



# Anti-social Behaviour Act 2003

## 2003 CHAPTER 38

### [<sup>F1</sup>PART 1A

#### PREMISES ASSOCIATED WITH PERSISTENT DISORDER OR NUISANCE

#### [<sup>F1</sup>11E Part 1A closure order: extension and discharge

- (1) At any time before the end of the period for which a Part 1A closure order is made or extended, a complaint may be made by—
  - (a) a constable if the order is a police Part 1A closure order, or
  - (b) the local authority if the order is a local authority Part 1A closure order,to a justice of the peace for an extension or further extension of the period for which the order has effect.
- (2) A complaint may not be made under subsection (1) in relation to a police Part 1A closure order unless the complaint is authorised by a police officer not below the rank of superintendent—
  - (a) who has reasonable grounds for believing that it is necessary to extend the period for which the order has effect for the purpose of preventing the occurrence of significant and persistent disorder or persistent serious nuisance to members of the public, and
  - (b) who is satisfied that the local authority has been consulted about the intention to make the complaint.
- (3) A complaint may not be made under subsection (1) in relation to a local authority Part 1A closure order unless the local authority—
  - (a) has reasonable grounds for believing that it is necessary to extend the period for which the order has effect for the purpose of preventing the occurrence of significant and persistent disorder or persistent serious nuisance to members of the public, and
  - (b) is satisfied that the appropriate chief officer has been consulted about the intention to make the complaint.

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*Status: Point in time view as at 01/12/2008. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 11E. (See end of Document for details)*

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- (4) If a complaint is made to a justice of the peace under subsection (1), the justice may issue a summons directed to—
- (a) any person on whom the Part 1A closure notice relating to the closed premises was served under subsection (7)(d) or (e) or (8) of section 11A, or
  - (b) any other person who appears to the justice to have an interest in the closed premises but on whom the Part 1A closure notice was not served,
- requiring such person to appear before the magistrates' court to answer to the complaint.
- (5) If the court is satisfied that the order is necessary to prevent the occurrence of significant and persistent disorder or persistent serious nuisance to members of the public for a further period, it may make an order extending the period for which the Part 1A closure order has effect by a period not exceeding 3 months.
- (6) But a Part 1A closure order must not have effect for more than 6 months.
- (7) Any of the following persons may make a complaint to a justice of the peace for an order that a Part 1A closure order is discharged—
- (a) a constable if the Part 1A closure order is a police Part 1A closure order;
  - (b) the local authority if the Part 1A closure order is a local authority Part 1A closure order;
  - (c) a person on whom the Part 1A closure notice relating to the closed premises was served under subsection (7)(d) or (e) or (8) of section 11A;
  - (d) a person who has an interest in the closed premises but on whom the Part 1A closure notice was not served.
- (8) If a complaint is made under subsection (7)—
- (a) in relation to a police Part 1A closure order, by a person other than a constable, or
  - (b) in relation to a local authority Part 1A closure order, by a person other than the local authority,
- the justice may issue a summons directed to such constable as the justice thinks appropriate or to the local authority (as the case may be) requiring the constable or authority to appear before the magistrates' court to answer to the complaint.
- (9) The court may not make an order discharging a Part 1A closure order unless it is satisfied that the Part 1A closure order is no longer necessary to prevent the occurrence of significant and persistent disorder or persistent serious nuisance to members of the public.
- (10) If a summons is issued in accordance with subsection (4) or (8), a notice stating the date, time and place at which the complaint will be heard must be served on—
- (a) if the summons is issued under subsection (4), the persons to whom it is directed;
  - (b) if the summons is issued under subsection (8), the persons mentioned in subsection (7)(c) and (d) (other than the complainant);
  - (c) if the complaint relates to a police Part 1A closure order, such constable as the justice thinks appropriate (unless a constable is the complainant);
  - (d) if the complaint relates to a local authority Part 1A closure order, the local authority (unless it is the complainant).]

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### Textual Amendments

**F1** Pt. 1A inserted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 118, 153(7), [Sch. 20](#); [S.I. 2008/2993](#), art. 2(1)(b)(g)

**Status:**

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**Changes to legislation:**

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