

# **POLICING AND CRIME ACT 2009**

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## **EXPLANATORY NOTES**

### **TERRITORIAL EXTENT AND APPLICATION**

#### **Part 2 – Sexual Offences and Sex Establishments**

##### **Closure orders: sexual offences**

##### *Section 21 and Schedule 2 Closure orders*

##### **Extension and discharge of closure order**

147. New section 136H allows the police to apply for an extension to a closure order.
148. Subsection (1) provides that an application for an extension may be made at any time before the end of the period for which the closure order is made.
149. Subsection (2) provides that such an application must be authorised by a superintendent (or police officer of higher rank) who can only authorise the application if two conditions are met (subsection (3)). These conditions are that the officer has reasonable grounds for believing that the extension of the order is necessary for the purpose of preventing the premises being used for activities related to any of the specified prostitution or pornography offences (subsection (4)), and is satisfied that the local authority has been consulted about the intention to make the application (subsection (5)).
150. Under subsection (6) if a complaint is made a justice of the peace (or, in Northern Ireland, a lay magistrate) may issue a summons requiring any person on whom the initial closure notice was served or any person who may have an interest but was not previously served with the closure order to appear before the magistrates' court.
151. Subsection (7) states the persons on whom a notice (stating the date, time and place of the hearing) must be served if a summons is issued.
152. New section 136I makes further provision regarding the extension of closure orders.
153. Subsection (2) provides that where an application is made by the police for an extension to a closure order, the court can grant an extension of no more than three months (subsection (3)) if it is satisfied that it is necessary to prevent the premises being used for activities related to any of the specified prostitution or pornography offences.
154. Subsection (4) provides that the total period for which a closure order has effect may not exceed six months. Therefore, if an initial closure order of three months is made, that order can be extended for a maximum of three more months.
155. Subsection (5) allows the court to include in the order such provision as it thinks appropriate relating to access to any other part of a building or other structure in which the premises are situated.

*These notes refer to the Policing and Crime Act 2009  
(c.26) which received Royal Assent on 12 November 2009*

156. Under subsection (1) of new section 136J a constable, the local authority, persons on whom the closure notice was served or any other person with an interest in the closed premises may apply by way of complaint for the order to be discharged at any time.
157. Subsection (2) provides for a court to issue a summons to require a constable to appear before the magistrates' court where the application to discharge the order was not made by the police.
158. Subsection (3) provides that a court may not discharge a closure order unless it is satisfied that the order is no longer necessary to prevent the premises being used for activities related to any of the specified prostitution or pornography offences.
159. Subsection (4) specifies who must be served with a notice (stating the date, place and time at which the complaint will be heard) where a summons is issued by the court.