



Home Office

Terrorism (Protection of Premises) Draft Bill

May 2023

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Terrorism (Protection of Premises) Draft Bill

Presented to Parliament
by the Secretary of State for the Home Department
by Command of His Majesty

May 2023



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Terrorism (Protection of Premises) Bill

[DRAFT BILL]

CONTENTS

The regulator

- 1 The regulator

Qualifying public premises and events etc

- 2 Qualifying public premises
- 3 Standard duty premises and enhanced duty premises
- 4 Qualifying public events
- 5 Persons responsible for qualifying public premises or events
- 6 Capacity of premises
- 7 Parts of premises to be disregarded
- 8 Powers to amend or modify application of Act

Registration of premises and notification of events

- 9 Registration of qualifying public premises
- 10 Notification of qualifying public events

Evaluation and assessment of terrorism risk

- 11 Standard terrorism evaluation
- 12 Enhanced terrorism risk assessment

Provision of terrorism protection training

- 13 Duty to provide terrorism protection training
- 14 Content of terrorism protection training

Enhanced duty to take security measures

- 15 Security measures

Coordinating and recording compliance with enhanced duties

- 16 Designated senior officers
- 17 Security plans

Cooperation and dispute resolution

- 18 Cooperation of other persons with control of premises
- 19 Cooperation with persons responsible for fire safety
- 20 Determinations by the tribunal

Investigatory powers

- 21 Investigatory powers

Enforcement

- 22 Contravention notices
- 23 Restriction notices
- 24 Duration of restriction notices
- 25 Appeals in relation to contravention notices and restriction notices

Monetary penalties

- 26 Penalty notices
- 27 Daily penalties
- 28 Determining the amount of a penalty
- 29 Maximum amounts of fixed penalty
- 30 Penalty notices: procedure
- 31 Appeals against penalties
- 32 Recovery of penalties
- 33 Double jeopardy

Offences

- 34 Offences
- 35 Offences by directors, partners etc

Guidance

- 36 Guidance about requirements
- 37 Guidance about the exercise of the regulator's functions

Licensing of premises at heightened terrorism risk

- 38 Licensing of premises at heightened terrorism risk

General

- 39 Data protection
- 40 Means of giving notices
- 41 Further provision about notices
- 42 Civil liability
- 43 Interpretation
- 44 Regulations
- 45 Extent
- 46 Commencement and transitional provision
- 47 Short title

-
- Schedule 1 – Specified uses of premises
 - Schedule 2 – Investigatory powers
 - Schedule 3 – Licensing of premises at heightened terrorism risk

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TO

Make provision about the assessment and mitigation of risks of terrorist activity at, or in the immediate vicinity of, certain publicly accessible premises or events; to amend the Licensing Act 2003 in relation to premises at heightened risk of being a target of terrorist activity; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the regulator of the same, as follows:—

The regulator

1 The regulator

- (1) In this Act, “the regulator” means—
 - (a) a public authority prescribed as the regulator in regulations made by the Secretary of State, or
 - (b) if no public authority is prescribed, the Secretary of State.
- (2) Regulations under subsection (1)(a) may make provision about how costs incurred by the prescribed public authority in acting as the regulator are to be met.
- (3) In this section “public authority” means any person certain of whose functions are functions of a public nature.

Qualifying public premises and events etc

2 Qualifying public premises

- (1) In this Act, “qualifying public premises” means premises in respect of which the following conditions are met—
 - (a) the premises are primarily used for a use or uses specified in Schedule 1;
 - (b) the public, or a section of the public, has access to the premises or a part of the premises;
 - (c) the premises have a public capacity of 100 or more individuals (see section 6).

- (2) For the purposes of subsection (1)(b) –
 - (a) where the premises primarily comprise land in the open air, access to the premises by a member of the public must be by express permission only (whether or not on payment);
 - (b) in any other case, access to the premises by a member of the public may be by express or implied permission (whether or not on payment).
- (3) Qualifying public premises may be contained within other premises, including other qualifying public premises (for example, in a shopping centre).
- (4) Where one or more qualifying public premises are contained within other qualifying public premises, this Act applies in relation to each of the premises.

3 Standard duty premises and enhanced duty premises

- (1) In this Act –
 - (a) “enhanced duty premises” are qualifying public premises with a public capacity of 800 or more individuals (see section 6);
 - (b) “standard duty premises” are qualifying public premises which are not enhanced duty premises.
- (2) This section is subject to any provision of Schedule 1 which provides for qualifying public premises to be treated as standard duty premises or enhanced duty premises in certain cases.

4 Qualifying public events

- (1) In this Act, “qualifying public event” means an event in respect of which the following conditions are met –
 - (a) the event is to be held at premises which are not qualifying public premises;
 - (b) the public or a section of the public will have access to the premises, or a part of the premises, for the purpose of attending the event;
 - (c) the premises have a public capacity of 800 or more individuals (see section 6).
- (2) For the purposes of subsection (1)(b), access to the premises by a member of the public for the purpose of attending the event must be by express permission only (whether or not on payment).

5 Persons responsible for qualifying public premises or events

- (1) For the purposes of this Act –
 - (a) the person responsible for qualifying public premises is the person who has control of the premises in connection with their relevant Schedule 1 use;
 - (b) the person responsible for a qualifying public event is the person who has control of the premises at which the event is to be held in connection with their use for the event.

- (2) If more than one person is responsible for qualifying public premises or a qualifying public event—
 - (a) references in this Act to the person responsible for the premises or the event (as the case may be) are to each such person, and
 - (b) two or more such persons may act jointly in pursuance of a requirement imposed on them by or under this Act.
- (3) This section is subject to any provision of Schedule 1 which specifies the person responsible for qualifying public premises in certain cases.
- (4) In this Act, “relevant Schedule 1 use”, in relation to qualifying public premises, means—
 - (a) in a case where the premises are used for only one use specified in Schedule 1, that use;
 - (b) in a case where the premises are used for more than one use specified in that Schedule, whichever is the predominant of those uses;
 - (c) in a case within paragraph (b) where none of the uses specified in Schedule 1 is the predominant of those uses, the use determined by regulations made by the Secretary of State.

6 Capacity of premises

- (1) For the purposes of this Act, the “public capacity” of premises is to be determined in accordance with regulations made by the Secretary of State.
- (2) Regulations under subsection (1) may (among other things)—
 - (a) make different provision in relation to premises, or parts of premises, of different descriptions;
 - (b) make provision by reference to a document issued by the Secretary of State, or another person, as revised or replaced from time to time;
 - (c) confer functions on the regulator (including functions involving the exercise of a discretion).

7 Parts of premises to be disregarded

- (1) For the purposes of any requirement imposed by or under this Act in respect of qualifying public premises or a qualifying public event, disregard any part of the qualifying public premises or the premises at which the event is to be held—
 - (a) which is used as a private dwelling;
 - (b) which is used as an office or for office purposes;
 - (c) in relation to which a transport security regime applies;
 - (d) which is of such other description as the Secretary of State may prescribe in regulations.
- (2) A transport security regime applies in relation to premises if—
 - (a) an aerodrome security plan under section 24AE of the Aviation Security Act 1982 is in force in relation to the premises,

- (b) the premises are a relevant asset for the purposes of section 119 of the Railways Act 1993 in relation to which an instruction under that section is in force,
 - (c) a direction under the Channel Tunnel Security (Order) 1994 (S.I. 1994/570) is in force in relation to the premises, or
 - (d) a port security plan is in force in relation to the premises.
- (3) In subsection (2)(d), “port security plan” means—
- (a) a port facility security plan under the Ship and Port Facility (Security) Regulations 2004 (S.I. 2004/1495), or
 - (b) a port security plan under the Port Security Regulations 2009 (S.I. 2009/2048).

8 Powers to amend or modify application of Act

- (1) The Secretary of State may by regulations—
- (a) amend section 2(1)(c), 3(1)(a) or 4(1)(c) so as to substitute a different figure for the figure for the time being specified;
 - (b) amend Schedule 1 so as to—
 - (i) specify a further use of premises,
 - (ii) specify qualifying public premises to be treated as standard duty premises or enhanced duty premises (regardless of how they would otherwise be treated),
 - (iii) specify the person responsible for qualifying public premises for the purposes of this Act, or
 - (iv) remove or modify a provision of that Schedule;
 - (c) otherwise provide for this Act, or a prescribed provision of this Act—
 - (i) to apply (where it otherwise would not),
 - (ii) not to apply (where it otherwise would), or
 - (iii) to apply with prescribed modifications,
 to premises or events of a prescribed description.
- (2) But regulations under this section must not provide—
- (a) for any provision of this Act to apply (with or without modifications) in relation to premises with a public capacity of fewer than 100 individuals, or
 - (b) for any of section 12, 15 or 16 to apply (with or without modifications) in relation to premises with a public capacity of fewer than 500 individuals.
- (3) In subsection (1), “prescribed” means prescribed in the regulations.

Registration of premises and notification of events

9 Registration of qualifying public premises

- (1) The person responsible for qualifying public premises must ensure that the premises are registered in accordance with this section.

- (2) On an application by the person responsible for qualifying public premises, made in accordance with this section and regulations under this section, the regulator must register the premises.
- (3) The regulator must remove premises from the register if it appears to the regulator that the premises are not qualifying public premises.
- (4) The Secretary of State may by regulations make provision about applications for registration, including in particular provision about—
 - (a) the form and content of an application;
 - (b) the information that must accompany an application;
 - (c) the way in which an application is to be made and anything that is to accompany an application is to be provided;
 - (d) the circumstances in which an application may be withdrawn or treated as withdrawn;
 - (e) the way in which an application may be withdrawn.
- (5) The Secretary of State may by regulations make provision about the register, including in particular provision about—
 - (a) the information to be contained in the register;
 - (b) the updating or other revision of information in the register;
 - (c) the procedure for removing premises from the register.
- (6) Regulations under subsection (5)(b) may, in particular, require the person responsible for qualifying public premises to notify the regulator of prescribed matters in prescribed circumstances.
- (7) In subsection (6), “prescribed” means prescribed in the regulations.

10 Notification of qualifying public events

- (1) The person responsible for a qualifying public event must ensure that the regulator is notified of the event in accordance with this section and regulations under this section.
- (2) Notification must be given—
 - (a) before, or as soon as is reasonably practicable after, details of the event are first made available to the public or a section of the public, and
 - (b) before the event begins.
- (3) The Secretary of State may by regulations make provision about notifications under this section, including in particular provision about—
 - (a) the form and content of a notification;
 - (b) the information that must accompany a notification;
 - (c) the way in which notification is to be made and anything that is to accompany a notification is to be provided;
 - (d) the updating or other revision of a notification;
 - (e) the circumstances in which a notification may be withdrawn or treated as withdrawn;
 - (f) the way in which a notification may be withdrawn.

- (4) Regulations under subsection (3)(d) may, in particular, require the person responsible for a qualifying public event to notify the regulator of prescribed matters in prescribed circumstances.
- (5) In subsection (4), “prescribed” means prescribed in the regulations.

Evaluation and assessment of terrorism risk

11 Standard terrorism evaluation

- (1) The person responsible for standard duty premises must—
 - (a) ensure that a standard terrorism evaluation of the premises has been completed,
 - (b) ensure that the evaluation is reviewed in accordance with subsection (2),
 - (c) from time to time revise the evaluation to keep it up to date,
 - (d) ensure that a copy of the current evaluation is made available to each individual who uses the premises as a place of work, and
 - (e) if requested to do so by the regulator, provide the regulator with a copy of the current evaluation within such reasonable period as the regulator may specify in the request.
- (2) A standard terrorism evaluation of premises must be reviewed—
 - (a) each time a material change is made to the premises or to the use of the premises, and
 - (b) before the end of the period of 12 months, beginning with the day on which the evaluation or most recent review (as the case may be) was completed.
- (3) For the purposes of subsection (2)(a), a change to premises or to the use of premises is “material” if it is reasonable to assume that the change would materially effect the standard terrorism evaluation of the premises.
- (4) A “standard terrorism evaluation” of premises is a document, in such form as may be specified in a notice issued from time to time by the Secretary of State, which provides information about the following matters—
 - (a) the types of acts of terrorism most likely to occur at, or in the immediate vicinity of, the premises if acts of terrorism were to occur;
 - (b) the measures in place in relation to the premises that might be expected to reduce the risk of acts of terrorism of those types occurring at, or in the immediate vicinity of, the premises;
 - (c) the measures in place in relation to the premises that might be expected to reduce the risk of physical harm to individuals if acts of terrorism of those types were to occur at, or in the immediate vicinity of, the premises;
 - (d) the procedures to be followed if acts of terrorism were to occur at, or in the immediate vicinity of, the premises;
 - (e) the ways in which individuals who use the premises as a place of work will be made aware of the standard terrorism evaluation of the premises, or relevant information in the evaluation;

- (f) such other matters as the Secretary of State may prescribe in regulations.
- (5) The Secretary of State may specify different forms of standard terrorism evaluation for premises of different descriptions.
- (6) For the purposes of subsection (4)(e), information is “relevant” to an individual who uses premises as a place of work if it is relevant to the individual’s responsibilities in relation to the premises.

12 Enhanced terrorism risk assessment

- (1) The person responsible for enhanced duty premises or a qualifying public event must—
 - (a) ensure that a terrorism risk assessment of the premises or event (as the case may be) has been completed, and
 - (b) from time to time revise the assessment to keep it up to date.
- (2) A terrorism risk assessment of enhanced duty premises must be reviewed—
 - (a) each time a material change is made to the premises or to the use of the premises, and
 - (b) before the end of the period of 12 months, beginning with the day on which the assessment or the most recent review (as the case may be) was completed.
- (3) For the purposes of subsection (2)(a), a change to premises or to the use of premises is “material” if it is reasonable to assume that the change would materially effect the terrorism risk assessment of the premises.
- (4) A terrorism risk assessment of a qualifying public event must be completed—
 - (a) at least three months before the date on which the event is to begin, or
 - (b) where details of the event are first made available to the public, or a section of the public, less than three months before the date on which the event is to begin—
 - (i) as soon as reasonably practicable after the details are first made available, and
 - (ii) before the event begins.
- (5) A “terrorism risk assessment” of enhanced duty premises or a qualifying public event is an assessment of—
 - (a) the types of acts of terrorism most likely to occur at, or in the immediate vicinity of, the premises or event (if acts of terrorism were to occur);
 - (b) the reasonably practicable measures that might be expected to reduce the risk of acts of terrorism of those types occurring at, or in the immediate vicinity of, the premises or event;
 - (c) the reasonably practicable measures that might be expected to reduce the risk of physical harm to individuals if acts of terrorism of those types were to occur at, or in the immediate vicinity of, the premises or event;

- (d) such other matters as the Secretary of State may prescribe in regulations.
- (6) In carrying out or reviewing a terrorism risk assessment, regard must be had to—
 - (a) the size and other characteristics of the enhanced duty premises or the premises at which the qualifying public event is to be held;
 - (b) existing measures in place in relation to the premises or event of a kind mentioned in subsection (5)(b) and (c);
 - (c) in the case of enhanced duty premises, the current use of the premises and any likely future uses;
 - (d) in the case of a qualifying public event, the nature of the event.

Provision of terrorism protection training

13 Duty to provide terrorism protection training

- (1) The person responsible for qualifying public premises or a qualifying public event must ensure that terrorism protection training in relation to the premises or event (as the case may be) is provided to each relevant worker in accordance with this section.
- (2) “Relevant worker” means an individual who—
 - (a) works at, or in connection with, the premises or event, and
 - (b) has responsibilities that make it appropriate for them to receive terrorism protection training.
- (3) In determining whether an individual is a relevant worker for the purposes of this section, it is irrelevant whether or not—
 - (a) the individual is an employee;
 - (b) the individual works full-time at, or in connection with, the premises or event;
 - (c) the individual is remunerated for their work at, or in connection with, the premises or event.

(But these matters may be relevant to what training is appropriate).
- (4) Terrorism protection training in relation to qualifying public premises must be provided—
 - (a) before, or as soon as is reasonably practicable after, the relevant worker first assumes the responsibilities mentioned in subsection (2)(b),
 - (b) in the case of enhanced duty premises, as soon as is reasonably practicable after the completion or any material revision of a terrorism risk assessment of the premises (see section 12), and
 - (c) in any case, before the end of the period of 12 months, beginning with the day on which the relevant worker last completed training provided in accordance with this section in relation to the premises.
- (5) For the purposes of subsection (4)(b), a revision of a terrorism risk assessment is “material” if it is reasonable to assume that it would materially effect the training provided in accordance with this section.

- (6) Terrorism protection training in relation to a qualifying public event must be provided before the event begins.

14 Content of terrorism protection training

- (1) “Terrorism protection training”, in relation to qualifying public premises or a qualifying public event, means training in relation to—
 - (a) the types of acts of terrorism most likely to occur at, or in the immediate vicinity of, the premises or event (if acts of terrorism were to occur);
 - (b) the indications that an act of terrorism may be occurring at, or in the immediate vicinity of, the premises or event;
 - (c) the procedures to be followed if acts of terrorism were to occur at, or in the immediate vicinity of, the premises or event;
 - (d) such other matters as the Secretary of State may prescribe in regulations.
- (2) The terrorism protection training provided to a relevant worker in accordance with section 13 must be appropriate to—
 - (a) the size and other characteristics of the qualifying public premises or the premises at which the qualifying public event is to be held;
 - (b) in relation to qualifying public premises, the use of the premises (including any use of the premises not specified in Schedule 1);
 - (c) in relation to a qualifying public event, the nature of the event;
 - (d) the responsibilities of the relevant worker in relation to the premises or event.

Enhanced duty to take security measures

15 Security measures

- (1) The person responsible for enhanced duty premises or a qualifying public event must ensure that all such reasonably practicable measures are in place in relation to the premises or event as might (taken together) be expected to—
 - (a) reduce the risk of acts of terrorism occurring at, or in the immediate vicinity of, the premises or event, and
 - (b) reduce the risk of physical harm to individuals if acts of terrorism were to occur at, or in the immediate vicinity of, the premises or event.
- (2) Where a risk assessment has been completed and kept up to date in accordance with section 12, references in this section to acts of terrorism are to acts of the types identified in the assessment.
- (3) The measures mentioned in subsection (1) must, in particular, include—
 - (a) measures in relation to monitoring the premises or event and the immediate vicinity of the premises or event;
 - (b) measures in relation to the movement of individuals into, out of and within the premises or event;

- (c) procedures to be followed if acts of terrorism were to occur at, or in the immediate vicinity of, the premises or event;
 - (d) measures in relation to the security of sensitive information;
 - (e) measures in relation to such other matters as the Secretary of State may prescribe in regulations.
- (4) In subsection (3)(d), “sensitive information” means information which it is reasonable to consider might assist in the planning, preparation or execution of acts of terrorism at, or in the immediate vicinity of, the premises or event.
- (5) Procedures under subsection (3)(c) in relation to enhanced duty premises or a qualifying public event must, in particular, include—
 - (a) procedures for alerting the emergency services;
 - (b) procedures for alerting persons at, or in the immediate vicinity of, the premises or event;
 - (c) procedures for the evacuation of persons from the premises or event, where it is safe and appropriate to do so;
 - (d) procedures for bringing persons in the immediate vicinity of the premises or event into the premises or event, where it is safe and appropriate to do so;
 - (e) procedures for securing the premises or event, where it is safe and appropriate to do so.
- (6) Nothing in this section requires a person to take any step which—
 - (a) is not within the person’s power to take, or
 - (b) would place a disproportionate burden on the person (having regard to the person’s resources and the premises or event to which the step relates).

Coordinating and recording compliance with enhanced duties

16 Designated senior officers

- (1) The person responsible for enhanced duty premises or a qualifying public event must ensure that—
 - (a) an individual is appointed to act as the designated senior officer for the premises or event,
 - (b) the regulator is notified of the individual’s name and contact details, and
 - (c) if there is any change in the identity or contact details of the individual appointed, the regulator is notified of the change as soon as is reasonably practicable.
- (2) Where the person responsible for the premises or event is an individual, the designated senior officer may be either—
 - (a) that individual, or
 - (b) another individual who has management responsibilities in relation to the premises or event (as the case may be).

- (3) Where the person responsible for the premises or event is a body corporate, the designated senior officer for the premises or event must be a director, manager, secretary or other similar officer of the body.
- (4) Where the person responsible for enhanced duty premises or a qualifying public event (“R”) is not the designated senior officer for the premises or event, R must ensure that the designated senior officer has responsibilities which comprise or include the following—
 - (a) coordinating the risk assessment of the premises or event in accordance with section 12;
 - (b) coordinating the preparation and maintenance of the security plan in relation to the premises or event (see section 17);
 - (c) coordinating the response to any notice or other communication from the regulator to R in relation to the premises or event.
- (5) A notice under this Act to the person responsible for enhanced duty premises or a qualifying public event may be given to the designated senior officer for the premises or event.

17 Security plans

- (1) The person responsible for enhanced duty premises or a qualifying public event must ensure that a security plan in relation to the premises or event is prepared and maintained.
- (2) The person must provide a copy of the current plan to the regulator—
 - (a) as soon as is reasonably practicable after the completion or revision of the terrorism risk assessment of the premises or event, and
 - (b) if requested to do so by the regulator, within such reasonable period as the regulator may specify in the request.
- (3) A security plan is a document setting out—
 - (a) prescribed information about the premises or event;
 - (b) prescribed information about the person responsible for the premises or event;
 - (c) the identity and contact details of the designated senior officer for the premises or event;
 - (d) prescribed information about the terrorism risk assessment of the premises or event;
 - (e) prescribed details of the measures in place in relation to the premises or event in pursuance of the duty in section 15;
 - (f) prescribed details of any proposals for putting in place measures in pursuance of that duty (that are not already in place);
 - (g) prescribed details of terrorism protection training provided in accordance with section 13;
 - (h) such other matters as may be prescribed.
- (4) In subsection (3), “prescribed” means prescribed in regulations made by the Secretary of State.

- (5) A security plan must be prepared in such form as may be specified in a notice issued from time to time by the Secretary of State.

Cooperation and dispute resolution

18 Cooperation of other persons with control of premises

- (1) A person (“R”) who is the person responsible for qualifying public premises or a qualifying public event may give another person (“P”) a cooperation notice if—
- (a) P has, to any extent, control of the qualifying public premises or the premises at which the event is to be held (as the case may be),
 - (b) a requirement imposed on R by or under this Act relates to a matter that is within P’s control, and
 - (c) in order to comply with the requirement, R reasonably requires the cooperation of P.
- (2) A “cooperation notice” is a notice which specifies—
- (a) the premises mentioned in subsection (1)(a);
 - (b) R’s reasons for believing that the conditions in subsection (1) are met;
 - (c) the steps that R reasonably requires P to take in relation to the premises by way of cooperation with R;
 - (d) a reasonable period for P to take those steps (and different periods may be specified in relation to different steps);
 - (e) such other matters as the Secretary of State may prescribe in regulations.
- (3) If R gives P a cooperation notice, R must send a copy of the notice to the regulator.
- (4) If P is given a cooperation notice in accordance with this section, P must take the steps specified in the notice within the period specified in the notice for the taking of those steps.
- (5) Nothing in this section requires P to take any step which—
- (a) is not within P’s power to take, or
 - (b) would place a disproportionate burden on P (having regard to P’s resources and the premises to which the step relates).

19 Cooperation with persons responsible for fire safety

- (1) This section applies where—
- (a) a person (“R”) is the person responsible for qualifying public premises or a qualifying public event, and
 - (b) one or more other persons are responsible persons, within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), in relation to the qualifying public premises or the premises at which the qualifying public event is to be held (“the relevant premises”) or a part of the relevant premises (“a relevant part”).

- (2) R must cooperate with each such other person in the performance of that person's duties under that Order in relation to the relevant premises or a relevant part of the relevant premises.

20 Determinations by the tribunal

- (1) An interested person may apply to the tribunal for a determination of any of the following matters—
 - (a) whether premises are qualifying public premises (and, if so, the relevant Schedule 1 use of the premises);
 - (b) whether qualifying public premises are enhanced duty premises;
 - (c) whether an event is a qualifying public event;
 - (d) the person responsible for qualifying public premises or a qualifying public event.
- (2) The tribunal may, on the application of an interested person, give directions to a person who is responsible for complying with a duty under this Act as to how the duty is to be discharged.
- (3) In this section, "interested person" means—
 - (a) the regulator, or
 - (b) any person who has, to any extent, control of the premises or event to which the application relates or the premises at which the event is to be held.

Investigatory powers

21 Investigatory powers

Schedule 2 makes provision about investigatory powers.

Enforcement

22 Contravention notices

- (1) If the regulator has reasonable grounds to believe that a person is contravening or has contravened a relevant requirement, the regulator may give the person a contravention notice.
- (2) A contravention notice is a notice under this section requiring the person to whom it is given to comply with a specified relevant requirement within a specified period.
- (3) A contravention notice given to a person must—
 - (a) specify the relevant requirement and the contravention in respect of which the notice is given;
 - (b) explain the action the regulator may take if the person does not comply with the notice;
 - (c) explain the rights of appeal under section 25.

- (4) A contravention notice given to a person may –
 - (a) require the person to take any specified steps, within a specified period, in order to comply with the notice;
 - (b) require the person, within a specified period, to provide evidence to the satisfaction of the regulator that the person has complied with, or is complying with, the notice.
- (5) Before giving a contravention notice to a person, the regulator must –
 - (a) notify the person that the regulator intends to give a contravention notice to the person, and
 - (b) give the person an opportunity to make representations about the giving of the notice.
- (6) A contravention notice may not be given to a person more than once in respect of the same contravention.
- (7) The regulator may vary or withdraw a contravention notice.
- (8) But the regulator may not vary a contravention notice to make it more onerous.
- (9) In this section –
 - “relevant requirement” means a requirement imposed by or under any of sections 9 to 19;
 - “specified” means specified in the contravention notice.

23 Restriction notices

- (1) The regulator may give a restriction notice to a person mentioned in subsection (3) if the regulator has reasonable grounds to believe that –
 - (a) a person (whether or not the person to whom the notice is given) is contravening or has contravened a relevant requirement,
 - (b) the requirement relates to enhanced duty premises or a qualifying public event, and
 - (c) giving the notice to the person is necessary to protect the public, or a section of the public, from the risk of harm arising from acts of terrorism at, or in the immediate vicinity of, the premises or event.
- (2) A restriction notice is a notice under this section requiring the person to whom it is given to take steps to ensure that the use of specified premises is restricted in specified ways.
- (3) A restriction notice may be given to –
 - (a) the person responsible for the enhanced duty premises or qualifying public event to which the notice relates;
 - (b) any other person who, to any extent, has control of the specified premises.
- (4) A restriction notice given to a person must –
 - (a) identify the premises to which the notice relates;
 - (b) set out the regulator’s reasons for giving the notice;

- (c) set out the period for which the notice has effect;
 - (d) explain that the period may be extended in accordance with section 24;
 - (e) explain what may happen if the person does not comply with the notice;
 - (f) explain the rights of appeal under section 25;
 - (g) require the person, within a specified period, to provide evidence to the satisfaction of the regulator that the person is complying or has complied with the notice.
- (5) The ways in which the use of premises may be restricted under a restriction notice include (but are not limited to) –
 - (a) specifying the purposes for which the premises may be used or must not be used;
 - (b) specifying the times at which the premises may be used or must not be used;
 - (c) specifying a description, or maximum number, of members of the public who may be permitted access to the premises, or permitted access at specified times;
 - (d) specifying conditions which must be complied with if the premises are used, or are used for specified purposes or at specified times.
- (6) A restriction notice may relate to part only of premises (and references in this section and section 24 to “premises” are to be read accordingly).
- (7) Before giving a restriction notice to a person, the regulator must –
 - (a) notify the person that the regulator intends to give a restriction notice to the person, and
 - (b) give the person an opportunity to make representations about the giving of the notice.
- (8) Subsection (7) does not apply if the regulator considers that there is an urgent need to give a restriction notice to the person.
- (9) The regulator may vary or withdraw a restriction notice.
- (10) But the regulator may not vary a restriction notice to make it more onerous.
- (11) In this section –
 - “relevant requirement” means a requirement imposed by or under any of sections 9 to 19;
 - “specified” means specified in the restriction notice.

24 Duration of restriction notices

- (1) A restriction notice may not have effect for a period of more than six months, unless that period is extended under this section.
- (2) Before a restriction notice is due to expire, the regulator may by further notice extend the period for which it has effect if satisfied that the grounds in section 23(1) continue to apply in relation to the premises or event to which the notice relates.

- (3) Before extending the period for which a restriction notice has effect, the regulator must—
 - (a) notify each person to whom the notice was given, and
 - (b) give each such person an opportunity to make representations.
- (4) An extension under this section may not be for a period of more than three months.
- (5) A restriction notice may be extended under this section more than once.

25 Appeals in relation to contravention notices and restriction notices

- (1) A person who is given a contravention notice or restriction notice may appeal to the tribunal against the following decisions of the regulator (“relevant decisions”)—
 - (a) the decision to give the person the notice;
 - (b) the decision to include particular provision in the notice;
 - (c) a decision to vary the notice;
 - (d) a decision to extend the period for which a restriction notice has effect.
- (2) An appeal under this section is to be brought before the end of the period of 28 days beginning with—
 - (a) in the case of an appeal under subsection (1)(a) or (b), the day on which the notice was given;
 - (b) in the case of an appeal under subsection (1)(c), the day on which the notice was varied;
 - (c) in the case of an appeal under subsection (1)(d), the first day of the extended period.
- (3) On an appeal under this section, if the tribunal is satisfied that any of the grounds in subsection (5) applies it may—
 - (a) cancel the notice or any provision of it,
 - (b) otherwise vary the notice, or
 - (c) if the appeal concerns a restriction notice, reduce the period for which the notice has effect.
- (4) If the tribunal is not satisfied as mentioned in subsection (3), it must dismiss the appeal.
- (5) The grounds referred to in subsection (3) are—
 - (a) that the relevant decision was based, wholly or partly, on an error of fact;
 - (b) that the relevant decision was wrong in law;
 - (c) that the relevant decision was unfair or unreasonable for any other reason.
- (6) If the tribunal cancels a notice (in whole or in part), it may refer the matter back to the regulator with a direction to reconsider and make a new decision in accordance with its ruling.

- (7) But the tribunal may not direct the regulator to take any action which the regulator would not otherwise have the power to take.
- (8) In determining an appeal under this section, the tribunal may –
 - (a) review any determination of fact on which the relevant decision was based;
 - (b) take into account evidence which was not available to the regulator at the time the relevant decision was made.
- (9) Unless the tribunal orders otherwise, on an appeal under this section in respect of a relevant decision –
 - (a) if the decision concerns a contravention notice, the decision is of no effect until the appeal is determined or withdrawn;
 - (b) if the decision concerns a restriction notice, the decision continues to have effect until the appeal is determined or withdrawn (unless the notice expires before the appeal is determined or withdrawn).

Monetary penalties

26 Penalty notices

- (1) If the regulator is satisfied, on the balance of probabilities, that a person is contravening or has contravened a relevant requirement, the regulator may give a penalty notice to the person.
- (2) A penalty notice is a notice under this section requiring the person to pay a penalty of a specified amount (the “fixed penalty”) to the regulator within a specified period.
- (3) A person may not be given more than one penalty notice in respect of a single contravention.
- (4) A penalty notice may not require a person to pay a fixed penalty in respect of a single contravention of an amount greater than the maximum determined in accordance with section 29.
- (5) A penalty notice may not specify a period for paying a fixed penalty that is less than 28 days, beginning with the day on which the notice is given.
- (6) A penalty notice may be given to a person in respect of a contravention whether or not the person has been given a contravention notice or restriction notice in respect of the contravention.
- (7) The regulator may vary or withdraw a penalty notice.
- (8) But the regulator may not vary a penalty notice so as to –
 - (a) increase the amount of the penalty,
 - (b) shorten the period within which the penalty must be paid, or
 - (c) require the payment of daily penalties (see section 27).
- (9) In this section –
 - “relevant requirement” means a requirement imposed by or under any of sections 9 to 19, 22 or 23;

“specified” means specified in the penalty notice.

27 Daily penalties

- (1) This section applies if a penalty notice is given to a person in respect of a contravention of a relevant requirement.
- (2) The notice may, in addition to requiring the person to pay a fixed penalty, require the person to pay daily penalties to the regulator.
- (3) A “daily penalty” is a specified amount that must be paid, within a specified period, for each day on which the contravention continues after the end of the period specified for payment of the fixed penalty.
- (4) The amount of each daily penalty must not exceed –
 - (a) if the fixed penalty relates to standard duty premises, £500;
 - (b) if the fixed penalty relates to enhanced duty premises or a qualifying public event, 1% of the amount of the fixed penalty.
- (5) The total amount of the daily penalties to which the person may be liable in respect of the contravention must not exceed the amount of the fixed penalty.
- (6) In this section –

“relevant requirement” means a requirement imposed by or under any of sections 9 to 19, 22 or 23;

“specified” means specified in the penalty notice.

28 Determining the amount of a penalty

- (1) A penalty imposed on a person by a penalty notice must be of an amount that the regulator considers to be –
 - (a) appropriate, and
 - (b) proportionate to the contravention in respect of which it is imposed.
- (2) In determining the amount of a penalty to be imposed on a person by a penalty notice, the regulator must take into account the following matters (among others) –
 - (a) the effects of the contravention in respect of which the penalty is imposed;
 - (b) any action taken by the person to remedy the contravention or mitigate its effects;
 - (c) any statement issued by the Secretary of State for the purposes of this section.

29 Maximum amounts of fixed penalty

- (1) This section applies for the purpose of determining the maximum amount of a fixed penalty imposed on a person by a penalty notice.
- (2) If the fixed penalty relates to standard duty premises, the maximum amount is £10,000.

- (3) If the fixed penalty relates to enhanced duty premises or a qualifying public event, the maximum amount is whichever is the greater of—
 - (a) £18 million, and
 - (b) 5% of the person's qualifying worldwide revenue.
- (4) For the purposes of subsection (3)(b), a person's qualifying worldwide revenue is to be determined in accordance with regulations made by the Secretary of State.
- (5) Regulations under subsection (4) may, in particular, make provision as to—
 - (a) the amounts which are, or which are not, to be treated as comprising a person's qualifying worldwide revenue;
 - (b) the period by reference to which a person's qualifying worldwide revenue is to be determined;
 - (c) the circumstances in which a person's qualifying worldwide revenue may be determined by reference to estimated amounts (including amounts estimated by the regulator);
 - (d) the determination of a person's qualifying worldwide revenue (in whole or in part) by reference to accounting rules prescribed, or of a description prescribed, in the regulations.
- (6) The Secretary of State may by regulations amend—
 - (a) subsection (2), or
 - (b) subsection (3)(a),so as to substitute a different figure for the figure for the time being specified.

30 Penalty notices: procedure

- (1) Before giving a penalty notice to a person, the regulator must—
 - (a) notify the person of the regulator's intention to give a penalty notice to the person, and
 - (b) give the person an opportunity to make representations about the giving of the notice.
- (2) The regulator may not give a penalty notice to the person before the end of the period of 28 days, beginning with the day on which notification under subsection (1)(a) is given.
- (3) A penalty notice must contain the following information—
 - (a) the reasons for giving the penalty notice;
 - (b) the amount of the fixed penalty;
 - (c) the amount of any daily penalty;
 - (d) how payments may be made;
 - (e) the period within which payments must be made;
 - (f) the rights of appeal under section 31;
 - (g) the consequences of failing to pay the penalty.

31 Appeals against penalties

- (1) A person who is given a penalty notice may appeal to the tribunal against—
 - (a) the giving of the notice;
 - (b) a penalty imposed by the notice or the amount of such a penalty;
 - (c) the period within which such a penalty must be paid;
 - (d) a variation of the notice.
- (2) An appeal under this section is to be brought before the end of the period of 28 days, beginning with—
 - (a) the day on which the penalty notice was given, or
 - (b) if the appeal concerns a variation of the notice, the day on which the notice was varied.
- (3) On an appeal under this section—
 - (a) if the tribunal is satisfied that any of the grounds in subsection (4) applies, it may—
 - (i) cancel the penalty notice or a penalty imposed by the penalty notice,
 - (ii) vary the amount of a penalty imposed by the penalty notice, or
 - (iii) vary the period within which such a penalty must be paid;
 - (b) if the tribunal is not so satisfied, it must confirm the penalty notice.
- (4) The grounds referred to in subsection (3)(a) are—
 - (a) that the decision appealed against was based, wholly or partly, on an error of fact;
 - (b) that the decision appealed against was wrong in law;
 - (c) that the decision appealed against was unfair or unreasonable for any other reason.
- (5) If the tribunal cancels a penalty notice or a penalty imposed by a penalty notice, it may refer the matter back to the regulator with a direction to reconsider and make a new decision in accordance with its ruling.
- (6) But the tribunal may not direct the regulator to take any action which the regulator would not otherwise have the power to take.
- (7) In determining an appeal under this section, the tribunal may—
 - (a) review any determination of fact on which the decision appealed against was based;
 - (b) take into account evidence which was not available to the regulator.
- (8) Where an appeal is made under this section in respect of a penalty notice, or the variation of a notice, the notice or variation is of no effect until the appeal is determined or withdrawn, unless the tribunal orders otherwise.

32 Recovery of penalties

- (1) In England and Wales, a penalty is recoverable as if it were payable under an order of the High Court.

- (2) In Scotland, a penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (3) In Northern Ireland, a penalty is recoverable as if it were payable under an order of the High Court.
- (4) Where action is taken under this section for the recovery of a penalty, the penalty—
 - (a) in relation to England and Wales, is to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the High Court;
 - (b) in relation to Northern Ireland, is to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.
- (5) Any sums received by the regulator by way of a penalty or interest on a penalty are to be paid into the Consolidated Fund.
- (6) In this section “penalty” means a penalty imposed by a penalty notice.

33 Double jeopardy

A person is not liable to a monetary penalty under this Act in respect of anything in respect of which the person has been convicted of an offence under this Act.

Offences

34 Offences

- (1) A person who is given a contravention notice commits an offence if—
 - (a) the notice relates to enhanced duty premises or a qualifying public event, and
 - (b) the person fails to comply with the notice.
- (2) A person who is given a restriction notice commits an offence if the person fails to comply with the notice.
- (3) It is a defence for a person (“P”) charged with an offence under subsection (1) or (2) to show that P took all reasonable steps to comply with the notice.
- (4) P is to be taken to have shown the fact mentioned in subsection (3) if—
 - (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (5) P may not rely on a defence under subsection (3) which involves a third party allegation unless P has—

- (a) given a notice to the prosecutor in accordance with subsections (7) to (10), or
 - (b) obtained the permission of the court.
- (6) In subsection (5) “third party allegation” means an allegation that the failure was due to—
 - (a) the act or omission of another person, or
 - (b) P’s reliance on information provided by another person.
- (7) The notice under subsection (5)(a) must give any information in P’s possession which identifies, or may assist in identifying, the person mentioned in subsection (6).
- (8) In the case of proceedings in England and Wales or Northern Ireland, the notice under subsection (5)(a) must be given to the prosecutor no later than 7 clear days before the hearing of the proceedings.
- (9) In the case of summary proceedings in Scotland, the notice under subsection (5)(a) must be given to the prosecutor—
 - (a) where an intermediate diet is to be held, at or before that diet;
 - (b) where such a diet is not to be held, no later than 10 clear days before the trial diet.
- (10) In the case of solemn proceedings in Scotland, the notice under subsection (5)(a) must be given to the prosecutor—
 - (a) where the proceedings are in the sheriff court, at or before the first diet;
 - (b) where the proceedings are in the High Court, at or before the preliminary hearing.
- (11) A person commits an offence if—
 - (a) the person provides false or misleading information to the regulator in compliance, or purported compliance, with a requirement imposed by or under this Act, and
 - (b) the person knows that, or is reckless as to whether, the information is false or misleading.
- (12) A person who commits an offence under this section is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
 - (d) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

35 Offences by directors, partners etc

- (1) Where an offence under this Act has been committed by a body corporate and it is proved that the offence—
 - (a) has been committed with the consent or connivance of a person listed in subsection (2), or
 - (b) is attributable to any neglect on the part of such a person,that person (as well as the body corporate) is guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) The persons referred to in subsection (1)(a) are—
 - (a) a director, manager, secretary or other similar officer of the body;
 - (b) any person who was purporting to act in such a capacity.
- (3) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.
- (4) Where an offence under this Act has been committed by a Scottish partnership and it is proved that the offence—
 - (a) has been committed with the consent or connivance of a partner in the partnership or a person purporting to act as such a partner, or
 - (b) is attributable to any neglect on the part of such a person,that person (as well as the partnership) is guilty of that offence and liable to be proceeded against and punished accordingly.

*Guidance***36 Guidance about requirements**

- (1) The Secretary of State—
 - (a) must issue guidance about the discharge of requirements imposed on persons by or under this Act;
 - (b) may from time to time revise and reissue the guidance.
- (2) The guidance—
 - (a) may be in such form as the Secretary of State considers appropriate (and in particular, may include online training materials);
 - (b) may make provision by reference to a document issued by the Secretary of State, or another person, as revised or replaced from time to time.
- (3) Subsection (4) applies where—
 - (a) in any proceedings, it is alleged that a person is contravening or has contravened a requirement imposed on the person by or under this Act, and
 - (b) guidance has been issued under this section in relation to the discharge of the requirement (“relevant guidance”).
- (4) Proof of compliance with the relevant guidance may be relied on as tending to establish that there was no such contravention.

37 Guidance about the exercise of the regulator's functions

- (1) The regulator must issue guidance about how the regulator proposes to exercise functions under this Act.
- (2) The regulator –
 - (a) must keep the guidance under review, and
 - (b) may from time to time revise and reissue the guidance.
- (3) The regulator must not issue guidance, or revised guidance, under this section unless –
 - (a) where the regulator is not the Secretary of State, a draft of the guidance or revised guidance has been sent to, and approved by, the Secretary of State, and
 - (b) the Secretary of State has laid a copy of the guidance, or revised guidance, before Parliament.

*Licensing of premises at heightened terrorism risk***38 Licensing of premises at heightened terrorism risk**

Schedule 3 amends the Licensing Act 2003 to make provision about the disclosure of plans of premises considered to be at heightened risk of being a target of terrorist activity.

*General***39 Data protection**

- (1) A disclosure of information under this Act, or regulations made under this Act, does not breach –
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (2) Nothing in this Act requires or authorises a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duties imposed, and powers conferred, by and under this Act).
- (3) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

40 Means of giving notices

- (1) A notice under this Act may be given to a person by –
 - (a) handing it to the person,
 - (b) leaving it at the person's proper address,
 - (c) sending it by post to the person at that address, or

- (d) subject to subsection (7), sending it to the person by electronic means.
- (2) A notice to a body corporate may be given to the secretary or clerk of that body.
- (3) A notice to a partnership may be given to a partner or a person who has the control or management of the partnership business.
- (4) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person is—
 - (a) in the case of a body corporate or its secretary or clerk, the address of the body's registered or principal office;
 - (b) in the case of a partnership, a partner or a person having the control or management of the partnership business, the address of the principal office of the partnership;
 - (c) in any other case, the person's last known address.
- (5) For the purposes of subsection (4) the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom, is its principal office within the United Kingdom.
- (6) If a person has specified an address in the United Kingdom, other than the person's proper address within the meaning of subsection (4), as the one at which the person or someone on the person's behalf will accept notices of the same description as a notice under this Act, that address is also treated for the purposes of this section and section 7 of the Interpretation Act 1978 as the person's proper address.
- (7) A notice may be sent to a person by electronic means only if—
 - (a) the person has indicated that notices of the same description as a notice under this Act may be given to the person by being sent to an electronic address and in an electronic form specified for that purpose, and
 - (b) the notice is sent to that address in that form.
- (8) A notice sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given at 9am on the working day immediately following the day on which it was sent.
- (9) In this section—
 - “electronic address” means any number or address used for the purposes of sending or receiving information by electronic means;
 - “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

41 Further provision about notices

- (1) The Secretary of State may by regulations make further provision about notices under this Act.
- (2) The regulations may in particular make provision about—

- (a) the form and content of notices;
- (b) the variation or withdrawal of notices.

42 Civil liability

- (1) Except so far as this Act or regulations under this Act provide, nothing in this Act confers a right of action in any civil proceedings in respect of any contravention or a requirement imposed on any person by or under this Act.
- (2) Subsection (1) is without prejudice to any right of action which exists apart from the provisions of this Act.

43 Interpretation

- (1) In this Act—
 - “authorised inspector” has the meaning given by paragraph 2(2) of Schedule 2;
 - “contravention” includes a failure to comply;
 - “contravention notice” means a notice under section 22;
 - “document” includes information recorded in any form;
 - “enhanced duty premises” has the meaning given by section 3;
 - “information” includes documents, and any reference to providing information includes a reference to producing a document;
 - “penalty notice”, “fixed penalty” and “daily penalty” have the meanings given by sections 26 and 27;
 - “relevant Schedule 1 use” has the meaning given by section 5;
 - “relevant worker” has the meaning given by section 13;
 - “restriction notice” means a notice under section 23;
 - “standard duty premises” has the meaning given by section 3;
 - “terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act);
 - “the tribunal” means the First-Tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal.
- (2) References in this Act to acts of terrorism (however expressed) include 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.
- (3) For the purposes of this Act, “premises” means—
 - (a) a building, including land occupied with the building;
 - (b) any other land which has a readily identifiable physical boundary (whether permanent or not).
- (4) In subsection (3)(a), “building” includes part of a building or a group of buildings (and the reference to land occupied with the building is to be read accordingly).
- (5) Any reference in this Act to a person having control of premises is a reference to the person having control as occupier or otherwise.

- (6) References in this Act to “measures” in place in relation to premises include measures of any sort (whether physical or otherwise) put in place for any purpose, and it is irrelevant whether a measure—
 - (a) is permanent or temporary;
 - (b) is put in place by the person for the time being responsible for the premises or another person;
 - (c) is put in place before or after the passing of this Act.

44 Regulations

- (1) This section applies to regulations under any provision of this Act except section 46 (commencement and transitional provision).
- (2) A power to make regulations includes power to make—
 - (a) consequential, supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes or for different areas.
- (3) Regulations are to be made by statutory instrument.
- (4) A statutory instrument containing any of the regulations specified in subsection (5) (with or without other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) The regulations are—
 - (a) regulations under section 1;
 - (b) regulations under section 8;
 - (c) regulations under section 29(6) which increase or decrease the maximum amount of a penalty by more than is necessary to reflect changes in the value of money.
- (6) Any other statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

45 Extent

- (1) Subject to subsection (2), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Section 38 and Schedule 3 extend to England and Wales only.

46 Commencement and transitional provision

- (1) The following provisions come into force on the day on which this Act is passed—
 - (a) sections 39 to 45;
 - (b) this section;
 - (c) section 47.

- (2) The other provisions of this Act 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 different areas.
- (3) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (4) The power to make regulations under subsection (3) includes power to make different provision for different purposes or for different areas.
- (5) Regulations under this section are to be made by statutory instrument.

47 Short title

This Act may be cited as the Terrorism (Protection of Premises) Act 2023.

SCHEDULES

SCHEDULE 1

Section 2

SPECIFIED USES OF PREMISES

Shops etc

- 1 Use for—
- (a) the retail sale of goods,
 - (b) the display of goods for sale, or
 - (c) the provision of a service,
- where the sale, display or service is principally to visiting members of the public.

Food and drink

- 2 Use for the sale of food or drink, where the food or drink is principally for consumption on the premises by visiting members of the public.

Nightclubs etc

- 3 Use as a nightclub, social club or dance hall.

Entertainment activities

- 4 (1) Use for the provision of entertainment of a description mentioned in sub-paragraph (2) where the condition in sub-paragraph (3) is met.
- (2) The descriptions of entertainment are—
- (a) a performance of a play,
 - (b) a performance of comedy,
 - (c) an exhibition of a film,
 - (d) an indoor sporting event,
 - (e) a boxing or wrestling entertainment,
 - (f) a performance of live music,
 - (g) any playing of recorded music,
 - (h) a performance of dance or acrobatics, or
 - (i) entertainment of a similar description to that falling within any of paragraphs (a) to (h).
- (3) The condition in this sub-paragraph is that the entertainment—
- (a) takes place in the presence of an audience, and
 - (b) is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

Sports grounds

- 5 (1) Use as a sports ground.
- (2) In this paragraph, “sports ground” –
- (a) in relation to England and Wales and Scotland, has the meaning given by section 17(1) of the Safety of Sports Grounds Act 1975;
 - (b) in relation to Northern Ireland, has the meaning given by Article 2(2) of the Safety of Sports Grounds (Northern Ireland) Order 2006 (S.I. 2006/313 (N.I. 2)).

Recreation, exercise or leisure

- 6 Use for recreation, exercise or leisure by visiting members of the public.

Libraries, museums and galleries etc

- 7 (1) Use as a library, museum or gallery.
- (2) In this paragraph, “museum or gallery” includes –
- (a) an archive, and
 - (b) a site where a collection of objects or works (or a single object or work) considered to be of scientific, historic, artistic or cultural interest is exhibited outdoors or partly outdoors.

Exhibition halls etc

- 8 Use as –
- (a) an exhibition hall,
 - (b) a conference centre, or
 - (c) a venue for hire for events or activities.

Visitor attractions

- 9 Use as a visitor attraction of cultural, historic, touristic or educational value.

Hotels etc

- 10 Use as –
- (a) a hotel,
 - (b) a hostel,
 - (c) a boarding house,
 - (d) a guest house, or
 - (e) a holiday park.

Places of worship

- 11 (1) Use for –
- (a) communal worship, or
 - (b) other communal religious practice,

in accordance with the tenets of a particular religion or religious denomination.

- (2) In a case where the relevant Schedule 1 use of qualifying public premises is the use mentioned in sub-paragraph (1), the premises are to be treated for the purposes of this Act as standard duty premises (and not enhanced duty premises, even if they meet the definition of that expression in section 3).
- (3) But sub-paragraph (2) does not apply if persons visiting the premises otherwise than in connection with their relevant Schedule 1 use are charged a fee for admission.

Health care

- 12 (1) Use as a hospital or for the provision of health care.
- (2) In a case where the relevant Schedule 1 use of qualifying public premises is use as a hospital, the person responsible for the premises for the purposes of this Act is—
 - (a) where the hospital is operated by an NHS trust or NHS foundation trust, that trust;
 - (b) in any other case, the governing body of the hospital.
 - (3) In this paragraph—
 - “health care” means all forms of health care provided to individuals, whether relating to physical or mental health, and including ancillary care;
 - “hospital”—
 - (a) in relation to England and Wales, has the meaning given by section 275 of the National Health Service Act 2006;
 - (b) in relation to Scotland, has the meaning given by section 108(1) of the National Health Service (Scotland) Act 1978;
 - (c) in relation to Northern Ireland, has the meaning given by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14));
 - “NHS trust” and “NHS foundation trust” have the same meanings as in the National Health Service Act 2006.

Bus stations, railway stations etc

- 13 Use as—
- (a) a station within the meaning given by section 83 of the Railways Act 1993,
 - (b) a bus or coach station,
 - (c) a tramway station, or
 - (d) any other station forming part of a transport system which uses a mode of guided transport and is not a trolley vehicle system.

Aerodromes

- 14 Use for affording facilities for the landing and departure of aircraft (including those capable of descending or climbing vertically), other than use exclusively for military purposes.

Childcare

- 15 (1) Use for the provision of—
- (a) in England—
 - (i) early years provision in respect of which a person is required to be registered under section 34 of the Childcare Act 2006,
 - (ii) later years provision in respect of which a person is required to be registered under section 53 that Act, or
 - (iii) education or childcare in a maintained nursery school within the meaning of section 22 of the School Standards and Framework Act 1998;
 - (b) in Wales—
 - (i) day care for children within the meaning of Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1), or
 - (ii) childcare in a school in Wales within the meaning of the Education Act 1996 as it applies in relation to Wales (see section 4 of that Act);
 - (c) in Scotland—
 - (i) early learning and childcare within the meaning of Part 6 of the Children and Young People (Scotland) Act 2014 (asp 8) (see section 46 of that Act), or
 - (ii) the day care of children within the meaning of Part 5 of the Public Services Reform (Scotland) Act 2010 (asp 8) (see paragraph 13 of Schedule 12 to that Act);
 - (d) in Northern Ireland—
 - (i) day care for children within the meanings given by Article 2(2) of the Children (Northern Ireland) Order 2005 (S.I. 1995/755 (N.I. 2)),
 - (ii) pre-school education, within the meaning given by Article 17(8) of the Education (Northern Ireland) Order 1998 (S.I. 1998/594 (N.I. 13)), or
 - (iii) education in a nursery school, within the meaning given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3)).
- (2) In sub-paragraph (1)(a), “childcare”, “early years provision” and “later years provision” have the same meanings as in Part 3 of the Childcare Act 2006 Act (see section 98 of that Act).
- (3) In a case where the relevant Schedule 1 use of qualifying public premises is a use mentioned in sub-paragraph (1), the premises are to be treated for the purposes of this Act as standard duty premises (and not enhanced duty premises, even if they meet the definition of that expression in section 3).

Primary and secondary education

- 16 (1) Use for the purposes of a primary or secondary education institution.
- (2) In this paragraph, “primary or secondary education institution” means –
- (a) an institution in England or Wales which is –
 - (i) a school that has been approved under section 342 of the Education Act 1996,
 - (ii) a maintained school within the meaning given by section 20(7) of the School Standards and Framework Act 1998,
 - (iii) an independent school registered under section 158 of the Education Act 2002,
 - (iv) an independent educational institution registered under section 95(1) of the Education and Skills Act 2008,
 - (v) an Academy school within the meaning given by section 1A of the Academies Act 2010,
 - (vi) an alternative provision Academy within the meaning given by section 1C of that Act, or
 - (vii) a pupil referral unit or other institution at which education is provided in pursuance of arrangements made under section 19 or 19A of the Education Act 1996;
 - (b) in Scotland, a grant-aided school, independent school or public school within the meanings given by section 135 of the Education (Scotland) Act 1980;
 - (c) in Northern Ireland, a school within the meaning given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3)) at which full-time education is provided for pupils of compulsory school age (whether or not full-time or part-time education is also provided for pupils under or over that age).
- (3) In a case where the relevant Schedule 1 use of qualifying public premises is use for the purposes of a primary or secondary education institution –
- (a) the person responsible for the premises for the purposes of this Act is –
 - (i) in a case where the institution is a pupil referral unit, the local authority by which it is maintained, and
 - (ii) in any other case, the governing body or, where there is no governing body, proprietor of the institution, and
 - (b) the premises are to be treated for the purposes of this Act as standard duty premises (and not enhanced duty premises, even if they meet the definition of that expression in section 3).

Further education

- 17 (1) Use for the provision of –

-
- (a) further education in an institution in England within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992),
 - (b) education in a 16 to 19 Academy in England,
 - (c) education in England by an independent training provider,
 - (d) further education for persons under 19 by a local authority in England,
 - (e) further education in an institution in Wales within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992),
 - (f) any other post-16 education or training in Wales, the facilities for which are secured under section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000, that is funded by the Welsh Ministers or a local authority in Wales, but that is not provided by –
 - (i) an institution in Wales within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992), or
 - (ii) a person who is a provider of such post-16 education or training only by reason of providing such education or training to the person’s employees,
 - (g) further education in Scotland by a body listed under the heading “Institutions formerly eligible for funding by the Scottish Further Education Funding Council” or “Other institutions” in Schedule 2 to the Further and Higher Education (Scotland) Act 2005 (asp 6),
 - (h) further education in Scotland by a college of further education which is assigned to a regional strategic body by an order made under section 7C of that Act, or
 - (i) further education at an institution recognised under Article 8 of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).
- (2) In a case where the relevant Schedule 1 use of qualifying public premises is a use mentioned in sub-paragraph (1) –
- (a) the person responsible for the premises for the purposes of this Act is –
 - (i) in a case within paragraph (a), (e), (h) or (i) of that sub-paragraph, the governing body of the institution, college or institute concerned;
 - (ii) in a case within paragraph (b), the proprietor of the 16 to 19 Academy concerned;
 - (iii) in a case within paragraph (c) of that sub-paragraph, the independent training provider concerned;
 - (iv) in a case within paragraph (d) of that sub-paragraph, the local authority in England concerned;
 - (v) in a case within paragraph (f) of that sub-paragraph, the person providing the education concerned;

- (vi) in a case within paragraph (g) of that sub-paragraph, the listed body concerned, and
 - (b) the premises are to be treated for the purposes of this Act as standard duty premises (and not enhanced duty premises, even if they meet the definition of that expression in section 3).
- (3) In this paragraph—
 - “16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010;
 - “further education”—
 - (a) in relation to provision in England or Wales, has the same meaning as in the Education Act 1996 (see section 2 of that Act);
 - (b) in relation to provision in Scotland, has the same meaning as in Part 1 of the Further and Higher Education (Scotland) Act 1992 (see sections 1(3) and 6 of that Act);
 - (c) in relation to provision in Northern Ireland, has the meaning given by Article 3 of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).
 - “independent training provider” means a provider—
 - (a) that is a provider of post-16 education or training in England—
 - (i) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 (inspection of further education and training etc) applies, and
 - (ii) which is funded, wholly or partly, by the Secretary of State, a local authority in England or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, and
 - (b) that is not—
 - (i) an employer who only provides such education or training to its employees,
 - (ii) a 16 to 19 Academy,
 - (iii) a school (within the meaning of section 4(1) of the Education Act 1996),
 - (iv) a local authority in England,
 - (v) an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992), or
 - (vi) a higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017);
 - “local authority in England” has the same meaning as in the Education Act 1996 (see sections 579(1) and 581 of that Act);
 - “local authority in Wales” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act).

Higher education

- 18 (1) Use for the purposes of a higher education institution.
- (2) In a case where the relevant Schedule 1 use of qualifying public premises is use for the purposes of a higher education institution the person responsible for the premises for the purposes of this Act is the governing body of the institution.
- (3) In this paragraph—
- “higher education institution” means—
- (a) an institution in England or Wales which is—
 - (i) a qualifying institution within the meaning of section 11 of the Higher Education Act 2004, or
 - (ii) an institution principally concerned with the provision of education by means of courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses);
 - (b) an institution in Scotland which is listed under the heading “Institutions formerly eligible for funding by the Scottish Higher Education Funding Council” or “Other institutions” in Schedule 2 to the Further and Higher Education (Scotland) 2005 Act (asp 6);
 - (c) an institution in Northern Ireland which provides higher education within the meaning given by Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15));
- “institution”, in relation to England, includes—
- (a) a training provider who would not otherwise be regarded as an institution;
 - (b) a provider of higher education designated under section 84 of the Higher Education and Research Act 2017;
- “governing body”—
- (a) in relation to a higher education institution in England or Wales, has the meaning given by section 85 of the Higher Education and Research Act 2017;
 - (b) in relation to a higher education institution in Scotland, has the meaning given by section 35(2) of the Further and Higher Education (Scotland) Act 2005;
 - (c) in relation to an institution in Northern Ireland, has the meaning given by Article 30(3) of the Education and Libraries (Northern Ireland) Order 1993 (S.I. 1993/2810 (N.I. 12));
- “training provider” means a person who provides training in England or Wales for members of the school workforce within the meaning of Part 3 of the Education Act 2005 (see section 100 of that Act).

Public authorities

- 19 (1) Use (other than use mentioned elsewhere in this Schedule) for the purposes of a public authority.
- (2) In a case where the relevant Schedule 1 use of qualifying public premises is the use mentioned in sub-paragraph (1), the person responsible for the premises is the public authority.
- (3) In this paragraph, “public authority” means a person exercising functions of a public nature.

SCHEDULE 2

Section 21

INVESTIGATORY POWERS

Terrorism protection investigations

- 1 In this Schedule, a “terrorism protection investigation” means an investigation by the regulator to determine whether a person—
- (a) is contravening or has contravened a requirement under this Act, or
- (b) is committing, or has committed, an offence under this Act.

Authorised inspectors

- 2 (1) The regulator may authorise persons to—
- (a) exercise information gathering powers under paragraph 3;
- (b) exercise powers of entry and inspection under paragraph 4;
- (c) apply for a warrant to be issued under paragraph 5, and execute such a warrant.
- (2) In this Act, “authorised inspector” means—
- (a) in paragraph 3, a person authorised under sub-paragraph (1)(a);
- (b) in paragraph 4, a person authorised under sub-paragraph (1)(b);
- (c) in paragraphs 5 to 7, a person authorised under sub-paragraph (1)(c).
- (3) A person may be authorised to exercise a power under this Schedule only if the person appears to the regulator to be suitably qualified to exercise the power.
- (4) An authorisation under this paragraph—
- (a) must be in writing;
- (b) may be varied or revoked by an instrument in writing.
- (5) When exercising or seeking to exercise a power under this Schedule, an authorised inspector must, if asked, produce the authorisation (including any instrument varying it) or a duly authenticated copy.

Information gathering powers

- 3 (1) An authorised inspector may by notice require a person—
- (a) to provide specified information or information of specified descriptions, by a specified date, or
 - (b) to attend at a specified time and place and provide information by answering questions.
- (2) If a notice under sub-paragraph (1)(a) requires a person to provide information which is kept in electronic form, the notice may require it to be provided in a form in which it is legible.
- (3) An authorised inspector may give a person a notice under sub-paragraph (1)(a) only if the inspector reasonably believes that—
- (a) the information specified, or of the descriptions specified, in the notice are required by the regulator for the purposes of a terrorism protection investigation, and
 - (b) the person is able to provide the information specified, or information of the descriptions specified, in the notice.
- (4) An authorised inspector may give a person a notice under sub-paragraph (1)(b) only if the inspector reasonably believes that the person is able to provide information required by the regulator for the purposes of a terrorism protection investigation.
- (5) But a person is not required under this paragraph to provide any information which might incriminate the person (and see paragraph 10).
- (6) A notice under this paragraph must—
- (a) specify that it is a notice containing a requirement under this paragraph;
 - (b) explain the grounds for the inspector believing the matters in sub-paragraph (3) or (4) (as the case may be);
 - (c) explain the consequences of failing to comply with the requirement;
 - (d) attach evidence of the inspector’s authority to exercise the powers under this paragraph.
- (7) An authorised inspector may withdraw a notice under this paragraph by giving notice of withdrawal to the person to whom the notice was given.
- (8) Information provided by a person under this paragraph is not admissible in evidence against that person in criminal proceedings except—
- (a) in proceedings for a false statement offence, or
 - (b) if in the proceedings—
 - (i) in giving evidence the person makes a statement inconsistent with the information, and
 - (ii) evidence as to the information that was provided is adduced, or a question relating to it is asked, by or on behalf of the person.
- (9) In this paragraph—
“false statement offence” means an offence under—

- (a) section 2 or 5 of the Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath),
- (b) section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath), or
- (c) Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) (false statutory declarations and other false unsworn statements);

“specified” means specified in the notice.

Powers to enter premises without a warrant

- 4 (1) An authorised inspector may enter premises and do any of the following things –
- (a) inspect the premises;
 - (b) observe the carrying on of activities at the premises;
 - (c) view any document at, or capable of being viewed using equipment at, the premises;
 - (d) inspect any equipment or other item at the premises;
 - (e) require any person on the premises to provide an explanation of any document or to state where it can be found;
 - (f) take copies of any document found or produced;
 - (g) take measurements and photographs, and make recordings.
- (2) The powers under this paragraph may be exercised in relation to premises only if an authorised inspector reasonably believes that –
- (a) the premises are qualifying public premises or premises at which a qualifying public event is to be held, and
 - (b) the exercise of the powers is necessary for the purposes of a terrorism protection investigation.
- (3) Before exercising a power under this paragraph in relation to premises, an authorised inspector must give the occupier of the premises at least 72 hours’ notice in writing of the proposal to exercise the power.
- (4) When exercising a power under this paragraph in relation to premises, an authorised inspector must, if requested to do so by a person at the premises –
- (a) produce evidence of the inspector’s identity, and
 - (b) explain the purpose for which the power is to be exercised.
- (5) The powers conferred by this paragraph must be exercised at a reasonable hour (having regard to the way in which the premises are used).
- (6) The inspector may be accompanied by any person, and bring anything, required for any purpose for which the inspector is exercising the power of entry.

Conditions for issue of warrant to enter premises

- 5 (1) A justice may issue a warrant in respect of premises only if satisfied on an application made by an authorised inspector that—
- (a) the premises are in the United Kingdom,
 - (b) the premises are not used wholly or mainly as a private dwelling,
 - (c) it is necessary for an authorised inspector to enter the premises for the purposes of a terrorism protection investigation, and
 - (d) any of the conditions in sub-paragraph (2) are met in relation to the premises.
- (2) The conditions are that—
- (a) the premises are not qualifying public premises or premises at which a qualifying public event is to be held;
 - (b) the premises are qualifying public premises or premises at which a qualifying public event is to be held, and an inspection without a warrant has been frustrated;
 - (c) giving notice to enter the premises would defeat the object of entry;
 - (d) the regulator requires access to the premises urgently.
- (3) For the purposes of sub-paragraph (2)(b), an inspection of premises without a warrant has been frustrated if—
- (a) an authorised inspector has given notice to enter the premises, as required under paragraph 4, and
 - (b) access has been denied or an authorised inspector has been prevented from doing any other thing mentioned in paragraph 4(1).
- (4) In this paragraph, “justice” means—
- (a) in England and Wales, a justice of the peace;
 - (b) in Scotland, a justice of the peace or a sheriff;
 - (c) in Northern Ireland, a lay magistrate.

Powers exercisable by warrant

- 6 (1) A warrant issued under paragraph 5 in respect of premises—
- (a) authorises any authorised inspector to enter the premises and do any other thing mentioned in paragraph 4(1), and
 - (b) confers such additional powers as may be specified in the warrant.
- (2) A power of entry under a warrant issued under paragraph 5 may be exercised—
- (a) at the times specified in the warrant, or
 - (b) if no times are specified in the warrant, at any time.
- (3) “Additional powers” means—
- (a) the power to enter by force (if necessary);
 - (b) the power to seize documents, equipment or other items.
- (4) The inspector may only seize a document, equipment or other item if it appears to the inspector that—

- (a) the document, equipment or other item is evidence of an offence under this Act, and
 - (b) the seizure is necessary to prevent that evidence being concealed, lost, altered or destroyed.
- (5) The inspector may be accompanied by any person, and bring anything, required for any purpose for which the inspector is exercising the power of entry.

Evidence of authority

- 7 (1) Before exercising power under a warrant issued under paragraph 5 in respect of premises, an authorised inspector must –
- (a) produce a copy of the warrant;
 - (b) supply the occupier (if present), or any other person appearing to the inspector to be in charge of the premises, with a copy of the warrant.
- (2) If requested to do so by a person at the premises, the inspector must also –
- (a) produce evidence of the inspector's identity;
 - (b) explain the purpose for which the power is exercised.
- (3) If neither the occupier nor any other person appearing to the inspector to be in charge of the premises is present, the authorised inspector must leave a copy of the warrant in a prominent place on the premises.

Retention of evidence etc

- 8 (1) A document, equipment or another item obtained under this Schedule in connection with a terrorism protection investigation may be retained by the regulator for so long as is necessary for the purposes of the investigation.
- (2) But no document, equipment or other item may be retained by the regulator if a copy, photograph or other recording of the document, equipment or item would be sufficient for the purposes of the investigation.

Offences in relation to investigations

- 9 (1) A person who is given a notice under paragraph 3 commits an offence if the person fails to comply with it.
- (2) It is a defence for a person charged with an offence under sub-paragraph (1) to show that the person took all reasonable steps to comply with the notice, and subsections (4) to (10) of section 34 apply in relation to a defence under this sub-paragraph.
- (3) A person commits an offence if the person –
- (a) intentionally obstructs an authorised inspector in the performance of a power conferred by this Schedule;
 - (b) with intent to deceive, falsely pretends to be an authorised inspector.
- (4) A person who commits an offence under sub-paragraph (1) is liable –
- (a) on summary conviction in England and Wales, to a fine;

- (b) on summary conviction in Scotland, to a fine not exceeding level 5 on the standard scale;
 - (c) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (5) A person who commits an offence under sub-paragraph (3) is liable –
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
 - (d) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).

Saving for material subject to legal professional privilege

- 10 Nothing in this Schedule confers power to –
- (a) require any person to provide information, or
 - (b) seize anything,
- in respect of which a claim to legal professional privilege (or in Scotland to confidentiality of communications) could be maintained in legal proceedings.

SCHEDULE 3

Section 38

LICENSING OF PREMISES AT HEIGHTENED TERRORISM RISK

- 1 The Licensing Act 2003 is amended as follows.
- 2 In section 8 (requirement to keep a register), after subsection (4) insert –
- “(4A) Subsections (3) and (4) are subject to section 8A.”
- 3 After section 8 insert –
- “8A Terrorism protection statements**
- (1) This section applies where –
 - (a) a relevant record in a register kept by a licensing authority under section 8 contains a plan of premises, and
 - (b) a relevant person has given the authority a terrorism protection statement in relation to the premises (and the statement has not been withdrawn).
 - (2) The licensing authority must not –

- (a) make the plan of the premises available for inspection under section 8(3), or
 - (b) supply any person with a copy of the plan of the premises under section 8(4).
- (3) A “terrorism protection statement”, in relation to premises, is a statement that, in the opinion of an appropriate security adviser, the premises are at heightened risk of being a target of terrorist activity.
- (4) A terrorism protection statement must be –
 - (a) in the prescribed form, and
 - (b) certified by an appropriate security adviser in the prescribed manner.
- (5) Before certifying a terrorism protection statement, an appropriate security adviser must have regard to any statement issued by the Secretary of State for the purposes of this section.
- (6) Where a person is appointed pursuant to arrangements under section 8(6) –
 - (a) this section applies in relation to a central register kept by the person as it applies in relation to a register kept by a licensing authority, and
 - (b) subsection (2) applies to the appointed person as it applies to a licensing authority.
- (7) Nothing in this section prevents a licensing authority from making a plan of premises available –
 - (a) to a responsible authority in relation to the premises, for the purposes of any function of the responsible authority,
 - (b) for the purposes of, or in connection with, legal proceedings (including prospective legal proceedings),
 - (c) for the purposes of obtaining legal advice, or
 - (d) otherwise for the purposes of establishing, exercising or defending legal rights.
- (8) Where the plan of premises mentioned in subsection (1)(a) was received by the licensing authority before 26 March 2013, subsection (2) applies as if for “must not” there were substituted “is not required to”.
- (9) In this section –
 - “appropriate security adviser” means a person of a description prescribed as such for the purposes of this Act;
 - “relevant person” means –
 - (a) the applicant, in relation to an application for a premises licence or club premises certificate, or
 - (b) (if different) the person who is for the time being the holder of the license or certificate;

“relevant record”, in relation to a register kept by a licensing authority under section 8, means a record contained in the register of –

- (a) an application made to the authority for a premises licence or club premises certificate (whether or not a licence or certificate is issued),
- (b) an application made to the authority to vary a premises licence or club premises certificate (whether or not the licence or certificate is varied), or
- (c) a premises licence or club premises certificate issued by the authority;

“responsible authority”, in relation to premises, has the meaning given by section 13.”

- 4 (1) Section 17 (application for premises licence), is amended as follows.
 - (2) In subsection (3), omit the “and” at the end of paragraph (b) and insert –

“(ba) if, in the opinion of an appropriate security adviser, the premises are at heightened risk of being a target of terrorist activity, by a statement under section 8A (terrorism protection statements), and”.
 - (3) After subsection (6) insert –

“(7) In subsection (3)(ba), “appropriate security adviser” has the same meaning as in section 8A.”
- 5 (1) Section 71 (application for club premises certificate) is amended as follows.
 - (2) In subsection (4), omit the “and” at the end of paragraph (b) and insert –

“(ba) if, in the opinion of an appropriate security adviser, the premises are at heightened risk of being a target of terrorist activity, by a statement under section 8A (terrorism protection statements), and”.
 - (3) After subsection (7) insert –

“(8) In subsection (4)(ba), “appropriate security adviser” has the same meaning as in section 8A.”
- 6 After section 33 insert –

“33A Withdrawal of terrorism protection statement

- (1) This section applies where –
 - (a) a premises licence has been issued by a licensing authority,
 - (b) the authority has been given a statement under section 8A (terrorism protection statement) in relation to the premises to which the licence relates,
 - (c) the statement has not been withdrawn, and,
 - (d) the holder of the licence becomes aware that, in the opinion of an appropriate security adviser, the premises are not (or

are no longer) at heightened risk of being a target of terrorist activity.

- (2) The holder of the licence must, as soon as is reasonably practicable, notify the licensing authority that the statement is withdrawn.
- (3) Notification under subsection (2) must be –
 - (a) in the prescribed form, and
 - (b) certified by an appropriate security adviser in the prescribed manner.
- (4) Before certifying a notification under subsection (2), an appropriate security adviser must have regard to any statement issued by the Secretary of State for the purposes of this section.
- (5) In this section, “appropriate security adviser” has the same meaning as in section 8A.”

7 After section 83 insert –

“83A Withdrawal of terrorism protection statement

- (1) This section applies where –
 - (a) a club premises certificate has been issued by a licensing authority,
 - (b) the authority has been given a statement under section 8A (terrorism protection statements) in relation to the premises to which the certificate relates,
 - (c) the statement has not been withdrawn, and
 - (d) the holder of the certificate becomes aware that, in the opinion of an appropriate security adviser, the premises are not (or are no longer) at heightened risk of being a target of terrorist activity.
- (2) The holder of the certificate must, as soon as is reasonably practicable, notify the licensing authority that the statement is withdrawn.
- (3) Notification under subsection (2) must be –
 - (a) in the prescribed form, and
 - (b) certified by an appropriate security adviser in the prescribed manner.
- (4) Before certifying a notification under subsection (2), an appropriate security adviser must have regard to any statement issued by the Secretary of State for the purposes of this section.
- (5) In this section, “appropriate security adviser” has the same meaning as in section 8A.”

8 In section 193 (other definitions), in subsection (1), at the appropriate place insert –

““terrorism” has the same meaning as in the Terrorism Act 2000;”.

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