



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 1

PREMISES WHERE DRUGS USED UNLAWFULLY

5 Extension and discharge of closure order

- (1) At any time before the end of the period for which a closure order is made or extended a constable may make a complaint to an appropriate justice of the peace for an extension or further extension of the period for which it has effect.
- (2) But a complaint must not be made unless it is authorised by a police officer not below the rank of superintendent—
 - (a) who has reasonable grounds for believing that it is necessary to extend the period for which the closure order has effect for the purpose of preventing the occurrence of disorder or serious nuisance to members of the public, and
 - (b) who is satisfied that the local authority has been consulted about the intention to make the complaint.
- (3) If a complaint is made to a justice of the peace under subsection (1) the justice may issue a summons directed to—
 - (a) the persons on whom the closure notice relating to the closed premises was served under subsection (6)(d) or (e) or (7) of section 1;
 - (b) any other person who appears to the justice to have an interest in the closed premises but on whom the closure notice was not served,requiring such person to appear before the magistrates' court to answer to the complaint.
- (4) If the court is satisfied that the order is necessary to prevent the occurrence of disorder or serious nuisance for a further period it may extend the period for which the order has effect by a period not exceeding three months.
- (5) But a closure order must not have effect for more than six months.

Status: This is the original version (as it was originally enacted).

- (6) Any of the following persons may make a complaint to an appropriate justice of the peace for an order that a closure order is discharged—
- (a) a constable;
 - (b) the local authority;
 - (c) a person on whom the closure notice relating to the closed premises was served under subsection (6)(d) or (e) or (7) of section 1;
 - (d) a person who has an interest in the closed premises but on whom the closure notice was not served.
- (7) If a complaint is made under subsection (6) by a person other than a constable the justice may issue a summons directed to such constable as he thinks appropriate requiring the constable to appear before the magistrates' court to answer to the complaint.
- (8) The court must not make an order discharging a closure order unless it is satisfied that the closure order is no longer necessary to prevent the occurrence of disorder or serious nuisance to members of the public.
- (9) If a summons is issued in accordance with subsection (3) or (7), a notice stating the date, time and place at which the complaint will be heard must be served on—
- (a) the persons to whom the summons is directed if it is issued under subsection (3);
 - (b) the persons mentioned in subsection (6)(c) and (d) (except the complainant) if the summons is issued under subsection (7);
 - (c) such constable as the justice thinks appropriate (unless he is the complainant);
 - (d) the local authority (unless they are the complainant).
- (10) An appropriate justice of the peace is a justice of the peace acting for the petty sessions area in which the premises in respect of which a closure order is made are situated.