



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### [<sup>F1</sup>PART 2A

#### CLOSURE ORDERS

#### [<sup>F1</sup>Closure orders

#### Textual Amendments

- F1** Pt. 2A inserted (E.W.N.I.) (1.4.2010 for E.W. and otherwise prosp.) by [Policing and Crime Act 2009](#) (c. 26), ss. 21(1), 116(1), [Sch. 2 para. 1](#) (with s. 21(2)); S.I. 2010/507, [art. 5\(t\)](#) (subject to art. 6)

#### **136D Power to make a closure order**

- (1) If a closure notice has been issued, a constable must apply under this section to a magistrates' court for a closure order.
- (2) A closure order is an order that the premises in respect of which the order is made are closed to all persons for such period not exceeding 3 months as is specified in the order.
- (3) The application must be heard by the magistrates' court not later than 48 hours after the notice was served in pursuance of section 136C(3)(a).
- (4) The magistrates' court may make a closure order if three conditions are met.
- (5) The first condition is that the court is satisfied that [<sup>F2</sup>at least one of subsections (6), (7) and (7A)] applies.
- (6) This subsection applies if, during the relevant period, the premises were used for activities related to one or more specified prostitution offences.

But this subsection does not apply if only one person obtained all of the sexual services in question (whether or not on a single occasion).

*Status: Point in time view as at 08/03/2015.*

*Changes to legislation: Sexual Offences Act 2003, Cross Heading: Closure orders is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (7) This subsection applies if, during the relevant period, the premises were used for activities related to one or more specified pornography offences.
- [ This subsection applies if—
- <sup>F3</sup>(7A) (a) during the relevant period, the premises were used for activities related to one or more specified child sex offences, or
- (b) the premises are likely to be used (unless a closure order is made) for activities related to one or more specified child sex offences.]
- (8) In [<sup>F4</sup>subsections (6), (7) and (7A)(a)], “the relevant period” means the period of 3 months ending with the day on which the issue of the closure notice was authorised.
- (9) The second condition is that the court is satisfied that the making of the closure order is necessary to prevent the premises being used for activities related to one or more specified [<sup>F5</sup>prostitution, pornography or child sex offences] during the period to be specified in the order.
- (10) The third condition is that the court is satisfied that—
- (a) before the issue of the closure notice was authorised, reasonable steps were taken to establish the identity of any person of a description mentioned in section 136B(7)(b) [<sup>F6</sup>or 136BA(6)(b)], and
- (b) a constable complied with section 136C(3)(d) in relation to the persons so identified.
- (11) For the purposes of the second condition, it does not matter whether the court is satisfied that the offence or offences in question have been committed or that they will be committed (or will be committed unless a closure order is made).
- (12) A closure order may be made whether or not a person has been convicted of any specified [<sup>F7</sup>prostitution, pornography or child sex offences] that the court is satisfied has been committed.

#### Textual Amendments

- F2** Words in s. 136D(5) substituted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 6 para. 6(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)
- F3** S. 136D(7A) inserted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 6 para. 6(3)** (with ss. 21, 33, 42, 58, 75, 93, 115(2)); S.I. 2015/373, art. 2(f)
- F4** Words in s. 136D(8) substituted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 6 para. 6(4)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)
- F5** Words in s. 136D(9) substituted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 6 para. 6(5)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)
- F6** Words in s. 136D(10)(a) inserted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 6 para. 6(6)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)
- F7** Words in s. 136D(12) substituted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 6 para. 6(7)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)

### 136E Making of closure orders: supplementary provision

- (1) The magistrates' court may adjourn the hearing of an application for a closure order for a period of not more than 14 days to enable any of the following to show why a closure order should not be made—

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- (a) an occupier of the premises;
  - (b) a person who has control of or responsibility for the premises;
  - (c) any other person with an interest in the premises.
- (2) If the court adjourns the hearing, it may order that the closure notice continues in effect until the end of the period of the adjournment.
- (3) A closure order may include such provision as the court thinks appropriate relating to access to any other part of a building or other structure in which the premises are situated.
- (4) A closure order may be made in respect of the whole or any part of the premises in respect of which the closure notice was issued.]

**Status:**

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