**Act (2021:34) on refusal of access to shops, bathing establishments and libraries**

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**Conditions for refusal of access**

**Section 1**   Under this act, a person may be refused from accessing and remaining in a shop, bathing establishment or library where activities aimed at the public are carried out (refusal of access).

Refusal of access may not apply to a person under the age of fifteen.

The act does not affect the right of the owner of the site to restrict access to it. *Act (2022:406)*.

**Section 2**   A person may be refused entry if, due to special circumstances, there is a risk that he or she will commit a crime in the shop, bathing facility or library or seriously harass someone who is there. In assessing whether there is such a risk, particular account shall be taken of whether the person has previously committed offences at or in the vicinity of the place. Offences committed before the age of fifteen may not be taken into account.

A person may also be refused access to a library, other than in the case referred to in the first paragraph, if, due to special circumstances, there is a risk that he or she will substantially disrupt activities or cause significant damage to property of the library.

If the purpose of an access ban can be achieved by a less intrusive measure, the ban may not be imposed.

Access may be denied only if the reasons for the measure outweigh the intrusion or other harm caused to the individual. *Act (2022:406)*.

**Section 2 a**   A refusal of access order does not include access to and presence in a place solely for the purpose of voting in elections to the Riksdag, regional councils, municipal councils, the European Parliament or the Sami Parliament or in a referendum.
*Act (2022:406)*.

**Duration of the refusal of access order**

**Section 3**   A refusal of access order shall be valid for a fixed period, not exceeding one year.

Unless otherwise decided, the refusal of access order applies immediately.

A refusal of access order may be extended for a maximum of one year at a time, if the conditions set out in 2 § are met.

**Service and processing time**

**Section 4**   A refusal of access order must be served to the person to whom it relates. Service may not be effected in accordance with Sections 34-38 and Sections 47-51 of the Service of Process Act (2010:1932).

**Section 5**   Issues relating to refusal of access must be dealt with promptly.

**Proceedings before the prosecutor**

**Section 6**   The public prosecutor examines questions of access refusal.

A question of access refusal is raised upon written application by a representative of the shop, bathing facility or library.

A question of access refusal is also raised upon notification by the Swedish Police Authority. However, such notification may only be made with the consent of a representative of the shop, bathing establishment or library. The Police Authority is not a party to the case that gave rise to the notification. *Act (2022:406)*.

**Section 7**   Questions of access refusal are examined by the public prosecutor of the place where the refusal order is to be applied or where the person against whom the prohibition is to apply is domiciled or more permanently resides. If that person is suspected of an offence relevant to the issue of a refusal of access, the matter may also be examined by a prosecutor who is competent to prosecute the offence.

In the case of prosecutors, Chapter 7 of the Code of Judicial Procedure applies.

**Section 8**   The prosecutor may call on the assistance of the Police Authority for the investigation of issues relating to refusal of access.

The following provisions of Chapter 23 of the Code of Judicial Procedure apply to the investigation:
   -Section 4 on objectivity,
   - Section 6 on the right to interrogate,
   - Section 7 on being fetched for interrogation,
   - Section 9 on the obligation to remain for interrogation,
   - Section 10 on who may be present at interrogation,
   - Section 11 on the possibility of asking questions during interrogation, and
   - Section 12 on the prohibition of improper actions during interrogation.

For the application of Chapter 23. Sections 4 and 11 of the Code of Judicial Procedure, the provisions relating to the suspect shall refer instead to the person against whom the prohibition is intended to apply.

**Section 9**   Before deciding on a question of refusal of access, the party must be informed of information that has been brought to the attention of the case by someone other than the party and be given an opportunity to give his or her opinion on it. However, the matter may be decided without such action being taken if it is patently unnecessary or if the decision cannot be postponed.

The prosecutor decides how the notification is to be made.

The duty of notification applies with the limitations set out in Chapter 10. Section 3 of the Public Access to Information and Secrecy Act (2009:400).

**Section 10**   The decision of the prosecutor in respect of a prohibition of access shall be in writing and shall state
   1. the parties and the Police Authority if it has made an application under Section 6, paragraph 3,
   2. whether a refusal of access order is to apply and, if so, the meaning and scope of the order and when it will expire,
   3. the reasons that determined the outcome,
   4. the provisions invoked,
   5. the possible consequences of breaching the prohibition order; and
   6. the possibility of requesting a review under Section 12 and judicial proceedings under Section 13.

**Section 11**   The following provisions of the Administrative Procedure Act (2017:900) apply to the handling of cases concerning access refusal orders by the prosecutor:
   -Section 5 on legality, objectivity and proportionality,
   - Section 6 on service,
   - Section 7 on accessibility,
   - Section 8 on cooperation,
   - Section 9 on the starting points for the procedure,
   - Section 11 on measures in the event of delays in the procedure,
   - Section 13 on interpretation and translation,
   - Sections 14 and 15 on representatives and assistants,
   - Section 23 on the responsibility to investigate,
   - Section 24 on when information may be provided orally,
   - Section 27 on documentation of data,
   - Section 31 on the documentation of decisions,
   - Section 32(1), (2) and (3) on the statement of reasons for decisions, and
   - Section 36 on the correction of clerical errors and the like.

**Section 12**   If there are grounds to do so due to a change in circumstances, the prosecutor may revoke or amend an order on refusal of access taken by the prosecutor or the court. However, the prosecutor may extend an order only if requested by a representative of the shop, bathing establishment or library.

The prosecutor may not revoke or modify an access refusal order if the order is subject to judicial proceedings.
*Act (2022:406)*.

**Judicial proceedings**

**Section 13**   The district court shall review the prosecutor's decision on a prohibition of access at the request of a party if the decision has gone against the party. Such a request must be made in writing to the public prosecutor, who shall forward the case to the district court.

**Section 14**   The competent court is the district court where the prosecutor who has examined the question of an order of refusal of access is to conduct the proceedings in criminal cases in general.

**Section 15**   If the public prosecutor has ordered an order on refusal of access, he or she is obliged, at the request of a representative of the shop, bathing establishment or library, to bring the case before the court, unless there are special reasons for not doing so.

The court shall request the opinion of the prosecutor, unless this is unnecessary. *Act (2022:406)*.

**Section 16**   The court may decide that an order of refusal of access shall not apply for the time being. If refusal of access has not been ordered before, the court may order such a prohibition until the case has been finally decided.

**Section 17**   The court shall hold a meeting if a party so requests.

**Section 18**   When deciding on a case, the district court consists of a law-earned judge and three lay judges. In other proceedings, the district court consists of a law-earned judge.

Voting shall be governed by the provisions of Chapter 29 of the Code of Judicial Procedure.

**Section 19**   Each party shall bear its own costs, except in the case referred to in Chapter 18. Section 6 of the Code of Judicial Procedure.

**Section 20**   The Court Matters Act (1996:242) shall also apply to the proceedings of cases concerning access prohibition by the court. In the case of a request for review under Section 13, the provisions of that Act apply to the application.

**Section 21**   When the court is reviewing a decision on an order of refusal of access and the person against whom the order is intended for is suspected of an offence relevant to the review of the question of the prohibition, the decision may be reviewed in cases of public prosecution relating to the offence. In such a case, the rules of criminal trial procedure apply.

**Criminal liability**

**Section 22**   Anyone who violates an order on refusal of access can be fined or imprisoned for up to six months.

In minor cases, liability should not be imposed.

**Processing of personal data**

**Section 23**   Personal data referred to in Article 10 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) may be processed in the activities of the shop or bathing establishment or library specified in the decision on refusal of access if necessary to prevent or detect a breach of the access refusal order.
*Act (2022:406)*.

**Section 24**   The processing of personal data pursuant to Section 23 may not take place after the period of validity of the access refusal order has expired or if the access refusal order has previously been lifted.