



Lord Hope of Craighead
House of Lords
London
SW1A 0AA

BY EMAIL ONLY

17 February 2025

Dear David,

Terrorism (Protection of Premises) Bill: Application to Temporary Buildings

Thank you for your Lords Committee amendment seeking to clarify the definition of “building” under this Bill, specifically whether temporary structures are captured. This, and the other amendments concerning this definition, led to a helpful discussion in the House. I undertook to consider the points raised during the debate further. Having done so, I hope it is helpful for me to set out Government’s position.

As you know, the Bill will apply to a wide range of premises and events across the UK with varying features and structures.

We would like to clarify from the outset that temporary structures on land mainly used for other purposes, and events that are freely accessible without any access conditions are deliberately not caught within the Bill. For example, a temporary Christmas market in a town square without any entry conditions would not fall within the Bill. The market premises are not qualifying premises (Clause 2(2)(b) is not satisfied), and the market is not a qualifying event (Clause 3(1)(e) is not satisfied).

This is a deliberate policy position. In such cases, operators are less likely to be able to take meaningful steps to mitigate the risk of harm should an act of terrorism occur. This approach also helps to ensure that the public safety benefits of this Bill are delivered in an appropriately focused and proportionate way.

However, it should be noted that there are programmes already in place to ensure such events consider threats and develop appropriate protection and preparedness arrangements. This includes police-led assessments to ensure the deployment of appropriate measures and procedures working with event organisers.

For the avoidance of doubt, a ticketed Christmas market would be caught as a qualifying event where it meets all the conditions in Clause 3 (and this is outlined further below).

Qualifying Premises (Clause 2)

Clause 2 does not impose any requirement that buildings be made of any particular material or that they are on the premises for a set period. A wooden chalet, a storage building or a toilet block could all be buildings for the purposes of Clause 2. However, it is important that all of the conditions in Clause 2 are considered. To be qualifying premises, the premises must: consist of a building (whether or not with other land); be wholly or mainly used for one or more uses specified in Schedule 1 to the Bill; meet the threshold conditions; and not be excluded premises.

The accumulation of these conditions is designed to ensure that the scope of the Bill is not overly broad, while still offering beneficial public safety results. Clause 2, therefore, only catches premises above a minimum capacity threshold, where there will be some sustained use of them for the relevant purpose, and in respect of which there is a meaningful opportunity for premises operators to take steps that may reduce the risk of harm to the public in the event of a terrorist attack. It seems likely that premises that meet all of these requirements will have some sort of building structure. For example, even open-air premises are likely to have toilets or storage facilities to protect stock or equipment. While an individual building may change, including where there are a series of temporary buildings, there must be some form of building on site for the duration of the period that it constitutes qualifying premises.

We are concerned that if we were to explicitly set out that temporary structures are buildings for the purposes of Clause 2(2)(a), there could be unintended consequences. For example, it may suggest that there does not always need to be a building on site or it might catch a tent erected for a village fete in an otherwise disused field. In the latter example, there is a question as to whether Clause 2(2)(b) would be satisfied but, particularly as the Government does not think it appropriate to draw the field into the Bill's scope, it is preferable to avoid ambiguity here.

Qualifying Events (Clause 3)

The Government does intend to capture temporary and one-off events that draw large crowds under Clause 3.

This approach has been carefully designed to strike a balance between achieving public protection, whilst avoiding undue burden on businesses, other organisations and local communities holding small events. To that end we are not looking to legislate for all events.

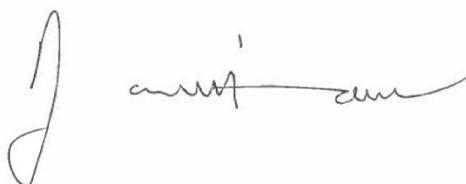
A qualifying event is one which can take place in a building or on land (there is no requirement for there to be a building in relation to an event); reasonably expects 800 or more individuals to attend; and has access controls in place.

Access controls enable the responsible person to exercise an appropriate level of control in respect of people coming into and out of an event. The policy position is that without such control it would be difficult, if not impossible, for effective measures to be put in place. Therefore, I would like to reassure you that where they meet these Clause 3 criteria, a Christmas market, demountable premises or a large tent (as referenced by Lord Sandhurst), could be captured as qualifying events. Those that do not meet the criteria will not be captured.

This is the intended effect of the Bill. The Government is not seeking to draw open access events into scope for the reasons set out above.

I am of course open to discussing these matters further with you at your convenience and would be happy to meet ahead of report stage.

I am placing a copy of this letter in the House of Lords Library. A copy also goes to the Security Minister.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by the name 'Hanson' in a cursive script.

**Rt Hon Lord Hanson of Flint
Minister of State**