



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 4

COMMUNITY PROTECTION

CHAPTER 3

CLOSURE OF PREMISES ASSOCIATED WITH NUISANCE OR DISORDER ETC

Closure notices

76 Power to issue closure notices

- (1) A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds—
 - (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
 - (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.
- (2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice.

For the maximum period, see section 77.
- (3) A closure notice may prohibit access—
 - (a) by all persons except those specified, or by all persons except those of a specified description;

- (b) at all times, or at all times except those specified;
 - (c) in all circumstances, or in all circumstances except those specified.
- (4) A closure notice may not prohibit access by—
- (a) people who habitually live on the premises, or
 - (b) the owner of the premises,
- and accordingly they must be specified under subsection (3)(a).
- (5) A closure notice must—
- (a) identify the premises;
 - (b) explain the effect of the notice;
 - (c) state that failure to comply with the notice is an offence;
 - (d) state that an application will be made under section 80 for a closure order;
 - (e) specify when and where the application will be heard;
 - (f) explain the effect of a closure order;
 - (g) give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.
- (6) A closure notice may be issued only if reasonable efforts have been made to inform—
- (a) people who live on the premises (whether habitually or not), and
 - (b) any person who has control of or responsibility for the premises or who has an interest in them,
- that the notice is going to be issued.
- (7) Before issuing a closure notice the police officer or local authority must ensure that any body or individual the officer or authority thinks appropriate has been consulted.
- (8) The Secretary of State may by regulations specify premises or descriptions of premises in relation to which a closure notice may not be issued.

77 Duration of closure notices

- (1) The maximum period that may be specified in a closure notice is 24 hours unless subsection (2) applies.
- (2) The maximum period is 48 hours—
- (a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, or
 - (b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection.
- (3) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.
- (4) The period specified in a closure notice to which subsection (2) does not apply may be extended by up to 24 hours—
- (a) if, in the case of a notice issued by a police officer, an extension notice is issued by an officer of at least the rank of superintendent, or
 - (b) if, in the case of a notice issued by a local authority, the authority issues an extension notice signed by the chief executive officer of the authority or a person designated by the chief executive officer for the purposes of this subsection.

- (5) An extension notice is a notice which—
 - (a) identifies the closure notice to which it relates, and
 - (b) specifies the period of the extension.
- (6) In this section “chief executive officer”, in relation to a local authority, means the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989.

78 Cancellation or variation of closure notices

- (1) This section applies where a closure notice is in force and the relevant officer or authority is no longer satisfied as mentioned in section 76(1), either—
 - (a) as regards the premises as a whole, or
 - (b) as regards a particular part of the premises.

- (2) In a case within subsection (1)(a) the relevant officer or authority must issue a cancellation notice.

A cancellation notice is a notice cancelling the closure notice.

- (3) In a case within subsection (1)(b) the relevant officer or authority must issue a variation notice.

A variation notice is a notice varying the closure notice so that it does not apply to the part of the premises referred to in subsection (1)(b).

- (4) A cancellation notice or a variation notice that relates to a closure notice which was—
 - (a) issued by a local authority, and
 - (b) signed as mentioned in section 77(2)(b),

must be signed by the person who signed the closure notice (or, if that person is not available, by another person who could have signed as mentioned in section 77(2)(b)).

- (5) A cancellation notice or a variation notice that relates to a closure notice which was—
 - (a) issued by a local authority, and
 - (b) extended under section 77(4)(b),

must be signed by the person who signed the extension notice (or, if that person is not available, by another person who could have signed the extension notice).

- (6) In this section “the relevant officer or authority” means—
 - (a) in the case of a closure notice issued by a police officer and not extended under section 77(4)(a), that officer (or, if that officer is not available, another officer of the same or higher rank);
 - (b) in the case of a closure notice issued by a police officer and extended under section 77(4)(a), the officer who issued the extension notice (or, if that officer is not available, another officer of the same or higher rank);
 - (c) in the case of a closure notice issued by a local authority, that authority.

79 Service of notices

- (1) A closure notice, an extension notice, a cancellation notice or a variation notice must be served by—
 - (a) a constable, in the case of a notice issued by a police officer;

- (b) a representative of the authority that issued the notice, in the case of a notice issued by a local authority.
- (2) The constable or local authority representative must if possible—
- (a) fix a copy of the notice to at least one prominent place on the premises,
 - (b) fix a copy of the notice to each normal means of access to the premises,
 - (c) fix a copy of the notice to any outbuildings that appear to the constable or representative to be used with or as part of the premises,
 - (d) give a copy of the notice to at least one person who appears to the constable or representative to have control of or responsibility for the premises, and
 - (e) give a copy of the notice to the people who live on the premises and to any person who does not live there but was informed (under section 76(6)) that the notice was going to be issued.
- (3) If the constable or local authority representative reasonably believes, at the time of serving the notice, that there are persons occupying another part of the building or other structure in which the premises are situated whose access to that part will be impeded if a closure order is made under section 80, the constable or representative must also if possible serve the notice on those persons.
- (4) The constable or local authority representative may enter any premises, using reasonable force if necessary, for the purposes of complying with subsection (2)(a).
- (5) In this section “representative”, in relation to a local authority, means—
- (a) an employee of the authority, or
 - (b) a person, or employee or a person, acting on behalf of the authority.

Closure orders

80 Power of court to make closure orders

- (1) Whenever a closure notice is issued an application must be made to a magistrates’ court for a closure order (unless the notice has been cancelled under section 78).
- (2) An application for a closure order must be made—
- (a) by a constable, if the closure notice was issued by a police officer;
 - (b) by the authority that issued the closure notice, if the notice was issued by a local authority.
- (3) The application must be heard by the magistrates’ court not later than 48 hours after service of the closure notice.
- (4) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.
- (5) The court may make a closure order if it is satisfied—
- (a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
 - (b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
 - (c) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

- (6) A closure order is an order prohibiting access to the premises for a period specified in the order.

The period may not exceed 3 months.

- (7) A closure order may prohibit access—
- (a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;
 - (b) at all times, or at all times except those specified;
 - (c) in all circumstances, or in all circumstances except those specified.
- (8) A closure order—
- (a) may be made in respect of the whole or any part of the premises;
 - (b) may include provision about access to a part of the building or structure of which the premises form part.
- (9) The court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

81 Temporary orders

- (1) This section applies where an application has been made to a magistrates' court under section 80 for a closure order.
- (2) If the court does not make a closure order it may nevertheless order that the closure notice continues in force for a specified further period of not more than 48 hours, if satisfied—
- (a) that the use of particular premises has resulted, or (if the notice is not continued) is likely soon to result, in nuisance to members of the public, or
 - (b) that there has been, or (if the notice is not continued) is likely soon to be, disorder near those premises associated with the use of those premises,
- and that the continuation of the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.
- (3) The court may adjourn the hearing of the application for a period of not more than 14 days to enable—
- (a) the occupier of the premises,
 - (b) the person with control of or responsibility for the premises, or
 - (c) any other person with an interest in the premises,
- to show why a closure order should not be made.
- (4) If the court adjourns the hearing under subsection (3) it may order that the closure notice continues in force until the end of the period of the adjournment.

82 Extension of closure orders

- (1) At any time before the expiry of a closure order, an application may be made to a justice of the peace, by complaint, for an extension (or further extension) of the period for which the order is in force.

- (2) Those entitled to make an application under this section are—
- (a) where the closure order was made on the application of a constable, a police officer of at least the rank of inspector;
 - (b) where the closure order was made on the application of a local authority, that authority.
- (3) A police officer or local authority may make an application under this section only if satisfied on reasonable grounds that it is necessary for the period of the order to be extended to prevent the occurrence, recurrence or continuance of—
- (a) disorderly, offensive or criminal behaviour on the premises,
 - (b) serious nuisance to members of the public resulting from the use of the premises, or
 - (c) disorder near the premises associated with the use of the premises,
- and also satisfied that the appropriate consultee has been consulted about the intention to make the application.
- (4) In subsection (3) “the appropriate consultee” means—
- (a) the local authority, in the case of an application by a police officer;
 - (b) the chief officer of police for the area in which the premises are situated, in the case of an application by a local authority.
- (5) Where an application is made under this section, the justice of the peace may issue a summons directed to—
- (a) any person on whom the closure notice was served under section 79, or
 - (b) any other person who appears to the justice to have an interest in the premises but on whom the closure notice was not served,
- requiring the person to appear before the magistrates’ court to respond to the application.
- (6) If a summons is issued under subsection (5), a notice stating the date, time and place of the hearing of the application must be served on the persons to whom the summons is directed.
- (7) If the magistrates’ court is satisfied as mentioned in subsection (3)(a), (b) or (c), it may make an order extending (or further extending) the period of the closure order by a period not exceeding 3 months.
- (8) The period of a closure order may not be extended so that the order lasts for more than 6 months.

83 Discharge of closure orders

- (1) At any time before the expiry of a closure order, an application may be made to a justice of the peace, by complaint, for the order to be discharged.
- (2) Those entitled to make an application under this section are—
- (a) a constable, where the closure order was made on the application of a constable;
 - (b) the authority that applied for the closure order, where the order was made on the application of a local authority;
 - (c) a person on whom the closure notice was served under section 79;

Status: This is the original version (as it was originally enacted).

- (d) anyone else who has an interest in the premises but on whom the closure notice was not served.
- (3) Where a person other than a constable makes an application under this section for the discharge of an order that was made on the application of a constable, the justice may issue a summons directed to a constable considered appropriate by the justice requiring him or her to appear before the magistrates' court to respond to the application.
- (4) If a summons is issued under subsection (3), a notice stating the date, time and place of the hearing of the application must be served on—
- (a) the constable to whom the summons is directed;
 - (b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant).
- (5) Where—
- (a) the order in question was made on the application of a local authority, and
 - (b) a person other than that authority makes an application under this section for the discharge of the order,
- the justice may issue a summons directed to that authority requiring it to appear before the magistrates' court to respond to the application.
- (6) If a summons is issued under subsection (5), a notice stating the date, time and place of the hearing of the application must be served on—
- (a) the authority mentioned in that subsection;
 - (b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant).
- (7) The magistrates' court may not make an order discharging the closure order unless satisfied that the closure order is no longer necessary to prevent the occurrence, recurrence or continuance of—
- (a) disorderly, offensive or criminal behaviour on the premises,
 - (b) serious nuisance to members of the public resulting from the use of the premises, or
 - (c) disorder near the premises associated with the use of the premises.

Appeals

84 Appeals

- (1) An appeal against a decision to make or extend a closure order may be made by—
- (a) a person on whom the closure notice was served under section 79;
 - (b) anyone else who has an interest in the premises but on whom the closure notice was not served.
- (2) A constable may appeal against—
- (a) a decision not to make a closure order applied for by a constable;
 - (b) a decision not to extend a closure order made on the application of a constable;
 - (c) a decision (under section 81) not to order the continuation in force of a closure notice issued by a constable.
- (3) A local authority may appeal against—
- (a) a decision not to make a closure order applied for by that authority;

- (b) a decision not to extend a closure order made on the application of that authority;
 - (c) a decision (under section 81) not to order the continuation in force of a closure notice issued by that authority.
- (4) An appeal under this section is to the Crown Court.
- (5) An appeal under this section must be made within the period of 21 days beginning with the date of the decision to which it relates.
- (6) On an appeal under this section the Crown Court may make whatever order it thinks appropriate.
- (7) The Crown Court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

Enforcement

85 Enforcement of closure orders

- (1) An authorised person may—
- (a) enter premises in respect of which a closure order is in force;
 - (b) do anything necessary to secure the premises against entry.
- (2) In this section “authorised person”—
- (a) in relation to a closure order made on the application of a constable, means a constable or a person authorised by the chief officer of police for the area in which the premises are situated;
 - (b) in relation to a closure order made on the application of a local authority, means a person authorised by that authority.
- (3) A person acting under subsection (1) may use reasonable force.
- (4) A person seeking to enter premises under subsection (1) must, if required to do so by or on behalf of the owner, occupier or other person in charge of the premises, produce evidence of his or her identity and authority before entering the premises.
- (5) An authorised person may also enter premises in respect of which a closure order is in force to carry out essential maintenance or repairs to the premises.

86 Offences

- (1) A person who without reasonable excuse remains on or enters premises in contravention of a closure notice (including a notice continued in force under section 81) commits an offence.
- (2) A person who without reasonable excuse remains on or enters premises in contravention of a closure order commits an offence.
- (3) A person who without reasonable excuse obstructs a person acting under section 79 or 85(1) commits an offence.
- (4) A person guilty of an offence under subsection (1) or (3) is liable on summary conviction—

Status: This is the original version (as it was originally enacted).

- (a) to imprisonment for a period not exceeding 3 months, or
 - (b) to a fine,
- or to both.
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction—
- (a) to imprisonment for a period not exceeding 51 weeks, or
 - (b) to a fine,
- or to both.
- (6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (5)(a) to 51 weeks is to be read as a reference to 6 months.

Supplemental

87 Access to other premises

- (1) Where—
- (a) access to premises is prohibited or restricted by, or as a result of, an order under section 80, 81, 82 or 84,
 - (b) those premises are part of a building or structure, and
 - (c) there is another part of that building or structure that is not subject to the prohibition or restriction,
- an occupier or owner of that other part may apply to the appropriate court for an order under this section.
- (2) The appropriate court is—
- (a) the magistrates' court, in the case of an order under section 80, 81 or 82;
 - (b) the Crown Court, in the case of an order under section 84.
- (3) Notice of an application under this section must be given to—
- (a) whatever constable the court thinks appropriate;
 - (b) the local authority;
 - (c) a person on whom the closure notice was served under section 79;
 - (d) anyone else who has an interest in the premises but on whom the closure notice was not served.
- (4) On an application under this section the court may make whatever order it thinks appropriate in relation to access to any part of the building or structure mentioned in subsection (1).

It does not matter whether provision has been made under section 80(8)(b).

88 Reimbursement of costs

- (1) A local policing body or a local authority that incurs expenditure for the purpose of clearing, securing or maintaining premises in respect of which a closure order is in force may apply to the court that made the order for an order under this section.

- (2) On an application under this section the court may make whatever order it thinks appropriate for the reimbursement (in full or in part) by the owner or occupier of the premises of the expenditure mentioned in subsection (1).
- (3) An application for an order under this section may not be heard unless it is made before the end of the period of 3 months starting with the day on which the closure order ceases to have effect.
- (4) An order under this section may be made only against a person who has been served with the application for the order.
- (5) An application under this section must also be served on—
 - (a) the local policing body for the area in which the premises are situated, if the application is made by a local authority;
 - (b) the local authority, if the application is made by a local policing body.

89 Exemption from liability

- (1) A police officer, or the chief officer of police under whose direction or control he or she acts, is not liable for damages in proceedings for—
 - (a) judicial review, or
 - (b) the tort of negligence or misfeasance in public office,
 arising out of anything done or omitted to be done by the police officer in the exercise or purported exercise of a power under this Chapter.
- (2) A local authority is not liable for damages in proceedings for—
 - (a) judicial review, or
 - (b) the tort of negligence or misfeasance in public office,
 arising out of anything done or omitted to be done by the authority in the exercise or purported exercise of a power under this Chapter.
- (3) Subsections (1) and (2) do not apply to an act or omission shown to have been in bad faith.
- (4) Subsections (1) and (2) do not apply so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.
- (5) This section does not affect any other exemption from liability (whether at common law or otherwise).

90 Compensation

- (1) A person who claims to have incurred financial loss in consequence of a closure notice or a closure order may apply to the appropriate court for compensation.
- (2) The appropriate court is—
 - (a) the magistrates' court that considered the application for a closure order (except where paragraph (b) applies);
 - (b) the Crown Court, in the case of a closure order that was made or extended by an order of that Court on an appeal under section 84.

- (3) An application under this section may not be heard unless it is made before the end of the period of 3 months starting with whichever of the following is applicable—
- (a) the day on which the closure notice was cancelled under section 78;
 - (b) the day on which a closure order was refused;
 - (c) the day on which the closure order ceased to have effect.
- (4) For the purposes of subsection (3)(b) the day on which a closure order was refused is—
- (a) the day on which the magistrates' court decided not to make a closure order (except where paragraph (b) applies);
 - (b) the day on which the Crown Court dismissed an appeal against a decision not to make a closure order.
- (5) On an application under this section the court may order the payment of compensation out of central funds if it is satisfied—
- (a) that the applicant is not associated with the use of the premises, or the behaviour on the premises, on the basis of which the closure notice was issued or the closure order made,
 - (b) if the applicant is the owner or occupier of the premises, that the applicant took reasonable steps to prevent that use or behaviour,
 - (c) that the applicant has incurred financial loss in consequence of the notice or order, and
 - (d) that having regard to all the circumstances it is appropriate to order payment of compensation in respect of that loss.
- (6) In this section “central funds” has the same meaning as in enactments providing for the payment of costs.

91 Guidance

- (1) The Secretary of State may issue—
- (a) guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Chapter;
 - (b) guidance to local authorities about the exercise of their functions under this Chapter and those of their representatives (within the meaning of section 79).
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

92 Interpretation of Chapter 3

- (1) In this Chapter—
- “cancellation notice” has the meaning given by section 78(2);
 - “criminal behaviour” means behaviour that constitutes a criminal offence;
 - “extension notice” has the meaning given by section 77(5);
 - “local authority” means—
- (a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

Status: This is the original version (as it was originally enacted).

(b) in relation to Wales, a county council or a county borough council;

“offensive behaviour” means behaviour by a person that causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as that person;

“owner”, in relation to premises, means—

(a) a person (other than a mortgagee not in possession) entitled to dispose of the fee simple of the premises, whether in possession or in reversion;

(b) a person who holds or is entitled to the rents and profits of the premises under a lease that (when granted) was for a term of not less than 3 years;

“premises” includes—

(a) any land or other place (whether enclosed or not);

(b) any outbuildings that are, or are used as, part of premises;

“premises licence” has the meaning given by section 11 of the Licensing Act 2003;

“relevant licensing authority” has the meaning given by section 12 of that Act;

“variation notice” has the meaning given by section 78(3).

- (2) A reference in this Chapter to “the local authority”, in relation to any premises or a notice or order relating to any premises, is a reference to the local authority (or, as the case may be, any of the local authorities) within whose area the premises are situated.
- (3) A reference in this Chapter to “the premises”, in relation to a closure notice or a closure order, is a reference to the premises to which the notice or order relates.

93 Saving and transitional provision

- (1) The repeal or amendment by this Act of provisions about any of the notices specified in subsection (2) or orders specified in subsection (3) does not apply in relation to—
- (a) any such notice issued or order made before the commencement day;
 - (b) anything done in connection with any such notice or order.
- (2) The notices are—
- (a) a notice issued under section 1 of the Anti-social Behaviour Act 2003;
 - (b) a notice issued under section 11A of that Act.
- (3) The orders are—
- (a) an order made under section 2 of the Anti-social Behaviour Act 2003;
 - (b) an order made under section 11B of that Act;
 - (c) an order made under section 40 of that Act;
 - (d) an order made under section 161 of the Licensing Act 2003;
 - (e) an order made under section 165(2)(b), (c) or (d) of that Act.
- (4) A person deciding whether to issue a closure notice may take into account things that—
- (a) happened before the commencement day, and
 - (b) would have given rise to the power to issue one of the notices specified in subsection (2) or to make an order specified in subsection (3)(c) or (d).
- (5) A court deciding whether to make a closure order may take into account things that—
- (a) happened before the commencement day, and

- (b) would have given rise to the power to make an order specified in subsection (3)(a), (b) or (e).
- (6) Subsections (4) and (5) apply only during the period of 3 months beginning with the commencement day.
- (7) In this section “commencement day” means the day on which this Chapter comes into force.