



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 4 **E+W**

#### COMMUNITY PROTECTION

### CHAPTER 3 **E+W**

#### CLOSURE OF PREMISES ASSOCIATED WITH NUISANCE OR DISORDER ETC

##### *Closure orders*

### **80** Power of court to make closure orders **E+W**

- (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

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- (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.

#### Commencement Information

II S. 80 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

## 81 Temporary orders **E+W**

- (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.

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### Commencement Information

**I2** S. 81 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

## 82 Extension of closure orders **E+W**

- (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.

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### Commencement Information

**I3** S. 82 in force at 20.10.2014 by S.I. 2014/2590, art. 3(c)

## 83 Discharge of closure orders **E+W**

- (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;
  - (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.

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**Commencement Information**

**I4** [S. 83](#) in force at 20.10.2014 by [S.I. 2014/2590](#), [art. 3\(c\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)