying premises for the purposes of the Bill.

182 Specified uses of premises under this Schedule include use as a shop, library, museum, sports ground, school, and higher or further education institution, among others.

183 In some limited cases, Schedule 1 also specifies that a particular category of person will be the person responsible for qualifying premises. This is based on the relevant Schedule 1 use of the premises under clause 4. For example, the governing body of a university will be the person responsible for qualifying premises pertaining to that institution.

184 In some limited cases, Schedule 1 also provides that qualifying premises with a particular relevant Schedule 1 use are to be treated as standard duty premises or enhanced duty premises when they would not be otherwise. For example, places of worship that are qualifying premises are to be treated as standard duty premises even if they would otherwise fulfil the conditions to be enhanced duty premises.

185 Paragraph 18 clarifies that references to “visiting members of the public” includes situations when access may be limited to members of the public who have paid to access the premises, who have been invited, or who are members or guests of a club or similar body. This is the case whether such limitations apply at all times or only at certain times.

186 Clause 32 sets out powers for the Secretary of State to amend this Schedule in several ways.

Schedule 2 – Excluded premises and events

187 This Schedule provides for exemptions for certain premises and events.

Part 1 – Excluded premises

188 The duties under this Bill do not apply to:

- a. premises occupied for the purposes of the House of Parliament or the devolved legislatures and governments (paragraphs 1 and 2).
- b. premises that are subject to an existing relevant transport security regime (e.g. premises that are required to have in place an aerodrome security plan under section 24AE of the Aviation Security Act 1982) (paragraph 4).
- c. parks, gardens, recreation grounds etc where there are no measures in place to check that members of the public accessing the premises have paid to do so, have some form of invitation or pass, or are members or guests (paragraph 3). Such measures are to be disregarded where they relate to (i) particular events and do not limit access to the premises at other times or (ii) to particular facilities on the premises and do not limit access to the premises generally (paragraph 3A).

Part 2 – Excluded events

189 Events will not be in scope as a qualifying event if they are to be held at premises occupied for the following purposes (see paragraph 5):

- a. either House of Parliament;
- b. the Scottish Parliament or a part of the Scottish Administration;
- c. the Senedd Cymru or the Welsh Government; or
- d. the Northern Ireland Assembly or a Northern Ireland department.

190 Events will not be in scope as a qualifying event if they are to take place at premises where an existing transport security regime applies (see paragraph 5).

191 Events will not be in scope as a qualifying event if they are to be held at a premises which are wholly or mainly used for: worship, childcare, or primary, secondary or further education, irrespective of the number of attendees (paragraph 6).

Schedule 3 – Investigatory powers

Terrorism protection investigations

192 This Schedule provides for investigatory powers available to inspectors authorised by the Security Industry Authority for the purposes of a terrorism protection investigation. These powers allow inspectors to investigate whether persons responsible for qualifying premises and events are contravening, or have contravened, requirements in Part 1 of the Bill (and potential offences under it).

Authorised inspectors

193 Paragraph 2 sets out how the Security Industry Authority will authorise inspectors to exercise the powers in the Schedule and when inspectors must prove their authorisation.

Information gathering powers

194 Paragraph 3 sets out the information-gathering powers that inspectors will have and the conditions for the giving of a notice in exercise of these powers.

195 An inspector may, by notice, require a person to provide specified information, by a specified date. The inspector must have reason to believe that the information is necessary for a terrorism protection investigation and that the person is able to provide it.

196 An inspector may also, by notice, require a person to attend an interview at a specified time and place for the purpose of providing information by answering questions (an interview). The inspector must have reason to believe that the person is able to provide information that the Security Industry Authority needs for the purposes of a terrorism protection investigation.

197 A person is not required to provide information which might incriminate them, and information provided by the person is not admissible in evidence against them in criminal proceedings except as set out in sub-paragraph (8).

Powers to enter premises without a warrant

198 Paragraph 4 sets out the powers that inspectors will have to enter premises without a warrant. On entering premises, inspectors may do various things as set out in sub-paragraph (1), such as inspecting equipment, but they cannot force entry to premises or seize items under this power.

199 The power may be exercised only if the inspector has reason to believe that the premises are qualifying premises, or premises at which a qualifying event is to be held, and that it is necessary to do so for the purposes of a terrorism protection investigation.

200 The power is subject to conditions including that:

- a. The occupier must be given at least 72 hours' notice in writing, and
- b. That the power must be exercised at a reasonable hour (taking into account how the premises are used).

Conditions for issue of warrant to enter premises

201 Under paragraph 5, an inspector may apply to a justice for a warrant of entry to premises.

202 To grant a warrant, the justice must be satisfied that:

- a. The premises to which the application relates are in the United Kingdom,
- b. The premises are not wholly or mainly used as a private dwelling,
- c. It is necessary to enter the premises for a terrorism protection investigation, and
- d. One or more of the following conditions are met:
 - i. the premises are not qualifying premises or premises at which a qualifying event is to be held, is being held or was held,
 - ii. the premises are such premises but inspection under paragraph 4 has been frustrated,
 - iii. giving notice, as required by paragraph 4, would defeat the object of entry, or
 - iv. urgent access to the premises is required (such that sufficient notice under paragraph 4 cannot be given).

203 An inspector may exercise the same powers under a warrant as under paragraph 4 and any additional powers specified in the warrant, which may include the power to enter by force (if necessary) and to seize documents, equipment and other items.

Powers exercisable by warrant

204 If a warrant is issued under paragraph 5, it may confer additional powers to those available under paragraph 4 to:

- a. enter by force (if necessary), and
- b. seize documents, equipment and other items subject to the conditions in subparagraph (4).

205 The warrant may specify times at which the powers may be exercised but, if it does not, they may be exercised at any time.

206 As with entry under paragraph 4, the inspector may be accompanied by any person required for any purpose for which the inspector is exercising the power of entry. This might include a technical expert, who can advise on the details of particular security measures, or a constable.

Evidence of authority

207 Paragraph 7 requires that, before exercising a power under a warrant, the inspector must:

- a. produce a copy of the warrant, and
- b. supply a copy to the occupier, or any person who appears to be in charge of the premises.

208 The inspector must also produce proof of their identify and explain the purpose for which they are exercising the power, if requested to do so.

209 If no one appearing to be the occupier or in charge of the premises is present, the inspector must leave a copy of the warrant in a prominent place on the premises.

Return of warrant

210 Paragraph 8 requires that if a warrant is issued, the authorised inspector who executed it must return it to the issuing court and provide a summary of the powers exercised. This must be done as soon as is reasonably practicable.

211 Sub-paragraph (2) deals with situations where a warrant is issued but is not executed.

Retention of evidence etc

212 Paragraph 9 concerns the retention of evidence obtained under this Schedule. It is self-explanatory.

Offence of failing to comply with information notice

213 Under paragraph 10, it is an offence to fail to comply with an information notice issued under Paragraph 3 of this Schedule.

214 It will be a defence for the person to show that they took all reasonable steps to comply with the notice.

215 The offence is summary only and, on conviction, a person is liable to a fine as set out in sub-paragraph (4).

Offence of obstructing an authorised inspector

216 Under paragraph 11, it is an offence for a person to intentionally obstruct an authorised inspector in the performance of their powers under this Schedule.

217 The offence is summary only and, on conviction, a person is liable to a fine and/or to imprisonment as set out in sub-paragraph (2).

Offence of pretending to be an authorised inspector

218 Under paragraph 12, it is an offence for a person to falsely pretend to be an authorised inspector.

219 The person must intend to deceive others in order to commit the offence.

220 The offence is summary only and, on conviction, a person is liable to a fine as set out in sub-paragraph (2).

Saving for material subject to legal professional privilege

221 Paragraph 13 provides for the protection of information or material subject to legal professional privilege (or, in Scotland, confidentiality of communications) in the exercise of powers under this Schedule.

Powers of entry: Crown application

222 The powers to enter premises with or without a warrant in paragraphs 4 to 6 apply in relation to Crown premises, but only if the premises are not occupied by the Crown.

223 Sub-paragraph (2) sets out the meaning of “Crown premises”.

Schedule 4 – Licensing: disclosure of plans of premises

Part 1 – England and Wales

224 Schedule 4 makes amendments to the Licensing Act 2003 and the Licensing (Scotland) Act 2005. Part 1 (paragraphs 1 to 6) of Schedule 4 relates to England and Wales and amend the Licensing Act 2003.

- 225 Paragraph 3 provides that a plan which is compliant with clause 34(2) of the Bill must accompany a premises licence application under section 17 of the 2003 Act.
- 226 Paragraph 4 provides that a plan which is compliant with clause 34(2) of the Bill must accompany any plan of works supplied to a local licensing authority pursuant to section 29(6) of the 2003 Act.
- 227 Paragraph 5 provides that a plan which is compliant with clause 34(2) of the Bill must accompany an application for a club premises certificate.
- 228 Paragraph 6 amends Schedule 3 of the 2003 Act in relation to matters that a local licensing authority will enter in its local licensing register. The effect is that only plans which comply with clause 34(2) will be available for inspection by the public if supplied after commencement date, and an interested party may apply to remove non-compliant plans already held by the local licensing authority in certain circumstances.

Part 2 – Scotland

- 229 Part 2 (paragraphs 7 to 11) of Schedule 4 relates to Scotland and amends the Licensing (Scotland) Act 2005.
- 230 Paragraph 9 provides that a plan which is compliant with clause 34(2) of the Bill must accompany an application for a premises licence under section 20(2)(b) of the 2005 Act.
- 231 Paragraph 10 provides that a plan which is compliant with clause 34(2) of the Bill must accompany an application for a provisional premises licence under section 46(2) of the 2005 Act.
- 232 Paragraph 11 inserts Schedule 1A into the 2005 Act in relation to matters that a Licensing Board will enter in its licensing register. The effect is that only plans which comply with clause 34(2) will be available for inspection by the public if supplied after commencement date, and an interested party may apply to remove non-compliant plans already held by the Licensing Board in certain circumstances.

Commencement

233 Part 3 comes into force on the day the Bill is passed. Parts 1 and 2 also come into force for the purpose of making regulations on the day the Bill is passed.

234 Other provisions in Parts 1 and 2 of the Bill will come into force on such day as the Secretary of State may by regulations appoint, and different days may be appointed for different purposes or areas. The Secretary of State may, by regulations, make transitional or saving provision in connection with the coming into force of any provision of this Bill.

Financial implications of the Bill

Cost of Regulator to Government

235 The total public sector cost of the regulator is estimated to be between £32.2 million and £72.1 million with a central estimate of £48.7 million (2024 prices and 2025 present value). This includes the cost of the 10-year cost of the regulator itself, which is estimated to be between £30.5 million and £68.1 million with a central estimate of £46.6 million present value. Additionally, there is a spend of between £1.6 million and £4.0 million with a central estimate of £2.1 million in Criminal Justice System costs for the regulator's actions. This gives a total public sector cost of £32.2 million and £72.1 million with a central estimate of £48.7 million.

Other Costs to Government

236 Outside of the costs of the regulator to Government, there will be an additional cost to local authorities due to the administrative burden of removing premise plans from the public domain. This would be in response to a business requesting that their detailed (security sensitive) licenced premises plan be removed from the public domain and replaced with a less detailed plan. However, there is an administration charge for this process. In addition to this, there are also familiarisation costs to the local authority, but these will be minimal.

237 There will be cost borne by both local authorities and central Government in bringing the sites they own and operate into compliance with the Bill. There will be economic costs of lost productive time for standard duty premises with a central estimate of £3310 per site (10-year cost) for the cost of bringing sites into compliance. It is currently unknown the exact cost to Government from publicly owned sites that fall under the Bill, but it is estimated there are 9,100 sites which are owned by local authorities and an unknown number of sites owned by central Government which includes an estimated 22,990 schools which will be subject to the requirements of the Bill. For just the education component of the Bill, the cost to Government is estimated to be £7.6 million per year. The cost of bringing these sites into compliance will be borne by local authorities and central Government. For enhanced duty premises, local authorities could face a cost of £52,100 per site (10-year cost) to bring them into compliance with the Bill.

Parliamentary approval for financial costs or for charges imposed

238 The House of Commons passed a money resolution for this Bill on 14 October 2024.

239 Costs incurred by the Security Industry Authority in carrying out the functions conferred on it by Part 1 of the Bill will require increased central Government support for that body under

existing legislation. The Secretary of State may also incur costs directly in issuing and revising guidance under clause 27 of the Bill.

240 Clause 23(6) requires that monetary penalties paid to the Security Industry Authority must be paid into the Consolidated Fund. This paying into the Consolidated Fund is also authorised by the money resolution.

241 A ways and means resolution is not required for the Bill. A ways and means resolution is required where a bill authorises new charges on the people - broadly speaking, new taxation or other similar charges. Nothing in the Bill authorises such charges.

Compatibility with the European Convention on Human Rights

242 The Government considers that the Bill is compatible with the European Convention on Human Rights. Accordingly, the Rt Hon Lord Hanson of Flint has made a statement under section 19(1)(a) of the Human Rights Act 1998 to this effect.

Environment Act 2021: Section 20

243 The Rt Hon Lord Hanson of Flint is of the view that the Bill as brought from the House of Commons does not contain provision which, if enacted, would be environmental law for the purposes of section 20 of the Environment Act 2021. Accordingly, no statement under that section has been made.

Trade between Northern Ireland and the rest of the UK

244 The Rt Hon Lord Hanson of Flint is of the view that the Bill as brought from the House of Commons does not contain provision which, if enacted, would affect trade between Northern Ireland and the rest of the United Kingdom. Accordingly, no statement under section 13C of the European Union (Withdrawal) Act 2018 has been made.

Related documents

245 The following documents are relevant to the Bill and can be read at the stated locations (sorted alphabetically):

- <https://committees.parliament.uk/publications/41090/documents/204669/default/>
- https://assets.publishing.service.gov.uk/media/5c585646ed915d04538f1198/HC1694_The2017Attacks_WhatNeedsToChange.pdf
- <https://www.gov.uk/government/publications/manchester-arena-inquiry-volume-1-security-for-the-arena>
- <https://www.gov.uk/government/consultations/martyns-law-standard-tier-consultation>
- <https://www.gov.uk/government/consultations/protect-duty>
- <https://www.gov.uk/government/consultations/protect-duty/outcome/government-response-document>
- <https://publications.parliament.uk/pa/bills/cbill/59-01/0009/240009.pdf>
- <https://www.gov.uk/government/collections/terrorism-protection-of-premises-bill-2024>
- <https://www.gov.uk/government/collections/terrorism-protection-of-premises-bill-2024>
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1154100/Terrorism_Protection_of_Premises_Draft_Bill_-_Command_Paper.pdf
- <https://www.gov.uk/government/collections/terrorism-protection-of-premises-bill-2024>
- <https://www.judiciary.uk/wp-content/uploads/2019/11/London-Bridge-Borough-Market-Terror-Attack-2019-0332.pdf>

Annex A – Territorial extent and application in the United Kingdom

246 Parts 1 and 3 of the Bill extend and apply to the whole of the United Kingdom. Part 2 only applies to England, Wales and Scotland.

247 Clause 34 and Schedule 4 extend and apply to England, Wales and Scotland only. Part 1 of Schedule 4 only applies to England and Wales, whereas Part 2 of Schedule 4 only applies to Scotland.

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

These Explanatory Notes relate to the Terrorism (Protection of Premises) Bill as brought from the House of Commons on 10 December 2024 (HL Bill 53)

Clause 27	Yes	Yes	No	Yes	No	Yes	No
Clause 28	Yes	Yes	No	Yes	No	Yes	No
Clause 29	Yes	Yes	No	Yes	No	Yes	No
Clause 30	Yes	Yes	No	Yes	No	Yes	No
Clause 31	Yes	Yes	No	Yes	No	Yes	No
Clause 32	Yes	Yes	No	Yes	No	Yes	No
Clause 33	Yes	Yes	No	Yes	No	Yes	No
Clause 34	Yes	Yes	No	Yes	No	No	No
Clause 35	Yes	Yes	No	Yes	No	Yes	No
Clause 36	Yes	Yes	No	Yes	No	Yes	No
Clause 37	Yes	Yes	No	Yes	No	Yes	No
Clause 38	Yes	Yes	No	Yes	No	Yes	No
Schedule 1	Yes	Yes	No	Yes	No	Yes	No
Schedule 2	Yes	Yes	No	Yes	No	Yes	No
Schedule 3	Yes	Yes	No	Yes	No	Yes	No
Schedule 4	Yes	Yes	No	Yes	No	No	No

Subject matter and legislative competence of devolved legislatures

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

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

TERRORISM (PROTECTION OF PREMISES) BILL

EXPLANATORY NOTES

These Explanatory Notes relate to the Terrorism (Protection of Premises) Bill as brought from the House of Commons on 10 December 2024 (HL Bill 53).

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