

ANTI-SOCIAL BEHAVIOUR ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Premises Where Drugs Used Unlawfully

Section 2: Closure Order

13. Once a closure notice has been issued, the police must apply to the magistrates' court for the making of a closure order.
14. *Subsection (2)* provides that the court must hear the application within 48 hours. The 48 hours runs from posting of the notice on the property. *Subsection (3)* sets out the test of which the court must be satisfied before making a closure order. As well as being satisfied that the premises have been used for the unlawful supply, use or production of Class A drugs, and that the use of the premises is associated with serious nuisance or disorder, the court must be satisfied that the making of the order is necessary to prevent future disorder or serious nuisance. An order may be made in relation to part only of the property affected by the notice (*subsection (8)*).
15. *Subsection (4)* sets out that the effect of the closure order is to close the premises altogether, including to owners and residents, for up to 3 months. *Subsection (5)* provides that the order may make special provision for access to any part of the building in which the premises are included (for example, stairways or shared parts). *Subsection (6)* allows the court to adjourn the hearing for up to 14 days to allow the occupier or someone else with an interest in the property to show why an order should not be made, for example because the problems have ceased or the occupiers have been evicted. The court can order that the closure notice continues to have effect during this period (*subsection 7*).