



Sexual Offences Act 2003

2003 CHAPTER 42

[^{F1}PART 2A

CLOSURE ORDERS

[^{F1}Closure notices

Textual Amendments

- F1** Pt. 2A inserted (E.W.N.I.) (1.4.2010 for E.W. and otherwise prosp.) by [Policing and Crime Act 2009](#) (c. 26), ss. 21(1), 116(1), [Sch. 2 para. 1](#) (with s. 21(2)); S.I. 2010/507, [art. 5\(t\)](#) (subject to art. 6)

136B Power to authorise issue of closure [^{F2}notice: prostitution or pornography offences]

- (1) A member of a police force not below the rank of superintendent (“the authorising officer”) may authorise the issue of a closure notice in respect of any premises if three conditions are met.
- (2) The first condition is that the officer has reasonable grounds for believing that either subsection (3) or (4) (or both) applies.
- (3) This subsection applies if, during the relevant period, the premises were used for activities related to one or more specified prostitution offences.

But this subsection does not apply if only one person obtained all of the sexual services in question (whether or not on a single occasion).
- (4) This subsection applies if, during the relevant period, the premises were used for activities related to one or more specified pornography offences.
- (5) In subsections (3) and (4), “the relevant period” means the period of 3 months ending with the day on which the officer is considering whether to authorise the issue of the notice.

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- (6) The second condition is that the officer has reasonable grounds for believing that the making of a closure order under section 136D is necessary to prevent the premises being used for activities related to one or more specified prostitution or pornography offences.
- (7) The third condition is that the officer is satisfied—
 - (a) that the local authority for the area in which the premises are situated has been consulted, and
 - (b) that reasonable steps have been taken to establish the identity of any person who resides on the premises or who has control of or responsibility for or an interest in the premises.
- (8) For the purposes of the second condition, it does not matter whether the officer believes that the offence or offences in question have been committed or that they will be committed (or will be committed unless a closure order is made).
- (9) An authorisation under subsection (1) may be given orally or in writing, but if it is given orally the authorising officer must confirm it in writing as soon as it is practicable.
- (10) The issue of a closure notice may be authorised whether or not a person has been convicted of any specified prostitution or pornography offence that the authorising officer believes has been committed.
- (11) The Secretary of State may by regulations specify premises or descriptions of premises to which this section does not apply.

Textual Amendments

- F2** Words in s. 136B heading substituted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 6 para. 3](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)

^{F3} **Power to authorise issue of closure notice: child sex offences in England and Wales**

- (1) A member of a police force not below the rank of superintendent (“the authorising officer”) may authorise the issue of a closure notice in respect of any premises in England and Wales if three conditions are met.
- (2) The first condition is that the officer has reasonable grounds for believing that—
 - (a) during the relevant period, the premises were used for activities related to one or more specified child sex offences, or
 - (b) the premises are likely to be used (unless a closure order is made) for activities related to one or more specified child sex offences.
- (3) In subsection (2)(a), “the relevant period” means the period of 3 months ending with the day on which the officer is considering whether to authorise the issue of the notice.
- (4) The second condition is that the officer has reasonable grounds for believing that the making of a closure order under section 136D is necessary to prevent the premises being used for activities related to one or more specified child sex offences.

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- (5) For the purposes of the second condition, it does not matter whether the officer believes that the offence or offences in question have been committed or that they will be committed (or will be committed unless a closure order is made).
- (6) The third condition is that the officer is satisfied that reasonable efforts have been made—
 - (a) to consult the local authority for the area in which the premises are situated, and
 - (b) to establish the identity of any person who resides on the premises or who has control of or responsibility for or an interest in the premises.
- (7) If the local authority has not been consulted when the notice is issued, it must be consulted as soon as possible afterwards.
- (8) An authorisation under subsection (1) may be given orally or in writing, but if it is given orally the authorising officer must confirm it in writing as soon as it is practicable.
- (9) The issue of a closure notice may be authorised whether or not a person has been convicted of any specified child sex offence that the authorising officer believes has been committed.
- (10) The Secretary of State may by regulations specify premises or descriptions of premises to which this section does not apply.]

Textual Amendments

- F3** S. 136BA inserted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 6 para. 4 (with ss. 21, 33, 42, 58, 75, 93, 115(2)); S.I. 2015/373, art. 2(f)

136C Contents and service of closure notice

- (1) A closure notice must—
 - (a) state that no-one other than a person who regularly resides on, or owns, the premises may enter or remain on them,
 - (b) state that failure to comply with the notice amounts to an offence,
 - (c) specify the offence or offences in respect of which the authorising officer considers that the first and second conditions in section 136B [^{F4}or 136BA] are met,
 - (d) state that an application will be made under section 136D for the closure of the premises,
 - (e) specify the date and time when, and the place at which, that application will be heard, and
 - (f) explain the effects of an order under section 136D.
- (2) A closure notice must be served by a constable.
- (3) Service is effected by—
 - (a) fixing a copy of the notice to at least one prominent place on the premises,
 - (b) fixing a copy of the notice to each normal means of access to the premises,
 - (c) fixing a copy of the notice to any outbuildings which appear to the constable to be used with or as part of the premises, and

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- (d) giving a copy of the notice to the persons identified in pursuance of section 136B(7)(b) [^{F5}or 136BA(6)(b)] and to any other person appearing to the constable to be a person of a description mentioned in that provision.
- (4) A constable must also serve a copy of the notice on any person who occupies any other part of a building or other structure in which the premises are situated if, at the time of acting under subsection (3), the constable reasonably believes that the person's access to the other part of the building or structure will be impeded if a closure order is made.
- (5) Subsection (3)(d) or (4) does not require a constable to serve a copy of the notice on a person if it is not reasonably practicable to do so.
- (6) A constable acting under subsection (3) may enter any premises, using reasonable force if necessary, for the purpose of complying with subsection (3)(a) to (c).
- (7) A closure notice has effect until an application for a closure order is determined under section 136D.
- (8) But, if the hearing of an application for a closure order is adjourned, the closure notice ceases to have effect unless the court makes an order under section 136E(2).]

Textual Amendments

- F4** Words in s. 136C(1)(c) inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 6 para. 5\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)
- F5** Words in s. 136C(3)(d) inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 6 para. 5\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by [2015 c. 9 \(N.I.\) Sch. 1 para. 123\(1\)Sch. 9 Pt. 1](#) (This amendment not applied to legislation.gov.uk. S. 60B already repealed (N.I.) (14.1.2015) by [2015 c. 2 \(N.I.\)](#), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of [2015 c. 30](#), Sch. 5 para. 5(2); S.I. 2015/1476, reg. 2(j))
- s. 103C(4B) inserted by [2022 c. 32 s. 178\(7\)\(b\)](#)
- s. 103E(5C)(5D) inserted by [2022 c. 32 s. 178\(8\)](#)
- s. 103F(3B) inserted by [2022 c. 32 s. 178\(9\)\(a\)](#)
- s. 103FA103FB inserted by [2022 c. 32 s. 178\(10\)](#)
- s. 108(9) inserted by [2011 c. 18 s. 17\(2\)](#)
- s. 122A(8A) inserted by [2022 c. 32 s. 178\(11\)\(a\)](#)
- s. 122A(9B) inserted by [2022 c. 32 s. 178\(11\)\(b\)](#)
- s. 122D(4C)(4D) inserted by [2022 c. 32 s. 178\(12\)](#)
- s. 122E(3B) inserted by [2022 c. 32 s. 178\(13\)\(a\)](#)
- s. 122EA122EB inserted by [2022 c. 32 s. 178\(14\)](#)
- s. 136ZA(3) inserted by [2022 c. 32 s. 178\(15\)](#)