



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### [<sup>F1</sup>PART 2A

#### CLOSURE ORDERS

#### [<sup>F1</sup>Closure notices

#### Textual Amendments

- F1** Pt. 2A inserted (E.W.N.I.) (1.4.2010 for E.W. and otherwise prosp.) by [Policing and Crime Act 2009](#) (c. 26), ss. 21(1), 116(1), [Sch. 2 para. 1](#) (with s. 21(2)); S.I. 2010/507, [art. 5\(t\)](#) (subject to art. 6)

#### **136B Power to authorise issue of closure notice**

- (1) A member of a police force not below the rank of superintendent (“the authorising officer”) may authorise the issue of a closure notice in respect of any premises if three conditions are met.
- (2) The first condition is that the officer has reasonable grounds for believing that either subsection (3) or (4) (or both) applies.
- (3) This subsection applies if, during the relevant period, the premises were used for activities related to one or more specified prostitution offences.  
  
But this subsection does not apply if only one person obtained all of the sexual services in question (whether or not on a single occasion).
- (4) This subsection applies if, during the relevant period, the premises were used for activities related to one or more specified pornography offences.
- (5) In subsections (3) and (4), “the relevant period” means the period of 3 months ending with the day on which the officer is considering whether to authorise the issue of the notice.

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: Sexual Offences Act 2003, Cross Heading: Closure notices is up to date with all changes known to be in force on or before 13 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) The second condition is that the officer has reasonable grounds for believing that the making of a closure order under section 136D is necessary to prevent the premises being used for activities related to one or more specified prostitution or pornography offences.
- (7) The third condition is that the officer is satisfied—
  - (a) that the local authority for the area in which the premises are situated has been consulted, and
  - (b) that reasonable steps have been taken to establish the identity of any person who resides on the premises or who has control of or responsibility for or an interest in the premises.
- (8) For the purposes of the second condition, it does not matter whether the officer believes that the offence or offences in question have been committed or that they will be committed (or will be committed unless a closure order is made).
- (9) An authorisation under subsection (1) 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.
- (10) The issue of a closure notice may be authorised whether or not a person has been convicted of any specified prostitution or pornography offence that the authorising officer believes has been committed.
- (11) The Secretary of State may by regulations specify premises or descriptions of premises to which this section does not apply.

### **136C Contents and service of closure notice**

- (1) A closure notice must—
  - (a) state that no-one other than a person who regularly resides on, or owns, the premises may enter or remain on them,
  - (b) state that failure to comply with the notice amounts to an offence,
  - (c) specify the offence or offences in respect of which the authorising officer considers that the first and second conditions in section 136B are met,
  - (d) state that an application will be made under section 136D for the closure of the premises,
  - (e) specify the date and time when, and the place at which, that application will be heard, and
  - (f) explain the effects of an order under section 136D.
- (2) A closure notice must be served by a constable.
- (3) 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, and
  - (d) giving a copy of the notice to the persons identified in pursuance of section 136B(7)(b) and to any other person appearing to the constable to be a person of a description mentioned in that provision.

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- (4) A constable must also serve a copy of the notice on any person who occupies any other part of a building or other structure in which the premises are situated if, at the time of acting under subsection (3), the constable reasonably believes that the person's access to the other part of the building or structure will be impeded if a closure order is made.
- (5) Subsection (3)(d) or (4) does not require a constable to serve a copy of the notice on a person if it is not reasonably practicable to do so.
- (6) A constable acting under subsection (3) may enter any premises, using reasonable force if necessary, for the purpose of complying with subsection (3)(a) to (c).
- (7) A closure notice has effect until an application for a closure order is determined under section 136D.
- (8) But, if the hearing of an application for a closure order is adjourned, the closure notice ceases to have effect unless the court makes an order under section 136E(2).]

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