

ANTI-SOCIAL BEHAVIOUR ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Premises Where Drugs Used Unlawfully

Section 1: Closure Notice

10. *Subsection (1)* sets out the test which must be met before a police superintendent (or officer of higher rank) can authorise the issue of a closure notice. *Subsection (2)* requires that the superintendent must be satisfied that the local authority has been consulted and that reasonable steps have been taken to identify those living on the property or with an interest in it before the authority for the issue of the notice is given.
11. *Subsection (4)* sets out the contents of the closure notice. These must include details of the time and place of the court hearing in relation to a closure order and a statement that access to the property during the period of the notice is prohibited to anyone other than someone who is usually resident in or the owner of the premises. It must also contain information about local sources of housing and legal advice.
12. *Subsections (6) and (7)* set out requirements in relation to service of the notice. The notice must be attached to the building and given to people identified as living in or having an interest in the property or whose access to other premises may be adversely affected by a closure order. *Subsection (8)* makes clear that no drug specific criminal offence has to be proved before a notice can be served or an order made. *Subsection (9)* enables the Secretary of State by regulations to exempt premises or descriptions of premises from the application of this section.