

SCHEDULE 2

Regulation 3

EMERGENCY CLOSURE ORDER MADE UNDER SECTION 97 OF THE LICENSING (SCOTLAND) ACT 2005

Name of Responsible Person to whom Closure Order has been issued

(PRINT)

(SIGNATURE)

Part 1 (Commencement of Order)

Police Force

Name and rank of senior police officer making the Order

Name and address of Premises to be closed

.....

.....

Grounds for closure

.....

.....

Order commences (Date) at hrs

Order ends (Date) at hrs

Part 2 (Extension of Order) (where applicable)

Police Force

Name and rank of senior police officer making the Order

Name and address of Premises to be closed

.....

.....

Grounds for extension of Order

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.....

Extension commences (Date) at hrs

Extension ends (Date) at hrs

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Part 3 (Termination of Order)

Name and address of Premises

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Name and rank of senior police officer making the Order

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Order ends at hrs

Name of Responsible Person to whom Termination of Order has been issued

(PRINT)

.....

(SIGNATURE)

.....

LICENSING (SCOTLAND) ACT 2005 – CLOSURE ORDERS

Notes for emergency closure order (to be read as part of the attached Order)

A senior police officer has decided to make this closure order under the terms of section 97 of the Licensing (Scotland) Act 2005, requiring the relevant premises specified in the order to be closed for the period of time specified in the order.

The reasons for which emergency closure orders can be made are that a senior police officer has reason to believe that–

- There is, or is likely imminently to be, disorder on, or in the vicinity of, any licensed premises;
- Closure of the premises is necessary in the interests of public safety; and
- The risk to public safety is such that it is necessary to make the order immediately and without making an application to the Licensing Board.

The specific reason(s) for the emergency closure order issued in this case are specified in the order.

Your attention is drawn to section 97(7) of the Act. This makes it an offence for any responsible person to allow the relevant premises to be open in contravention of this closure order or any extension of it, and any responsible person found guilty of such an offence shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

Closure orders issued by the police under section 97 have a maximum duration of 24 hours. However, section 99 of the Act allows the police to extend such closure orders for a further period not exceeding 24 hours. The reasons for which these extensions can be made are that–

- There continues to be, or is likely to continue to be, disorder on, or in the vicinity of, the premises;
- Extending the original closure period is necessary in the interests of public safety; and
- The risk to public safety continues to be such that it is necessary to extend the original closure period immediately and without making an application to the Licensing Board.

Review hearing

The police will notify Licensing Boards of emergency closure orders (and any extensions of such orders). It is expected that the Licensing Board will review the premises licence in respect of the premises after it is notified of such a closure order by the police. Ministers expect that this would happen as a matter of course. The Board is empowered, if necessary to promote the licensing objectives, to modify the conditions of the premises licence, remove the designated premises manager from the licence, suspend the licence for a period not exceeding three months or revoke the licence. Its consideration is not confined solely to the incident which gave rise to the service of the closure order. It may examine any issues which are relevant to the promotion of the licensing objectives.

Appeals

The Act does not allow for any appeals procedure against the imposition of a closure order.

Termination of closure orders

Where the senior police officer is satisfied that it is no longer necessary in the interests of public safety for the closure order to be in place, then that officer must terminate the order. In terminating an order the police must give notice to–

- A responsible person

The Act defines “responsible person” as being–

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- in the case of licensed premises in respect of which a premises licence has effect, the premises licence holder or premises manager;
- in the case of licensed premises in respect of which an occasional licence has effect, the holder of the licence;
- in either of these cases, any person who works on the premises in a capacity (whether paid or unpaid) which authorises the person to close the premises.