



Sexual Offences Act 2003

2003 CHAPTER 42

[^{F1}PART 2A

CLOSURE ORDERS

[^{F1}Extension and discharge of closure orders

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)

136H Applications for extension of closure order

- (1) At any time before the end of the period for which a closure order is made or extended a constable may make a complaint to the appropriate judicial officer for an extension or further extension of the period for which it has effect.
- (2) A complaint may not be made under subsection (1) unless it is authorised by a member of a police force not below the rank of superintendent.
- (3) Authorisation may be given under subsection (2) if two conditions are met.
- (4) The first condition is that the officer has reasonable grounds for believing that it is necessary to extend the period for which the order has effect to prevent the premises being used for activities related to any of the specified [^{F2}prostitution, pornography or child sex offences] in respect of which section 136D(9) applied.
- (5) The second condition is that the officer is satisfied that the local authority has been consulted about the intention to make a complaint.
- (6) If a complaint is made under subsection (1) the appropriate judicial officer may issue a summons directed to—

Changes to legislation: Sexual Offences Act 2003, Cross Heading: Extension and discharge of closure orders is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) any person on whom the closure notice relating to the closed premises was served under section 136C(3)(d) or (4), or
 - (b) any other person who appears to the judicial officer to have an interest in the closed premises but on whom the closure notice was not served,
- requiring such person to appear before the magistrates' court to answer to the complaint.
- (7) If a summons is issued in accordance with subsection (6), a notice stating the date and time when, and the place at which, the complaint will be heard must be served on—
- (a) the persons to whom the summons is directed,
 - (b) such constable as the judicial officer thinks appropriate (unless the complainant is a constable), and
 - (c) the local authority.
- (8) In this section “the appropriate judicial officer” means—
- (a) in the application of this section to England and Wales, a justice of the peace;
 - (b) in the application of this section to Northern Ireland, a lay magistrate.

Textual Amendments

- F2** Words in s. 136H(4) substituted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 6 para. 7](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)

136I Orders extending closure orders

- (1) This section applies where a complaint is made under section 136H.
- (2) The court may make an order extending the period for which the closure order has effect by a period specified in the order if the court is satisfied that the extension is necessary to prevent the premises being used for activities related to any of the specified [^{F3}prostitution, pornography or child sex offences] in respect of which section 136D(9) applied.
- (3) The period specified in the order may not exceed 3 months.
- (4) The total period for which a closure order has effect may not exceed 6 months.
- (5) An order under this section may include such provision as the court thinks appropriate relating to access to any other part of a building or other structure in which the premises are situated.

Textual Amendments

- F3** Words in s. 136I(2) substituted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 6 para. 8](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)

136J Discharge of closure order

- (1) Any of the following persons may make a complaint to an appropriate judicial officer for an order that a closure order be discharged—
 - (a) a constable;

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- (b) the local authority;
 - (c) a person on whom the closure notice relating to the closed premises was served under section 136C(3)(d) or (4);
 - (d) any other person who has an interest in the closed premises but on whom the closure notice was not served.
- (2) If a complaint is made under subsection (1) by a person other than a constable the judicial officer may issue a summons directed to such constable as the judicial officer thinks appropriate requiring the constable to appear before the magistrates' court to answer to the complaint.
- (3) The court may not make an order discharging a closure order unless it is satisfied that the order is no longer necessary to prevent the premises being used for activities related to any of the specified [^{F4}prostitution, pornography or child sex offences] in respect of which section 136D(9) applied.
- (4) If a complaint is made under subsection (1), a notice stating the date and time when, and the place at which, the complaint will be heard must be served on—
- (a) the persons mentioned in subsection (1)(c) and (d) (other than the complainant),
 - (b) a constable (unless a constable is the complainant), and
 - (c) the local authority (unless it is the complainant).
- (5) In this section “appropriate judicial authority” has the same meaning as in section 136H.]

Textual Amendments

- F4** Words in s. 136J(3) substituted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 6 para. 9](#) (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\(15\)](#)