



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### [<sup>F1</sup>PART 2A

#### CLOSURE ORDERS

#### [<sup>F1</sup>General

#### Textual Amendments

- F1** Pt. 2A inserted (E.W.N.I.) (1.4.2010 for E.W. and otherwise prosp.) by [Policing and Crime Act 2009](#) (c. 26), ss. 21(1), 116(1), [Sch. 2 para. 1](#) (with s. 21(2)); S.I. 2010/507, [art. 5\(t\)](#) (subject to art. 6)

#### 136P Guidance

- (1) The Secretary of State may issue guidance relating to the discharge of any functions under or for the purposes of this Part by a constable or by an authorised person (within the meaning of section 136F).
- (2) A person discharging a function to which guidance under this section relates must have regard to the guidance in discharging the function.

#### 136Q Issue of closure notices by persons other than police officers

- (1) The Secretary of State may by order amend this Part so as to extend the power to authorise the issue of a closure notice to persons other than members of police forces.
- (2) An order under subsection (1) may make such further amendments of this Part as the Secretary of State thinks appropriate in consequence of the extension of that power to persons other than members of police forces.

#### 136R Interpretation

- (1) This section applies for the purposes of this Part.

*Status: Point in time view as at 12/04/2010.*

**Changes to legislation:** Sexual Offences Act 2003, Cross Heading: General is up to date with all changes known to be in force on or before 11 April 2024. 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)

- (2) “A closure notice” means a notice issued under section 136B.
- (3) “A closure order” means—
- (a) an order made under section 136D;
  - (b) an order extended under section 136I;
  - (c) an order made or extended under section 136K which has the like effect as an order made or extended under section 136D or 136I (as the case may be).
- (4) “Closed premises” means premises in respect of which a closure order has effect.
- (5) “Local authority”, in relation to England, means—
- (a) a district council;
  - (b) a London borough council;
  - (c) a county council for an area for which there is no district council;
  - (d) the Common Council of the City of London in its capacity as a local authority;
  - (e) the Council of the Isles of Scilly.
- (6) “Local authority”, in relation to Wales, means—
- (a) a county council;
  - (b) a county borough council.
- (7) “Local authority”, in relation to Northern Ireland, means a district council.
- (8) In the application of this Part to England and Wales, references to the local authority in relation to—
- (a) any premises,
  - (b) a closure notice relating to any premises, or
  - (c) a closure order relating to any premises,
- are references to the local authority for the area in which the premises are situated.
- [ In the application of this Part to Northern Ireland, references to the Secretary of State<sup>F2</sup>(8A) are to be read as references to the Department of Justice in Northern Ireland.]
- (9) In the application of this Part to Northern Ireland, references to the local authority in relation to—
- (a) any premises,
  - (b) a closure notice relating to any premises, or
  - (c) a closure order relating to any premises,
- are references to the council for the district in which the premises are situated.
- (10) In the application of this Part to Northern Ireland, the reference in section 136B(7)(a) to the area is to be read as a reference to the district.
- (11) “The owner”, in relation to premises, means—
- (a) a person who, whether alone or jointly with another person, is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion (apart from a mortgagee not in possession);
  - (b) a person who, whether alone or jointly with another person, holds or is entitled to the rents and profits of the premises under a lease which (when granted) was for a term of not less than 3 years.
- (12) “Premises” includes—

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- (a) any land or other place (whether enclosed or not);
  - (b) any outbuildings which are, or are used as, part of the premises.
- (13) “Specified prostitution offence” means an offence listed in section 136A(2).
- (14) “Specified pornography offence” means an offence listed in section 136A(3).]

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**Textual Amendments**

- F2** S. 136R(8A) inserted by Policing and Crime Act 2009 (c. 26), ss. 21(1), 116(1), **Sch. 2 para. 1** (with s. 21(2)) (as inserted (12.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 108(2)** (with arts. 28-31))

**Status:**

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**Changes to legislation:**

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