



Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

PART 4

CLOSURE OF PREMISES

Closure notices

26 Authorisation of closure notice

- (1) Subject to subsections (2) and (3), a senior police officer may authorise the service of a notice (a “closure notice”) prohibiting access to premises by any person other than—
 - (a) a person who habitually resides in the premises; or
 - (b) the owner of the premises.
- (2) The Scottish Ministers may by regulations specify premises or descriptions of premises in respect of which an authorisation under subsection (1) may not be given.
- (3) A senior police officer may authorise the service of a closure notice only where the senior police officer—
 - (a) has reasonable grounds for believing that—
 - (i) at any time during the immediately preceding 3 months a person has engaged in antisocial behaviour on the premises; and
 - (ii) the use of the premises is associated with the occurrence of relevant harm; and
 - (b) is satisfied that—
 - (i) the local authority for the area in which the premises are situated has been consulted; and
 - (ii) reasonable steps have been taken to establish the identity of any person who lives on, has control of, has responsibility for or has an interest in the premises.
- (4) An authorisation given under subsection (1) shall, if given orally, be confirmed by the senior police officer in writing as soon as is practicable.