



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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;

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- (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.