



# City of Westminster Act 1996

## 1996 CHAPTER viii

An Act to make further provision for the control of unlicensed sex establishments in the City of Westminster. [24th July 1996]

WHEREAS—

- (1) The City of Westminster (hereinafter called “the city”) is a London borough under the management and local government of the lord mayor and citizens of the city:
- (2) The city has local, regional, national and international importance for shopping and tourism:
- (3) The council of the city have certain powers under the Local Government (Miscellaneous Provisions) Act 1982 to control sex establishments but those powers are inadequate to control unlicensed sex establishments in the city:
- (4) The purposes of this Act cannot be effected without the authority of Parliament:
- (5) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Short title

This Act may be cited as the City of Westminster Act 1996.

### 2 Interpretation

In this Act—

“authorised officer” means an officer of the council authorised by the council in writing to act in relation to the relevant provision of this Act;

“the city” means the City of Westminster;

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- “the council” means the Westminster City Council;
- “closure notice” means a notice served under subsection (2) of section 3 (Closure notice) of this Act;
- “closure order” means an order made under section 4 (Closure order) of this Act;
- “person having an interest in the premises” means the owner, leaseholder, licensee or occupier of the premises;
- “premises” includes any premises, part of premises, vehicle, vessel or stall;
- “Schedule 3” means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982;
- “sex establishment” has the same meaning as in Schedule 3.

### **3 Closure notice**

- (1) Where the council are satisfied that premises in the city are being used as a sex establishment without a licence in breach of Schedule 3 they may serve a closure notice in respect of those premises.
- (2) Where a closure notice is served—
  - (a) it shall be served on—
    - (i) at least one person having control of or an interest in the business carried on in the premises; and
    - (ii) the occupier of any other part of the building in which the premises are situated and to which, in the opinion of the council, access would be impeded if an order under section 4 (5) (a) below were made in respect of the premises; and
  - (b) it may be served on any other person having an interest in the premises.
- (3) A closure notice shall—
  - (a) specify the matter alleged to constitute a breach of Schedule 3;
  - (b) specify any steps which may be taken in order to remedy the breach described in paragraph (a) above including—
    - (i) the immediate closure of the premises to the public for the time being; or
    - (ii) the immediate discontinuance of the use of the premises as a sex establishment; and
  - (c) state the effect of section 4 (1) below.
- (4) The council may at any time withdraw a closure notice by serving further notice to that effect on all persons on whom the closure notice was served.
- (5) For the purposes of subsection (2) above a person having an interest in the business carried on in the premises includes a person who—
  - (a) owns the business; or
  - (b) manages the business; or
  - (c) employs any person to manage the business; or
  - (d) is involved in the conduct of the business.

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#### 4 Closure order

- (1) Subject to subsection (2) below, the council may, not less than 14 days and no later than 6 months after the service of a closure notice, make a complaint to a justice of the peace acting for the petty sessions area in which the premises are situated for a closure order in respect of that closure notice.
- (2) The council may not make a complaint under subsection (1) above if—
  - (a) (i) the premises have been closed to the public; or  
(ii) they are satisfied that the use of the premises as a sex establishment has been discontinued; and
  - (b) they are satisfied that there is no reasonable likelihood that there will be a further breach of Schedule 3 in respect of those premises.
- (3) Where a complaint has been made under subsection (1) above the justice of the peace may issue a summons directed to all persons upon whom the closure notice was served under section 3 (2) (a) (i) above to answer to the complaint.
- (4) Where a summons issued under subsection (3) above is served a notice stating the date, time and place at which the complaint will be heard shall be served on all persons upon whom the closure notice was served under section 3 (2) (a) (ii) and (b) above.
- (5) If, on hearing the complaint, the court is satisfied that—
  - (a) the closure notice was properly served;
  - (b) at the time the closure notice was served the premises were being used as a sex establishment in breach of Schedule 3; and
  - (c) (i) the breach of Schedule 3 has not been remedied; or  
(ii) the breach of Schedule 3 has been remedied but considers that there is a reasonable likelihood that there will be a further breach of Schedule 3;it may make an order under this section.
- (6) The court may make such order under this section as it thinks fit and in particular may order that—
  - (a) the premises in respect of which the closure notice was served shall be closed immediately and remain closed until the council issues a certificate under subsection (11) below;
  - (b) the use of those premises as a sex establishment be discontinued immediately;
  - (c) the defendant pay into court such sum as the court determines and that the sum will not be released by the court to the defendant until the other requirements of the closure order are met:Provided that no order may be made under paragraph (c) above unless the defendant has been convicted of an offence under Schedule 3 or this Act.
- (7) A sum which has been ordered to be paid under subsection (6) (c) above shall be paid to the clerk of the court.
- (8) Such conditions as the court thinks fit relating to the admission of specified individuals onto the premises may be applied by the court to an order made under subsection (6) (a) above.
- (9) An order under subsection (6) (a) above shall not be made if closure of the premises would result in any person other than the occupier of the premises being impeded in