



Sexual Offences Act 2003

2003 CHAPTER 42

[^{F1}PART 2A

CLOSURE ORDERS

VALID FROM 01/04/2010

[^{F1}Reimbursement of costs, compensation etc.

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)

136M Reimbursement of costs

- (1) A police authority or a local authority which incurs expenditure for the purpose of clearing, securing, repairing or maintaining closed premises may apply to the court which made the closure order for an order under this section.
- (2) On an application under this section, the court may make such order as it thinks appropriate in the circumstances for the reimbursement (in full or in part) by the owner of the premises of the expenditure mentioned in subsection (1).
- (3) An application under this section must not be entertained unless it is made before the end of the period of three months beginning with the day the closure order ceases to have effect.
- (4) An application under this section must be served on—
 - (a) the police authority for the area in which the premises are situated, if the application is made by the local authority,

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- (b) the local authority, if the application is made by a police authority, and
- (c) the owner of the premises.

(5) In the application of this section to Northern Ireland references to the police authority are to be read as references to the Northern Ireland Policing Board.

136N Exemption from liability for certain damages

- (1) A constable is not liable for relevant damages in respect of anything done or omitted to be done by the constable in the performance or purported performance of the constable's functions under this Part.
- (2) A chief officer of police who has direction or control of a constable is not liable for relevant damages in respect of anything done or omitted to be done by the constable in the performance or purported performance of the constable's functions under this Part.
- (3) An authorised person is not liable for relevant damages in respect of anything done or omitted to be done by the authorised person in the performance or purported performance of the authorised person's functions under this Part.
- (4) No person is vicariously liable for anything done or omitted to be done by an authorised person as mentioned in subsection (3).
- (5) Subsections (1) to (4) do not apply—
 - (a) if the act or omission is shown to have been in bad faith;
 - (b) 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.
- (6) This section does not affect any other exemption from liability for damages (whether at common law or otherwise).
- (7) In this section—
 - (a) “authorised person” has the same meaning as in section 136F;
 - (b) “relevant damages” means damages in proceedings for judicial review or for the tort of negligence or misfeasance in public office.
- (8) In the application of this section to Northern Ireland, the reference in subsection (2) to the chief officer of police is to be read as a reference to the Chief Constable of the Police Service of Northern Ireland.

136O Compensation

- (1) A person who claims to have incurred financial loss in consequence of a closure notice or closure order may apply for compensation.
- (2) The application must be made—
 - (a) to the appropriate appeal court, if the closure order was made or extended by an order of that court on an appeal under section 136K;
 - (b) in any other case, to the magistrates' court which considered the application for a closure order.

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- (3) In a case where a closure notice is issued but a closure order is not made, the application must not be entertained unless it is made before the end of the period of three months beginning with—
 - (a) the day the magistrates' court decides not to make a closure order, or
 - (b) if there is an appeal against that decision, the day the appropriate appeal court dismisses that appeal.
- (4) In a case where a closure order is made, the application must not be entertained unless it is made before the end of the period of three months beginning with the day the closure order ceases to have effect.
- (5) The court which hears the application may order the payment of compensation out of central funds if it is satisfied—
 - (a) that the person was not associated with the use of the premises for the activities in relation to which the first condition in section 136B was met,
 - (b) if the person is the owner or occupier of the premises, that the person took reasonable steps to prevent that use,
 - (c) that the person has incurred financial loss as mentioned in subsection (1), and
 - (d) having regard to all the circumstances it is appropriate to order payment of compensation in respect of that loss.
- (6) In this section—
 - (a) “appropriate appeal court” has the same meaning as in section 136K;
 - (b) “central funds” has the same meaning as in enactments providing for the payment of costs.
- (7) In the application of this section to Northern Ireland—
 - (a) the reference in subsection (5) to “central funds” is to be read as a reference to monies provided by Parliament, and
 - (b) subsection (6)(b) is omitted.]

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