



# Antisocial Behaviour etc. (Scotland) Act 2004

2004 asp 8

## PART 4

### CLOSURE OF PREMISES

#### *Closure orders*

#### **30 Application: determination**

- (1) On an application under section 28, the sheriff may, if satisfied that the conditions mentioned in subsection (2) are met, make a closure order in respect of premises.
- (2) Those conditions are—
  - (a) that a person has engaged in antisocial behaviour on the premises;
  - (b) that the use of the premises is associated with the occurrence of relevant harm; and
  - (c) that the making of the order is necessary to prevent the occurrence of such relevant harm for the period specified in the order.
- (3) The sheriff shall, in determining whether to make a closure order in respect of premises, have regard to—
  - (a) the ability of any person who habitually resides in the premises to find alternative accommodation; and
  - (b) any vulnerability of any person such as is mentioned in paragraph (a) who has not been engaged in antisocial behaviour which has occurred in the premises.
- (4) Subject to subsection (5), the sheriff shall determine an application under section 28 no later than the second court day after the day on which the application is made.
- (5) The sheriff may postpone determination of the application for a period of not more than 14 days to enable a person mentioned in subsection (6) to show why a closure order should not be made.
- (6) Those persons are—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the occupier of the premises specified in the closure notice upon which the application proceeds;
  - (b) any person who has control of or responsibility for those premises;
  - (c) any other person with an interest in those premises.
- (7) Where, under subsection (5), the sheriff postpones determination of an application, the sheriff may order that the closure notice upon which the application proceeds shall continue in effect until the determination of the application.