



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 1

PREMISES WHERE DRUGS USED UNLAWFULLY

1 Closure notice

- (1) This section applies to premises if a police officer not below the rank of superintendent (the authorising officer) has reasonable grounds for believing—
 - (a) that at any time during the relevant period the premises have been used in connection with the unlawful use, production or supply of a Class A controlled drug, and
 - (b) that the use of the premises is associated with the occurrence of disorder or serious nuisance to members of the public.
- (2) The authorising officer may authorise the issue of a closure notice in respect of premises to which this section applies if he is satisfied—
 - (a) that the local authority for the area in which the premises are situated has been consulted;
 - (b) that reasonable steps have been taken to establish the identity of any person who lives on the premises or who has control of or responsibility for or an interest in the premises.
- (3) An authorisation under subsection (2) may be given orally or in writing, but if it is given orally the authorising officer must confirm it in writing as soon as it is practicable.
- (4) A closure notice must—
 - (a) give notice that an application will be made under section 2 for the closure of the premises;
 - (b) state that access to the premises by any person other than a person who habitually resides in the premises or the owner of the premises is prohibited;
 - (c) specify the date and time when and the place at which the application will be heard;

Status: This is the original version (as it was originally enacted).

- (d) explain the effects of an order made in pursuance of section 2;
 - (e) state that failure to comply with the notice amounts to an offence;
 - (f) give information about relevant advice providers.
- (5) The closure notice must be served by a constable.
- (6) Service is effected by—
- (a) fixing a copy of the notice to at least one prominent place on the premises,
 - (b) fixing a copy of the notice to each normal means of access to the premises,
 - (c) fixing a copy of the notice to any outbuildings which appear to the constable to be used with or as part of the premises,
 - (d) giving a copy of the notice to at least one person who appears to the constable to have control of or responsibility for the premises, and
 - (e) giving a copy of the notice to the persons identified in pursuance of subsection (2)(b) and to any other person appearing to the constable to be a person of a description mentioned in that subsection.
- (7) The closure notice must also be served on any person who occupies any other part of the building or other structure in which the premises are situated if the constable reasonably believes at the time of serving the notice under subsection (6) that the person's access to the other part of the building or structure will be impeded if a closure order is made under section 2.
- (8) It is immaterial whether any person has been convicted of an offence relating to the use, production or supply of a controlled drug.
- (9) The Secretary of State may by regulations specify premises or descriptions of premises to which this section does not apply.
- (10) The relevant period is the period of three months ending with the day on which the authorising officer considers whether to authorise the issue of a closure notice in respect of the premises.
- (11) Information about relevant advice providers is information about the names of and means of contacting persons and organisations in the area that provide advice about housing and legal matters.