



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 1

PROVISIONS FOR COMBATTING CRIME AND DISORDER

CHAPTER 2

PROVISIONS FOR COMBATTING ALCOHOL-RELATED DISORDER

Closure of unlicensed premises

19 Closure notices

- (1) Where a constable is satisfied that any premises are being, or within the last 24 hours have been, used for the unlicensed sale of intoxicating liquor for consumption on, or in the vicinity of, the premises, he may serve under subsection (3) a notice in respect of the premises.
- (2) Where a local authority is satisfied that any premises in the area of the authority are being, or within the last 24 hours have been, used for the unlicensed sale of intoxicating liquor for consumption on, or in the vicinity of, the premises, the authority may serve under subsection (3) a notice in respect of the premises.
- (3) A notice under subsection (1) or (2) ("a closure notice") shall be served by the constable or local authority concerned on a person having control of, or responsibility for, the activities carried on at the premises.
- (4) A closure notice shall also be served by the constable or local authority concerned on any person occupying another part of any building or other structure of which the premises form part if the constable or (as the case may be) the local authority concerned reasonably believes, at the time of serving notice under subsection (3), that the person's access to the other part of the building or other structure would be impeded if an order under section 21 providing for the closure of the premises were made.

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- (5) A closure notice may also be served by a constable or the local authority concerned on—
- (a) any other person having control of, or responsibility for, the activities carried on at the premises;
 - (b) any person who has an interest in the premises.
- (6) A closure notice shall—
- (a) specify the alleged use of the premises and the grounds on which the constable or (as the case may be) the local authority concerned is satisfied as mentioned in subsection (1) or (as the case may be) subsection (2);
 - (b) state the effect of section 20; and
 - (c) specify the steps which may be taken to ensure that the alleged use of the premises ceases or (as the case may be) does not recur.
- (7) A closure notice served by a constable or local authority may be cancelled by a notice of cancellation served by a constable or (as the case may be) the local authority concerned.
- (8) Any such notice of cancellation shall have effect as soon as it is served by a constable or (as the case may be) the authority concerned on at least one person on whom the closure notice was served.
- (9) The constable or (as the case may be) the local authority concerned shall also serve the notice of cancellation on any other person on whom the closure notice was served.
- (10) For the purposes of subsections (3) and (5) a person having control of, or responsibility for, the activities carried on at the premises includes a person who—
- (a) derives or seeks to derive profit from the carrying on of the activities;
 - (b) manages the activities;
 - (c) employs any person to manage the activities; or
 - (d) is involved in the conduct of the activities.

20 Applications for closure orders

- (1) Where a closure notice has been served under section 19(3), a constable or (as the case may be) the local authority concerned may make a complaint to a justice of the peace acting for the petty sessions area in which the premises are situated for an order under section 21 (a “closure order”).
- (2) A complaint under subsection (1) shall be made not less than seven days, and not more than six months, after the service of the closure notice under section 19(3).
- (3) No complaint shall be made under subsection (1) if the constable or (as the case may be) the local authority is satisfied that—
- (a) the use of the premises for the unlicensed sale of intoxicating liquor for consumption on, or in the vicinity of, the premises has ceased; and
 - (b) there is no reasonable likelihood that the premises will be so used in the future.
- (4) Where a complaint has been made to a justice of the peace under subsection (1), the justice may issue a summons to answer to the complaint.
- (5) The summons shall be directed to—
- (a) the person on whom the closure notice was served under section 19(3); and

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- (b) any other person on whom the closure notice was served under section 19(5)(a).
- (6) Where a summons is served in accordance with subsections (4) and (5), a notice stating the date, time and place at which the complaint will be heard shall be served on all persons on whom the closure notice was served under section 19(4) and (5)(b).
- (7) The procedure on a complaint for a closure order shall (except as otherwise provided) be in accordance with the Magistrates' Courts Act 1980 (c. 43).

21 Closure orders

- (1) On hearing a complaint made under section 20(1), the court may make such order as it considers appropriate if it is satisfied that—
 - (a) the closure notice was served under section 19(3); and
 - (b) the premises continue to be used for the unlicensed sale of intoxicating liquor for consumption on, or in the vicinity of, the premises or there is a reasonable likelihood that the premises will be so used in the future.
- (2) An order under this section may, in particular, require—
 - (a) the premises in respect of which the closure notice was served to be closed immediately to the public and to remain closed until a constable or (as the case may be) the local authority concerned makes a certificate under section 22(1);
 - (b) the use of the premises for the unlicensed sale of intoxicating liquor for consumption on, or in the vicinity of, the premises to be discontinued immediately;
 - (c) any defendant to pay into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met.
- (3) An order of the kind mentioned in subsection (2)(a) may, in particular, include such conditions as the court considers appropriate relating to—
 - (a) the admission of persons onto the premises;
 - (b) the access by persons to another part of any building or other structure of which the premises form part.
- (4) The complainant shall, as soon as practicable after the making of an order under this section, give notice of the order by fixing a copy of it in a conspicuous position on the premises in respect of which it was made.
- (5) A sum which has been ordered to be paid into court under this section shall be paid to the justices' chief executive for the court.

22 Termination of closure orders by constable or local authority

- (1) Where a closure order has been made, a constable or (as the case may be) the local authority concerned may make a certificate to the effect that the constable or (as the case may be) the authority is satisfied that the need for the order has ceased.
- (2) Where such a certificate has been made, the closure order shall cease to have effect.
- (3) Where a closure order containing provision of the kind mentioned in section 21(2)(c) ceases to have effect by virtue of the making of a certificate under subsection (1), any sum paid into court by a defendant under the order shall be released by the court.

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- (4) Subject to this, a closure order may include such provision as the court considers appropriate for dealing with any consequences which would arise if the order were to cease to have effect by virtue of the making of a certificate under subsection (1).
- (5) The constable or (as the case may be) the local authority concerned shall, as soon as practicable after the making of a certificate under subsection (1)—
 - (a) serve a copy of it on the person against whom the closure order has been made and the justices' chief executive for the court which made the order; and
 - (b) fix a copy of it in a conspicuous position on the premises in respect of which the order was made.
- (6) The constable or (as the case may be) the local authority concerned shall also serve a copy of the certificate on any person who requests such a copy.

23 Discharge of closure orders by the court

- (1) Where a closure order has been made—
 - (a) any person on whom the closure notice concerned was served under section 19; or
 - (b) any person who has an interest in the premises in respect of which the closure order was made but on whom no closure notice was served,may make a complaint to a justice of the peace acting for the petty sessions area in which the premises are situated for an order that the closure order be discharged.
- (2) The court may not make an order under subsection (1) unless it is satisfied that the need for the closure order has ceased.
- (3) Where a complaint has been made to a justice of the peace under subsection (1), the justice may issue a summons directed to such constable as he considers appropriate or (as the case may be) the local authority concerned requiring that person to appear before the magistrates' court to answer to the complaint.
- (4) Where a summons is served in accordance with subsection (3), a notice stating the date, time and place at which the complaint will be heard shall be served on all persons on whom the closure notice concerned was served under section 19 (other than the complainant).
- (5) The procedure on a complaint for an order under this section shall (except as otherwise provided) be in accordance with the Magistrates' Courts Act 1980 (c. 43).

24 Appeals

- (1) An appeal against a closure order, an order under section 23(1) or a decision not to make an order under section 23(1) may be brought to the Crown Court at any time before the end of the period of 21 days beginning with the day on which the order or (as the case may be) the decision was made.
- (2) An appeal under this section against a closure order may be brought by—
 - (a) any person on whom the closure notice concerned was served under section 19; or
 - (b) any person who has an interest in the premises in respect of which the closure order was made but on whom no closure notice was so served.

- (3) On an appeal under this section the Crown Court may make such order as it considers appropriate.

25 Enforcement of closure orders

- (1) Where a closure order has been made, a constable or an authorised person may (if necessary using reasonable force)—
- (a) at any reasonable time enter the premises concerned; and
 - (b) having so entered the premises, do anything reasonably necessary for the purpose of securing compliance with the order.
- (2) A constable or an authorised person seeking to enter any premises in exercise of his powers under subsection (1) shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of his authority, before entering the premises.
- (3) Any person who intentionally obstructs a constable or an authorised person in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction—
- (a) where the offence was committed in respect of a constable, to imprisonment for a term not exceeding one month or to a fine not exceeding level 5 on the standard scale or to both;
 - (b) where the offence was committed in respect of an authorised person, to a fine not exceeding level 5 on the standard scale.
- (4) A person who, without reasonable excuse, permits premises to be open in contravention of a closure order shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000 or to both.
- (5) A person who, without reasonable excuse, otherwise fails to comply with, or does an act in contravention of, a closure order shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.
- (6) In this section “an authorised person” means a person authorised for the purposes of this section by a local authority in respect of premises situated in the area of the authority.

26 Offences by body corporate

- (1) Where an offence under section 25 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he as well as the body corporate commits the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

27 Service of notices

- (1) Any document required or authorised by virtue of sections 19 to 26 to be served on any person may be served—
 - (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address;
 - (b) if the person is a body corporate other than a limited liability partnership, by serving it in accordance with paragraph (a) on the secretary of the body;
 - (c) if the person is a limited liability partnership, by serving it in accordance with paragraph (a) on a member of the partnership; or
 - (d) if the person is a partnership, by serving it in accordance with paragraph (a) on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
 - (a) in the case of service on a body corporate (other than a limited liability partnership) or its secretary, it shall be the address of the registered or principal office of the body;
 - (b) in the case of service on a limited liability partnership or a member of the partnership, it shall be the address of the registered or principal office of the partnership;
 - (c) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership.
- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to be served under sections 19 to 26 with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined under subsection (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document.
- (5) In relation to that document, that address shall be treated as his proper address for the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) in its application to this section, instead of that determined under subsection (2).
- (6) Where the address of the person on whom a document is to be served under sections 19 to 26 cannot be ascertained after reasonable inquiry, the document shall be taken to be duly served if a copy of it is fixed in a conspicuous position on the premises which are alleged to have been used for the unlicensed sale of intoxicating liquor.
- (7) Where the name of the person on whom a document is to be served under sections 19 to 26 cannot be ascertained after reasonable inquiry, the document shall be taken to be duly served if it is served in accordance with this section using an appropriate description for the person concerned.

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- (8) This section does not apply to any document if rules of court make provision about its service.

28 Sections 19 to 27: interpretation

- (1) In sections 19 to 27 and this section—
- “closure notice” means a notice under section 19(1) or (2);
 - “closure order” means an order under section 21;
 - “intoxicating liquor” has the same meaning as in the Licensing Act 1964 (c. 26);
 - “notice” means notice in writing;
 - “premises” includes any land or other place (whether enclosed or otherwise);
 - “sale” includes exposure for sale; and
 - “unlicensed sale” means any sale which is in contravention of section 160 of the Act of 1964 (selling liquor without licence).
- (2) In sections 19 to 27 “local authority” means—
- (a) in relation to England—
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) the Common Council of the City of London in its capacity as a local authority;
 - (v) the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council.
- (3) References in sections 19 to 27 to a person who has an interest in the premises are references to any person who is the owner, leaseholder or occupier of the premises.