



# 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.

**27 Service etc.**

- (1) This section applies where the service of a closure notice in respect of premises is authorised under section 26(1).
- (2) The closure notice shall be served by a constable who shall do so by—
  - (a) fixing a copy of the notice to—
    - (i) at least one prominent place on the premises;
    - (ii) each normal means of access to the premises; and
    - (iii) any outbuildings that appear to the constable to be used with or as part of the premises; and
  - (b) giving a copy of the notice to—
    - (i) each person identified in pursuance of section 26(3)(b)(ii); and
    - (ii) every other person appearing to the constable to be a person of a description mentioned in that subsection.
- (3) If after having made reasonable enquiries at the time of serving the closure notice under subsection (2) the constable believes that the access of any person who occupies—
  - (a) any other part of the building; or
  - (b) any other structure,in which the premises are situated would be impeded by the making of an order under section 30, the constable shall give a copy of the notice to that person.
- (4) Failure to comply with subsection (2)(b) or (3) shall not affect the validity of the closure notice.
- (5) The closure notice shall—
  - (a) specify the premises to which it relates;
  - (b) state that access to the premises by any person other than—
    - (i) a person who habitually resides in the premises; or
    - (ii) the owner of the premises,is prohibited;
  - (c) state that failure to comply with the notice amounts to an offence;
  - (d) state that an application is to be made under section 28 for the closure of the premises;
  - (e) specify such matters about that application as may be prescribed in rules of court;
  - (f) explain the effects of an order made under section 30; and
  - (g) give information about the names of, and means of contacting, persons who and organisations which provide advice about housing and legal matters in the locality of the premises.