



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 4

CLOSURE OF PREMISES

Closure orders

32 Extension

(1) The sheriff may, on the application of a senior police officer and if satisfied that it is necessary to do so to prevent the occurrence of relevant harm, make an order extending the period for which a closure order has effect for a period not exceeding the maximum period.

[^{F1}(1A) The sheriff may, on the application of a senior police officer and if satisfied that it is necessary to do so to prevent the commission of an exploitation offence, make an order extending the period for which a closure order has effect for a period not exceeding the maximum period.]

(2) In [^{F2}subsections (1) and (1A)], the “maximum period” is the period of 6 months less—
(a) the period specified in the order when it was made; and
(b) if the order has previously been extended, the total period for which it was previously extended.

(3) A senior police officer may [^{F3}, in a case involving antisocial behaviour,] make an application under [^{F4}subsection (1)] only if—
(a) it is made while the closure order has effect; and
(b) the senior police officer—
(i) 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 relevant harm; and
(ii) is satisfied that the appropriate local authority has been consulted about the intention to make the application.

Status: Point in time view as at 13/12/2010.

Changes to legislation: *Antisocial Behaviour etc. (Scotland) Act 2004, Section 32 is up to date with all changes known to be in force on or before 09 May 2023. 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)*

- [^{F5}(3A) A senior police officer may, in a case involving an exploitation offence, make an application under subsection (1A) only if—
- (a) it is made while the closure order has effect, and
 - (b) the senior police officer—
 - (i) 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 commission of an exploitation offence, and
 - (ii) is satisfied that the appropriate local authority has been consulted about the intention to make the application.]

Textual Amendments

- F1** S. 32(1A) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 99(4)(a)**, 206; S.S.I. 2010/413, **art. 2**, Sch (with art. 6)
- F2** Words in s. 32(2) substituted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 99(4)(b)**, 206; S.S.I. 2010/413, **art. 2**, Sch (with art. 6)
- F3** Words in s. 32(3) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 99(4)(c)(i)**, 206; S.S.I. 2010/413, **art. 2**, Sch (with art. 6)
- F4** Words in s. 32(3) substituted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 99(4)(c)(ii)**, 206; S.S.I. 2010/413, **art. 2**, Sch (with art. 6)
- F5** S. 32(3A) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 99(4)(d)**, 206; S.S.I. 2010/413, **art. 2**, Sch (with art. 6)

Status:

Point in time view as at 13/12/2010.

Changes to legislation:

Antisocial Behaviour etc. (Scotland) Act 2004, Section 32 is up to date with all changes known to be in force on or before 09 May 2023. 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.