



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 7

#### CONTROL OF ORDER

##### *Closure of premises*

#### 97 Closure orders

- (1) A Licensing Board may—
  - (a) on the application of a senior police officer relating to any licensed premises situated within the Board's area, and
  - (b) if satisfied that, by reason of the likelihood of disorder on, or in the vicinity of the premises, closure of the premises is necessary in the interests of public safety,make a closure order in relation to the premises.
- (2) A senior police officer may, if the officer reasonably believes that—
  - (a) there is, or is likely imminently to be, disorder on, or in the vicinity of, any licensed premises,
  - (b) closure of the premises is necessary in the interests of public safety, and
  - (c) the risk to public safety is such that it is necessary to do so immediately and without making an application under subsection (1),make a closure order in relation to the premises.
- (3) A closure order is an order requiring the licensed premises to which it relates to be closed for such period, beginning with the coming into force of the order, as may be specified in the order.
- (4) A closure order made by a senior police officer under subsection (2) is referred to as an "emergency closure order".
- (5) The period of closure specified in an emergency closure order must not exceed 24 hours.
- (6) A closure order comes into force in relation to any licensed premises to which it relates when a constable gives notice of it to a responsible person.

- (7) Any responsible person who allows any licensed premises to be open in breach of a closure order commits an offence.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to—
  - (a) a fine not exceeding £20,000,
  - (b) imprisonment for a term not exceeding 3 months, or
  - (c) both.

## **98 Termination of closure orders**

- (1) A senior police officer must terminate a closure order (whether or not an emergency closure order) relating to any licensed premises if the officer is satisfied that it is no longer necessary in the interests of public safety for the premises to be closed.
- (2) Where a senior police officer terminates a closure order relating to any licensed premises, the officer must ensure that notice of the termination is given by a constable to—
  - (a) a responsible person, and
  - (b) in the case of a closure order made by a Licensing Board, the Board.
- (3) A Licensing Board may—
  - (a) on the application of the holder of the premises licence or, as the case may be, occasional licence in respect of any licensed premises to which a closure order made by the Board relates, and
  - (b) if satisfied that it is no longer necessary in the interests of public safety for the premises to be closed,terminate the closure order.

## **99 Extension of emergency closure order**

- (1) Where an emergency closure order is in effect in respect of any licensed premises, a senior police officer may—
  - (a) before the expiry of the period during which the order has effect (referred to in this section as the “original closure period”), and
  - (b) if the officer reasonably believes that the conditions mentioned in subsection (2) are met in relation to the premises,extend the original closure period for a further period not exceeding 24 hours.
- (2) The conditions referred to in subsection (1)(b) are—
  - (a) that there continues to be, or is likely to continue to be, disorder on, or in the vicinity of, the premises,
  - (b) that extending the original closure period is necessary in the interests of public safety, and
  - (c) the risk to public safety continues to be such that it is necessary to extend the original closure period immediately and without making an application under section 97(1).
- (3) An extension under subsection (1) has no effect in relation to any licensed premises unless a constable has, before expiry of the original closure period, given notice of the extension to a responsible person.

## **100 Regulations as to closure orders**

The Scottish Ministers may by regulations make further provision as to the procedure to be followed in connection with the making of closure orders and extensions to closure orders including, in particular, provision—

- (a) as to the form and manner in which—
  - (i) any application under section 97(1)(a) or 98(3)(a) is to be made,
  - (ii) any notice under section 97(6), 98(2) or 99(3) is to be given,
- (b) as to the form of closure orders,
- (c) for the holding of hearings by Licensing Boards before making closure orders or extensions to them.

## **101 Interpretation of sections 97 to 100**

In sections 97 to 100 “responsible person” means—

- (a) in the case of premises in respect of which a premises licence has effect—
  - (i) the premises licence holder, or
  - (ii) the premises manager,
- (b) in the case of premises in respect of which an occasional licence has effect, the person who holds the occasional licence, and
- (c) in either case, any person working at the premises in a capacity (whether paid or unpaid) which authorises the person to close the premises.