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

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;

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(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).

Commencement Information

I1 S. 87 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

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.

Commencement Information

I2 S. 88 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

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,

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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).

Commencement Information

I3 S. 89 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

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.

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(6) In this section "central funds" has the same meaning as in enactments providing for the payment of costs.

Commencement Information

I4 S. 90 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

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.

Commencement Information

I5 S. 91 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

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;

(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 then 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;

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"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.

Commencement Information

I6 S. 92 in force at 20.10.2014 by S.I. 2014/2590, **art. 3(c)**

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.

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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)