



2011 CHAPTER 18

PART 2

REGISTRATION OF CLUBS

**Closure of registered clubs**

7. After Part 4 of the Registration of Clubs Order insert the following Part—

“PART 4A

CLOSURE OF PREMISES OF REGISTERED CLUBS

*Closure of premises of registered clubs in an identified district*

**Orders to close premises of registered clubs in district experiencing disorder**

**41A.**—(1) Where there is or is expected to be disorder in any petty sessions district, a court of summary jurisdiction acting for the district may make an order requiring the premises of registered clubs which are situated at or near the place of the disorder or expected disorder, to be closed for a period, not exceeding 24 hours, specified in the order.

(2) A court of summary jurisdiction may make an order under this Article only on the application of a police officer who is of the rank of superintendent or above.

(3) A court of summary jurisdiction may not make such an order unless it is satisfied that it is necessary to prevent disorder.

(4) Where an order is made under this Article, the registered club and every official of the club shall be guilty of an offence if the club or the official knowingly keeps any premises to which the order relates open, or allows any such premises to be kept open, during the period of the order and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A constable may use such force as may be necessary for the purpose of closing premises of a registered club ordered to be closed under this Article.

#### *Closure of identified premises of registered clubs*

#### **Closure orders for identified premises of registered clubs**

**41B.**—(1) A senior police officer may make a closure order in relation to the premises of any registered club if that officer reasonably believes that there is disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety.

(2) A closure order is an order under this Article requiring the premises of a registered club to be closed for a period not exceeding 24 hours beginning with the coming into force of the order.

(3) In determining whether to make a closure order in respect of the premises of a registered club, the senior police officer must have regard, in particular, to the conduct of the registered club and the officials of the club in relation to the disorder or nuisance.

(4) A closure order must—

- (a) specify the premises of the registered club to which it relates;
- (b) specify the period for which the premises are to be closed;
- (c) specify the grounds on which it is made; and
- (d) state the effect of Articles 41C to 41G.

(5) A closure order in respect of the premises of a registered club comes into force at the time a constable gives notice of it to the registered club or any official of the club.

(6) The registered club and every official of the club shall be guilty of an offence if, without reasonable excuse, the club or the official permits the premises of a registered club to be open in contravention of a closure order or any extension of it and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

**Extension of closure order**

**41C.**—(1) Where, before the end of the period for which the premises of a registered club are to be closed under a closure order or any extension of it (the “closure period”), the responsible senior police officer reasonably believes that—

- (a) a relevant court of summary jurisdiction will not have determined whether to exercise its powers under Article 41F(2) in respect of the closure order, and any extension of it, by the end of the closure period, and
- (b) closure is necessary in the interests of public safety because of disorder on, or in the vicinity of and related to, the premises of the registered club,

that officer may extend the closure period for a further period not exceeding 24 hours beginning with the end of the previous closure period.

(2) An extension in relation to the premises of any registered club comes into force when a constable gives notice of it to the registered club or any official of the club.

(3) But the extension does not come into force unless the notice is given before the end of the previous closure period.

**Cancellation of closure order**

**41D.**—(1) The responsible senior police officer may cancel a closure order and any extension of it at any time—

- (a) after the making of the order, but
- (b) before a relevant court of summary jurisdiction has determined whether to exercise its powers under Article 41F(2) in respect of the order and any extension of it.

(2) The responsible senior police officer must cancel a closure order and any extension of it if that officer does not reasonably believe that closure is necessary in the interests of public safety because of disorder on, or in the vicinity of and related to, the premises of the registered club.

(3) Where a closure order and any extension of it are cancelled under this Article, the responsible senior police officer must, as soon as reasonably practicable, give notice of the cancellation to the registered club or any official of the club.

**Application to court of summary jurisdiction by police**

**41E.** The responsible senior police officer must, as soon as reasonably practicable after a closure order comes into force in respect of the premises

of a registered club, apply to a relevant court of summary jurisdiction for it to consider the order and any extension of it.

### **Consideration of closure order by court of summary jurisdiction**

**41F.**—(1) A relevant court of summary jurisdiction must as soon as reasonably practicable after receiving an application under Article 41E—

- (a) hold a hearing to consider whether it is appropriate to exercise any of the court's powers under paragraph (2) in relation to the closure order or any extension of it; and
- (b) determine whether to exercise any of those powers.

(2) The relevant court of summary jurisdiction may—

- (a) revoke the closure order and any extension of it;
- (b) order the premises to remain, or to be closed, for such period not exceeding 28 days as the court may order.

(3) In determining whether the premises of the registered club will be, or will remain, closed, the relevant court of summary jurisdiction must—

- (a) consider whether closure is necessary in the interests of public safety because of disorder or likely disorder on the premises of the registered club, or in the vicinity of and related to, the premises; and
- (b) hear representations, if any, from the secretary of the club.

(4) The relevant court of summary jurisdiction must notify the district commander for the police district in which the premises are situated of any decision it makes under this Article.

(5) The registered club and every official of the club shall be guilty of an offence if, without reasonable excuse, the club or the official permits the premises of a registered club to be open in contravention of an order under paragraph (2)(b) and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

### **Appeal from decision of court of summary jurisdiction**

**41G.**—(1) Any person aggrieved by a decision of a court of summary jurisdiction under Article 41F may, within 21 days from the day the decision is made, appeal against the decision to the county court in accordance with magistrates' court rules.

(2) Where an order is made under Article 41F(2)(b), the order shall not have effect from the time a person brings an appeal under paragraph (1) against the making of the order until the appeal is abandoned or determined.

**Enforcement of closure order**

**41H.** A constable may use such force as may be necessary for the purposes of closing the premises of a registered club in compliance with a closure order.

**Exemption of police from liability for damages**

**41I.—(1)** A constable is not liable for relevant damages in respect of any act or omission of that constable in the performance or purported performance of that constable's functions in relation to a closure order or any extension of it.

(2) The Chief Constable is not liable for relevant damages in respect of any act or omission of a constable under the Chief Constable's direction or control in the performance or purported performance of a function of that constable in relation to a closure order or any extension of it.

(3) But neither paragraph (1) nor (2) applies—

(a) if the act or omission is shown to have been in bad faith; or

(b) so as to prevent an award of damages in respect of an act or omission on the grounds that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998 (incompatibility of act or omission with Convention rights).

(4) This Article does not affect any other exemption from liability for damages (whether at common law or otherwise).

(5) In this Article, "relevant damages" means damages awarded in proceedings for judicial review, the tort of negligence or misfeasance in public office.

*Interpretation***Interpretation of Part 4A**

**41J.—(1)** This Article has effect for the purposes of this Part.

(2) The premises of a registered club are open if a person enters the premises (other than an official of the registered club who enters the premises for official purposes connected with the activities of the club) and that person consumes or is supplied with food or intoxicating liquor.

(3) The following expressions have the meanings given—

"closure order" has the meaning given in Article 41B(2);

"extension", in relation to a closure order, means an extension of the order under Article 41C;

“relevant court of summary jurisdiction”, in relation to the premises of a registered club, means a court of summary jurisdiction acting for the petty sessions district in which the premises are situated;

“responsible senior police officer”, in relation to a closure order, means—

- (a) the senior police officer who made the order, or
- (b) if another senior police officer is designated for the purpose by the district commander for the police district in which the premises are situated, that other officer;

“senior police officer” means a police officer of, or above, the rank of inspector.”.