EXPLANATORY MEMORANDUM TO

THE TERRORISM (PROTECTION OF PREMISES) (PRINCIPAL USE OF PREMISES) REGULATIONS 2026

2026 No. 1005

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Dan Jarvis, Minister of State for Security, at the Home Office and Cabinet Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Shaun Hipgrave, Director for Protect and Prepare, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Martyn's Law Team at the Home Office can be contacted by email at the following address with any queries regarding the instrument: martynslaw@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument introduces regulations under the Terrorism (Protection of Premises) Act 2025 ("the Act"), more commonly known as Martyn's Law. It clarifies how to determine the "principal use" of premises that are in scope of the requirements of the Act ("qualifying premises"), where those premises have more than one use specified in Schedule 1 to the Act ("Schedule 1 use").[1] Determining the principal use of qualifying premises will establish the "responsible person" for those premises who must ensure that the requirements of the Act are met.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the statement forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 The Act aims to improve organisational preparedness and protective security across the UK. It requires those responsible for certain premises and events take steps to prepare for potential terrorist attacks and help keep people safe in the event of an attack. In addition, certain larger premises and events are required to consider their vulnerability

[1] https://www.legislation.gov.uk/ukpga/2025/10/schedule/1

to acts of terrorism and take appropriate steps to reduce those vulnerabilities, so far as is reasonably practicable.

5.2 To be "qualifying premises" and therefore in scope of the Act, premises must satisfy four criteria. One of the criteria is that the premises must be wholly or mainly used for one or more uses specified in Schedule 1 to the Act.

5.3 Section 4 of the Act provides for when a person would be the person responsible for qualifying premises, and certain events that are in scope of the Act. The responsible person for qualifying premises is the individual, organisation or company with control of the qualifying premises for the purpose of their relevant Schedule 1 use. Section 4(2)(b) sets out that, where qualifying premises are used for two or more uses specified in Schedule 1 to the Act, the "relevant Schedule 1 use" will be whichever of those uses is the "principal use". However, the Act neither provides definition nor determining factors to assist identification of the principal use, and states that this information may be set out in regulations.

5.4 This instrument introduces regulations that provide determining factors to ensure clarity when establishing the principal use where premises have multiple Schedule 1 uses. Appropriate identification of the relevant Schedule 1 use and, consequentially, the responsible person will provide clarity for those potentially in scope of the requirements of the Act, including for the Security Industry Authority (SIA) in their enforcement role.

5.5 The instrument contributes to effective implementation of the Act and its objective to improve protective security across the UK. The identification of the relevant Schedule 1 use and the responsible person for qualifying premises is crucial to the regime. Should the principal use of premises with two or more Schedule 1 uses be misidentified, inappropriate procedures and measures may be put in place at the premises. This includes scenarios where one of the Schedule 1 uses is as a place of worship, or use for childcare, primary and secondary education or further education, as these uses are subject to different thresholds under the Act. Misidentification of the principal use in these scenarios may incorrectly exclude qualifying premises from needing to meet requirements under the Act, which would otherwise apply. Furthermore, should the principal use be misidentified, an inappropriate responsible person may assume responsibility for the premises, potentially incurring unnecessary costs or being subject to enforcement action should any non-compliance be identified.

What was the previous policy, how is this different?

5.6 Section 4 of the Act provides that the person with control of the premises in connection with their relevant Schedule 1 use is the person responsible for qualifying premises. The Act specifies that where the premises are used for two or more Schedule 1 uses, whichever of those uses is the principal use determines the relevant use. However, section 4 does not define "principal use" or provide determining factors to assist in identifying it. Section 4 provides a power for the Secretary of State to make provision by regulations to provide determining factors for which Schedule 1 use of premises is to be treated as the principal use.

5.7 This instrument provides the determining factors to identify the principal use of qualifying premises where there is more than one Schedule 1 use. It details that the Schedule 1 use which relates most closely to the "purpose and nature" of the premises is to be treated as the principal use of the premises for the purposes of section 4 of the Act. This provides a consistent method to determine the principal use of qualifying

premises by identifying the Schedule 1 use that most closely reflects the underlying character of the premises as a first test.

5.8 Determination of the purpose and nature of the premises must take into account: whether the premises were built or have been modified to be used for a particular Schedule 1 use; whether the premises continue to be used for that use; the physical characteristics of the premises; and whether the premises are treated by a local authority for the area in which the premises are situated as having, for any purpose, a particular Schedule 1 use.

5.9 Where it is not possible to identify the principal use by considering the purpose and nature of the premises, the principal use is to be determined in each case after consideration of all the relevant circumstances. These include the factors outlined in the above paragraph; whether the whole of the premises, or only a part of the premises, is occupied for each use; the proportion of the premises occupied for each Schedule 1 use; the amount of time for which the premises are occupied for each Schedule 1 use in any period which is considered to be relevant in the circumstances of the premises concerned; and whether any Schedule 1 use is carried on to support another Schedule 1 use.

6. Legislative and Legal Context

How has the law changed?

6.1 The Act received Royal Assent on 3 April 2025. Section 4 of the Act provides the legislative framework to identify the responsible person for qualifying premises and qualifying events. Sub-section 1(a) provides that a person is responsible for qualifying premises if the person has control of the premises in connection with their relevant Schedule 1 use. Sub-section 2(a) provides that where the premises are used for only one Schedule 1 use, that is the relevant Schedule 1 use. Sub-section 2(b) provides that where the premises are used for two or more Schedule 1 uses, whichever of those is the principal use will be the relevant use.

6.2 The Act does not define "principal use" and section 4(3) of the Act states that provision for determining the use of premises which is to be treated as the principal use may be made by regulations.

6.3 The Secretary of State makes these regulations in exercise of this power, which was commenced on Royal Assent. These regulations make provision for determining which of the uses set out in Schedule 1 to the Terrorism (Protection of Premises) Act 2025 (c. 10) is to be treated as the principal use of premises subject to the requirements imposed by the Act, where the premises concerned have two or more uses described in Schedule 1. Regulation 2(1) requires the principal use to be determined by the purpose and nature of the premises, taking into consideration the factors identified in Regulation 2(2). Where this does not identify a principal use, Regulation 2(3) requires all relevant circumstances to be taken into account, including the factors listed in Regulations 2(2) and 2(3). Regulation 2(4) provides a definition of "local authority". Regulation 2(5) provides a definition of a "National Park authority" because National Park authorities are included in the definition of "local authority" in Regulation 2(4).

Why was this approach taken to change the law?

6.4 The Act expressly provides for factors relevant to determining principal use to be specified in regulations. Setting those factors out in regulations provides a clear and legally certain framework which must be applied consistently by persons exercising

functions under the Act. This approach promotes consistency in decision-making in a way that could not be achieved through non-statutory means.

7. Consultation

Summary of consultation outcome and methodology

7.1 No formal consultation was undertaken specific to this instrument, as it serves to define an existing concept in section 4 of the Act and there was no requirement to consult under section 4 of the Act. However, the Home Office did undertake informal consultation with the SIA and the Devolved Governments of Scotland, Wales, and Northern Ireland on the policy to ensure that the instrument is workable and sufficiently caters for shared objectives. Neither the SIA nor the Devolved Governments raised objections to the introduction of these regulations.

7.2 Two formal public consultations were undertaken on the Terrorism (Protection of Premises) Act 2025 (formerly "Bill") in 2021 and 2024. Both consultations covered the responsible persons for qualifying premises, including where there are two or more specified uses under Schedule 1 to the Act. During passage of the Bill, government departments and stakeholders consulted included: the security industry, retail, charitable and civil society, visitor attractions, events, finance and insurance, sports, hospitality, faith groups, entertainment, small and medium enterprises, education, health, transport, local government, and victim and survivors' groups (including the Martyn's Law Campaign Team). Over 100 stakeholder engagement events linked directly to the two public consultations took place, as well as several hundred stakeholder engagement events and group discussions linked to the drafting of the Bill. There were 2,755 responses to the first consultation in 2021, and 1,981 responses to the consultation in 2024. Feedback from consultation was positive and constructive. The Government consultation responses can be found on GOV.UK.[2]

8. Applicable Guidance

8.1 The statutory guidance required by section 27 of the Act, which encompasses a section on identifying the responsible person, was published on 15 April 2026 on GOV.UK, ahead of the laying of this instrument.[3] In line with the principles of good regulation, the Home Office has published supplementary non-statutory guidance to further clarify these regulations outside of this Explanatory Memorandum at the time of laying.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because this instrument defines a concept which was included in the parent Act. A full Impact Assessment of the Terrorism (Protection of Premises) Act 2025 was published on 16 July 2024 and may be found on GOV.UK.[4] This considered the impact of the Act as a whole, of which identifying the relevant Schedule 1 use of qualifying premises was a constituent part. An Impact Assessment has not been prepared for this instrument

[2] https://www.gov.uk/government/consultations/protect-duty/outcome/government-response-document https://www.gov.uk/government/consultations/martyns-law-standard-tier-consultation

[3] https://www.gov.uk/government/publications/the-terrorism-protection-of-premises-act-2025

[4] https://www.gov.uk/government/publications/terrorism-protection-of-premises-bill-2024-impact-assessment/terrorism-protection-of-premises-bill-impact-assessment-accessible

because the cost to business falls below the de minimis threshold for an Impact Assessment.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument defines an existing concept set out in section 4 of the Act. Responsible persons for qualifying premises with two or more Schedule 1 uses would be required to identify their "principal use" even if these regulations were not laid as the statutory duty was in place prior to the provisions of this instrument being introduced.

9.3 The legislation does impact small or micro businesses, although there are not expected to be distributional impacts by business size. The duty to identify the principal use of premises where there are two or more Schedule 1 uses is placed on all premises in scope of the Act. The criterion for qualifying premises to reasonably expect 200 or more individuals to be present on the premises at the same time, from time to time, means many small and micro businesses are out of scope of the duty to identify the principal use of premises.

9.4 The impact on the public sector is not disproportionate to the impact on the private sector. The regulations apply equally to the public sector and the private sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that it will be monitored as part of the wider monitoring and evaluation programme of the Act. This will include a post-implementation review to assess whether the provisions of the Act, including the regulations in this instrument, deliver the Government's policy objectives. The Government's intention is that the review will be conducted within five years of commencement of the Act. This approach aligns with the usual timeframes for a review, and the Government's approach will give sufficient time for both the provisions of the Act and this instrument to embed, and for the required monitoring and evaluation activity to take place.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Dan Jarvis, Minister of State for Security at the Home Office and Cabinet Office, has made the following statement: "I am satisfied that no statutory review clause is required for the Terrorism (Protection of Premises) (Principal Use of Premises) Regulations 2026 as there is not expected to be a significant annualised net impact on business (greater than +/- £10 million net annualised)."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").