

Understanding Martyn's Law

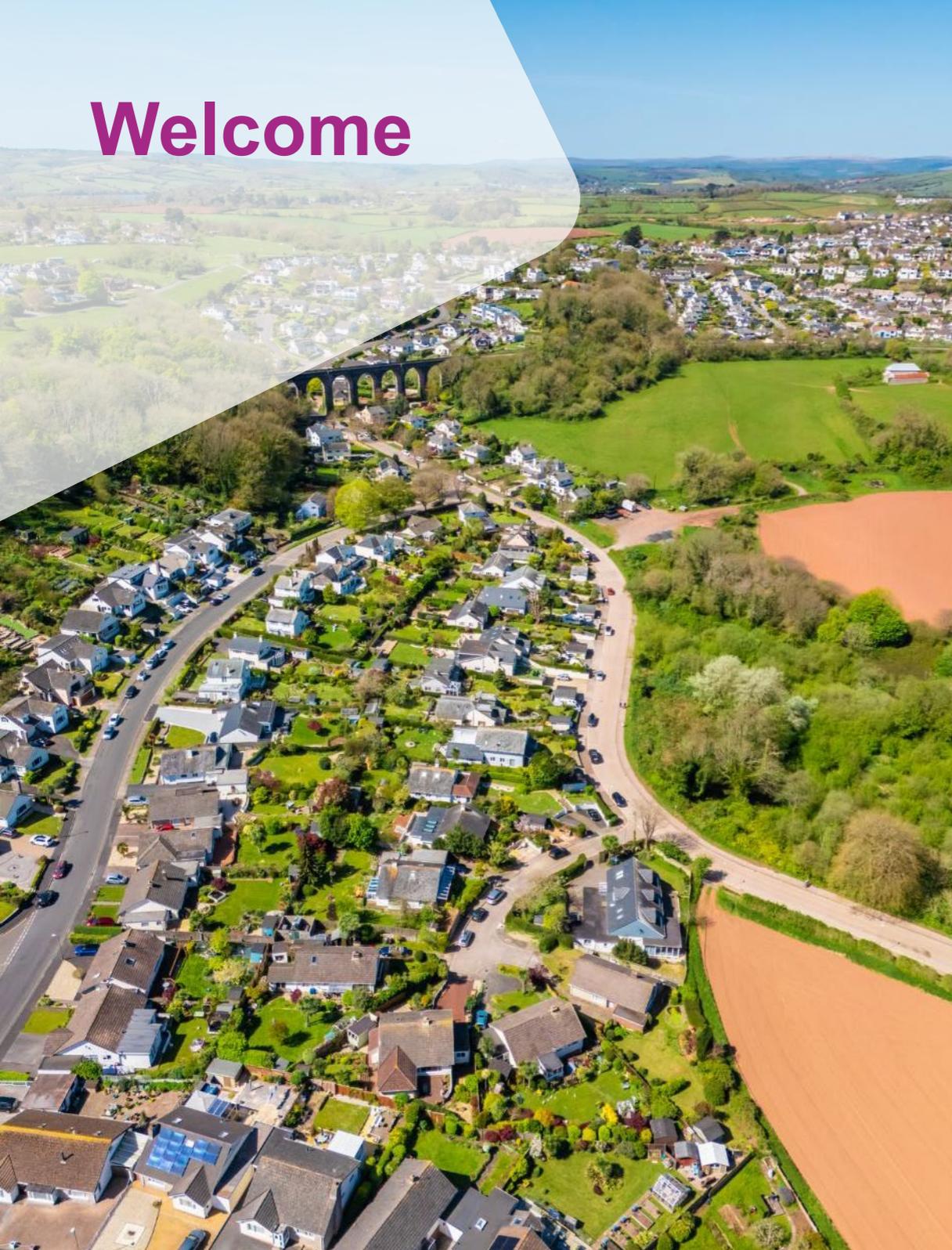
Guidance for local and parish councils

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councils

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Welcome



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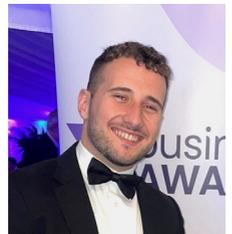
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Introductions



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Protect duty: liabilities for acts of
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Martyn's Law

Terrorism (Protection of Premises Act) 2025

Reasons for the Act

- Recommendation from Chairman to Manchester Arena Inquiry
- Guard against complacency
- Without legal requirement counter terrorism protective security and preparedness often falls behind other legal requirements such as Health and Safety

Principles underpinning the Act

- Leave it all to police and emergency services? Greatest outcomes achieved through effective partnerships with occupiers and others.
- Similarities to Occupiers Liability Act: protects members of public visiting premises.
- Consistency in approach from those responsible for premises and events to safeguarding public.
- Government looks to insurance industry to promote and incentivise compliance.

Role of regulator

- SIA (Security Industry Authority)
- Provides advice and support
- Risk assessments must be documented and sent to SIA in some circumstances (section 7)
- SIA and other interested persons may apply to a tribunal for a determination of list of key issues, including whether the Act applies to given premises (section 11)
- Inspector may inspect on 72 hours of notice or may apply for a warrant in some circumstances
- During inspection inspector can view documents and equipment and require person on premises to assist
- Inspector may remove items, documents and equipment
- SIA has powers to issue range of civil sanctions
- SIA will issue guidance on how it will exercise its enforcement powers. The guidance will be approved by the Home Secretary.

SIA's civil sanctions

- Compliance notices (Non-compliance to be remedied by deadline. Specific actions may be required.)
- Restriction notices (Only apply to enhanced duty premises and qualifying events. Include temporary closure of premises. Prohibition on event taking place. Imposing restrictions until suitable measures in place.)
- Monetary penalties. (Standard duty premises max £10,000. Max for enhanced duty premises and qualifying events £18 million or 5% worldwide revenue for last accounting period.)
- Daily penalties (Non-compliance continues after deadline. Up to £500 per day for standard duty premises. Up to £50,000 for enhanced or qualifying events.)

When determining the amount of any penalty SIA will consider the effects of the contravention, action taken to remedy it or mitigate its effects and the ability of the person to pay.

The penalties are recoverable as if they were judgements of the High Court.

Criminal offences

- Failure to comply with compliance notice (enhanced duty premises or qualifying event only)
- Failure to comply with restriction notice.
- Providing false or misleading information.
- On conviction on indictment two years imprisonment and/or fine.

Offences can be committed by a body and by relevant person where offence committed with their consent or connivance or is to their negligence.

Relevant person is person concerned with management or control of body

Civil liability

No right of action in any civil proceedings in respect of any contravention of a requirement in the Act (Section 31)

Breach of statutory requirement may be relied upon as evidence of negligence ie that a risk was foreseeable and particular precautions should have been taken, particularly where a criminal offence has been committed under the Act.

Reasonable practicability: *Baker v Quantum Clothing Group Ltd [2011] UKSC 17* .

Weigh gravity of harm and likelihood of it occurring in one scale and weigh the sacrifice whether in money, time or trouble involved in the measures necessary to avert risk in the other scale. Where there is a gross disproportion between the two it is not reasonably practicable.

When making the assessment also consider **whether risk is considered acceptable by prevailing standards of the time**. Such acceptance can make it not reasonably practicable to prevent a known risk of injury.

Guidance

Secretary of State must publish guidance and lay it before parliament.

Where it is alleged that a person has contravened a requirement proof that the person acted in accordance with the applicable guidance under this section *may be relied on as tending to establish that there was no such contravention.*



Counter Terrorism Update Martyn's Law

Kevin Thomas



“ An act to require persons with control over certain premises or events to take steps to reduce the vulnerability of the premises or event to, and the risk of physical harms to individuals, arising from acts of terrorism”.

March 2026

Welcome

- ▶ Brief overview of Martyn's Law (Protect Duty)
- ▶ Tiered approach
- ▶ SIA – the appointed regulator
- ▶ Potential insurance market impact
- ▶ Support and guidance
- ▶ Key takeaways

Protect Duty Consultation
Protect and Prepare
5th Floor NE, Peel Building
Office for Security and Counter Terrorism
Home Office
2 Marsham Street
London, SW1P 4D

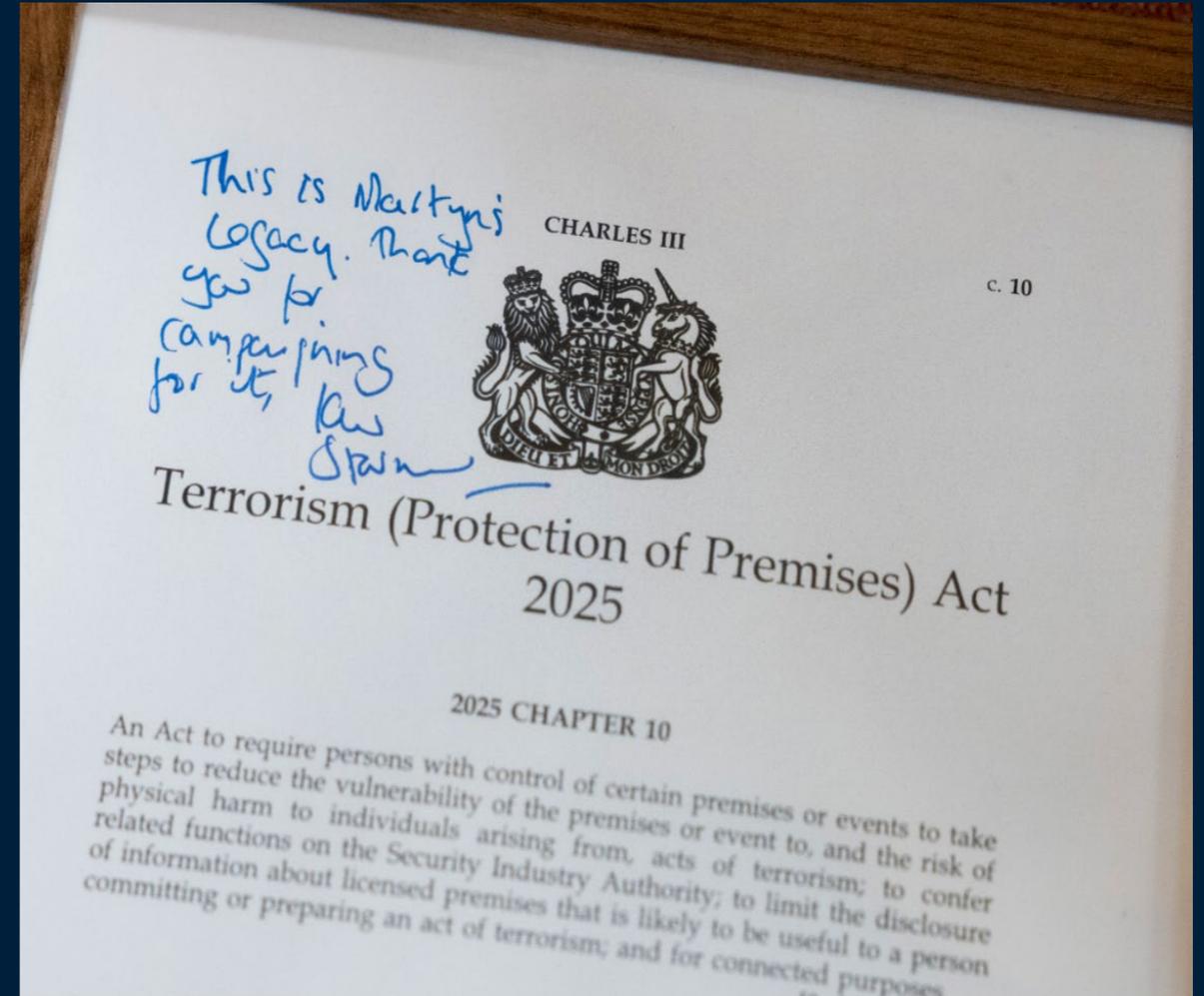
Dear Sirs

RE: Protect Duty ("the Duty") Consultation

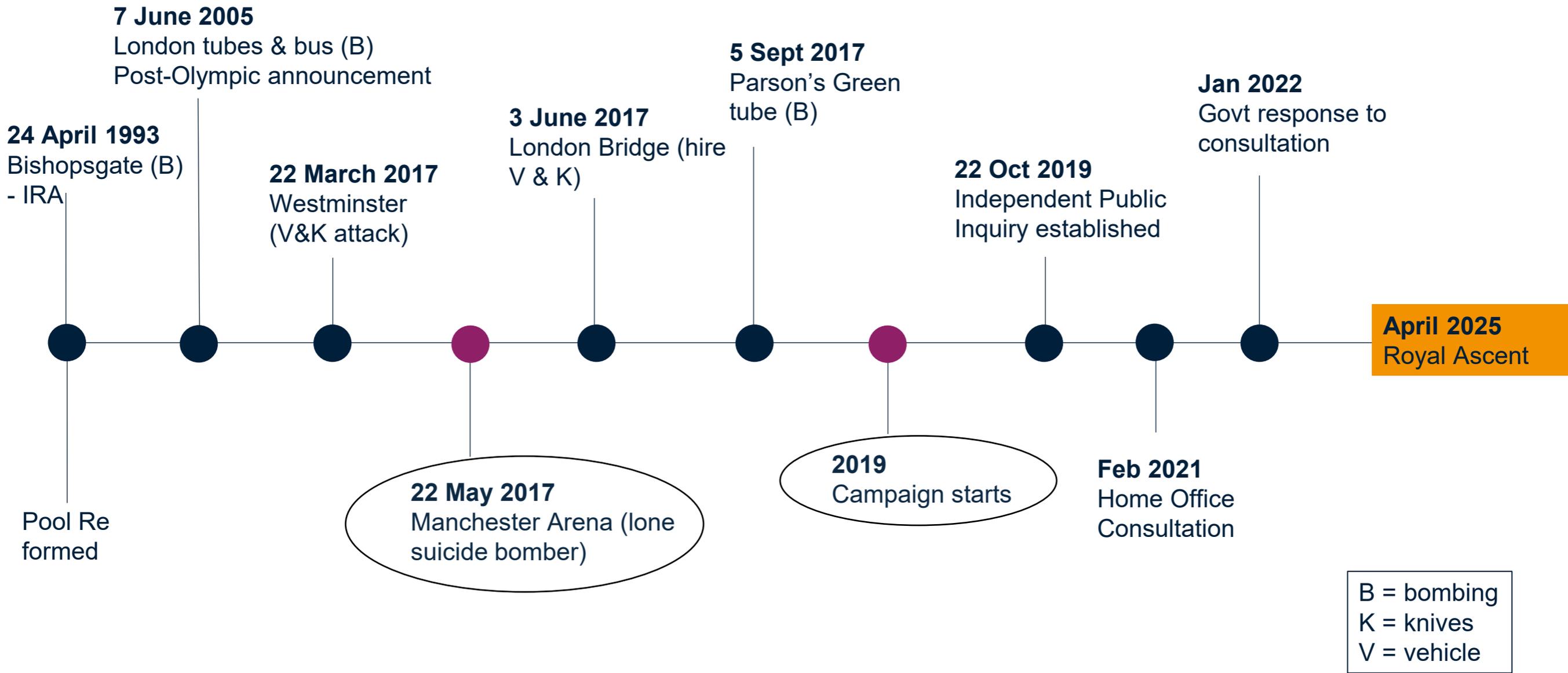
Founded in 1887, Ecclesiastical Insurance Group is a specialist insurance-based, financial services provider based here in the UK. We provide products and services to businesses, organisations and individuals, both directly and through intermediaries, in the faith, heritage, charity, education and real estate markets. As such, we are trusted experts looking after over £300 billion worth of assets including palaces, cathedrals, castles, stately homes, museums, schools, fine art, churches and charities. We are known for insuring over half of the Grade I listed properties in England and Wales, and are involved with protecting 10 of the UK's World Heritage sites.

Everything we do is guided by our purpose to contribute to society's greater good. This extends to the products and services we offer, the positive impact we have on the world, and the nature of our internal culture. We have always had a tradition of giving back and today, our success has enabled us to totally transform the scale of our giving and redefine ourselves as a unique, purpose-driven company with the highest of ethical standards and unrivalled expertise. We're proud of our reputation as one of the most trusted insurers in our markets, and of the positive impact we make on society, by giving back our profits to churches, charities and other good causes.

As such, we welcome this opportunity to submit our feedback to this consultation.



UK terrorism incidents – the step-change in 2017



Terrorism (Protection of Premises) Act 2025

- ▶ Implementation will be at least 24 months (**3 April 2027?**)
- ▶ **No legal requirement** to comply until the legislation is in force
- ▶ **Statutory guidance** hasn't been published yet
- ▶ Home Office will publish this **during** the 24-month period
- ▶ Guidance will be **'easy to follow needing neither particular expertise nor the use of third-party products or services.'**



Tiered duty (UK based organisations)

Tier	Details	Expectations	Notes
Below 200 capacity		Organisations expected to implement positive security practices voluntarily in line with the standard tier below.	▶ Highway Code.
Standard (150,000 sites)	Venues where 200 -799 individuals (including staff) may be reasonably expected at the same time fall into the standard tier.	Procedural measures as follows: - <ul style="list-style-type: none"> ▶ Evacuation (Fire Risk Assessment/Health & Safety) ▶ Invacuation ▶ Lockdown ▶ Communication & training ▶ Inform regulator (SIA) – that Appointed Responsible Person 	Following will remain in standard tier even if capacity exceeds 800. <ul style="list-style-type: none"> ▶ Places of Worship (regardless of admission fee). ▶ Childcare facilities. ▶ Schools – primary & secondary & further education establishments ▶ www.ecclesiastical.com/risk-management/risk-assessment/
Enhanced (25,000 sites)	Venues expecting 800+ individuals at any one time e.g. major entertainment venues, sports grounds & significant retail locations.	<ul style="list-style-type: none"> ▶ Designate Senior Individual (Non-delegable duties) ▶ Standard tier + Public Protection Measures (Monitoring, Movement, Physical & Information). ▶ Document submission 	Listed exemptions e.g. government buildings, private offices without public access, transports hubs & public parks/gardens with no entrance fee.
Enhanced	Qualifying Events	Ticketed events at which 799+ can be reasonably expected to attend.	Automatically in enhanced tier.



Enhanced tier locations

- ▶ Start/review risk assessments and preparedness plans to respond effectively to terrorist attack. Link to existing security/fire procedures.
- ▶ Consider vulnerable areas and mitigation measures.
- ▶ Provide training to staff and volunteers (front of house, security staff, production teams) to recognise/respond to potential threats.
- ▶ Emergency response planning: establish clear evacuation (or alternatives), and ensure people are familiar with them.
- ▶ Consider enhanced security measures e.g. bag checks (random), CCTV monitoring and increased security presence.
- ▶ Be aware overly strict security procedures could deter audiences – be effective not obtrusive.
- ▶ Older buildings can contain logistical challenges. Potential budget issues.
- ▶ By responding now venues will avoid last minute compliance challenges and protect audiences.
- ▶ By increasing accessibility to live events helps maintain income.



Possible general venue protection responses examples

No.	Venue type	Potential controls (proportional to type, size & venue function)
1.	Community centre & smaller venues	Training, awareness & simple emergency procedures.
2.	Museums	Subtle protective measures to safeguard visitors & maintain accessibility/openness.
3.	Concert Arena	Organised crowd control, clear evacuation procedures, hostile vehicle mitigation, working with emergency services/NACTSO.

- ▶ Meeting the legal minimum expectations is the starting point. More proactive organisations will be better-placed to protect people and gain public confidence.
- ▶ **Remember compliance protects legally. Preparedness saves lives (and property) and maintains reputation.**
- ▶ Leadership commitment.
- ▶ **People training.**
- ▶ **Regular drills & exercises.**
- ▶ Link to [business continuity](#).

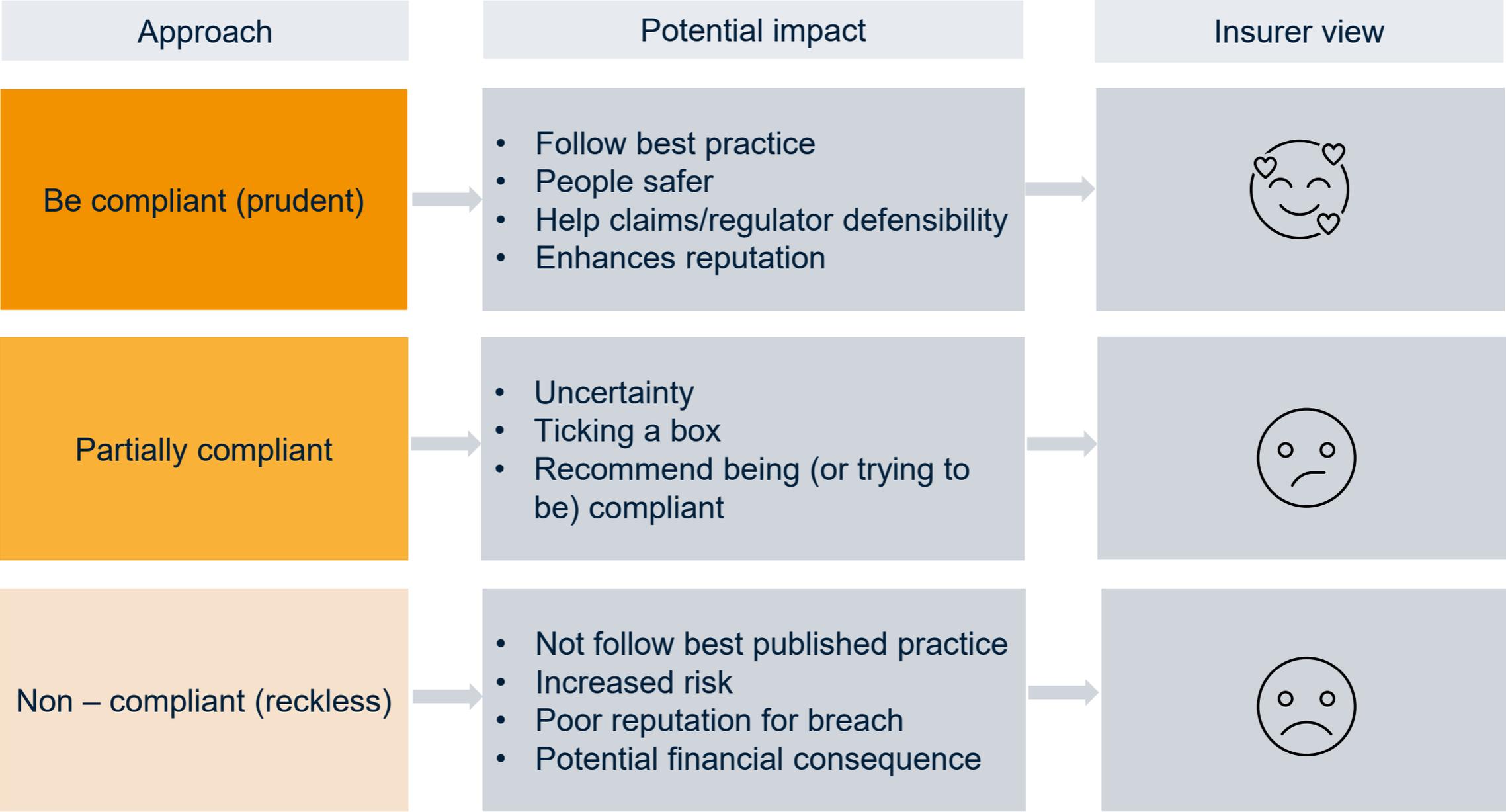


Insurance considerations

- ▶ Review terrorism insurance requirements
- ▶ Property Damage Cover optional extension
- ▶ Fines will not be covered by insurance policies
- ▶ Potential claims – negligence, trustee indemnity & legal expenses
- ▶ Consult with “Clear” on cover requirements so full understanding achieved



Insurance cover considerations – reasonable precautions condition – duty to follow current best practice



Support and guidance

- ▶ Martyn's Law compliant suppliers already very proactive – **be aware**
- ▶ Protect UK (information platform) & Poole Re website – Signpost to trusted materials and providers
 - E-learning awareness by Action Counter Terrorism (ACT)
 - See Check and Notify (SCAN)
 - www.protectuk.police.uk/martyns-law

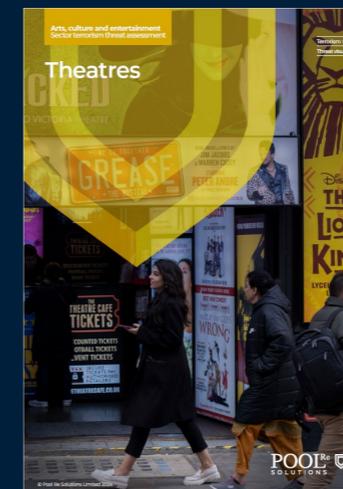


Pool-Re solutions

- ▶ Set up in 1993 – post Bishopsgate IRA bombing to help with reinsurance capacity for terrorism commercial & property risks cover.
- ▶ www.poolre.co.uk/terrorism-threat-sector



Solutions Centre (free information / guidance) for members / brokers / clients. Sector threat reports.



Key takeaways

- ▶ Identify the relevant tier. Legislation applies to the venue based on size, capacity and risk. Remember Places of Worship, Schools etc will be standard tier regardless of capacity.
- ▶ Consider using the legislation as an opportunity to embed a culture of preparedness.
- ▶ Investment in training important. An organisation's people are critical to prevention and response. Good examples are scenario-based drills and awareness programmes.
- ▶ Adopt proportionate security measures i.e. a tailored approach to unique risks at each venue.
- ▶ Embed Terrorism Risk Management as part of Security Risk Management.
- ▶ Some organisations will be more advanced than others
- ▶ Legislation does not change Civil Law Position.



“

The effectiveness of this legislation will be determined not by the words on the page alone but by how well it is put into practice. Adequate resources, training and advice must be provided to ensure that compliance is achievable and that security measures are implemented effectively without unnecessary complexity or confusion.”

Lord Davies of Gower, 11 March 2025



Questions

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Useful links

- clearcouncils.co.uk
- www.ecclesiastical.com/risk-management/terrorism
- www.poolre.co.uk/terrorism-threat-sector
- www.marielirvine.com
- www.ecclesiastical.com/rma (Risk Maturity Assessment)*
- movementforgood.com/ecclesiastical

*Risk Maturity Assessment support is a non-regulated activity providing optional support to you outside of our insurance products.

Next webinar

A new series of webinars are being planned for 2026 – look out for details.

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