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# Housing Act 1996

## 1996 CHAPTER 52

### PART V

#### CONDUCT OF TENANTS

#### CHAPTER III

##### INJUNCTIONS AGAINST ANTI-SOCIAL BEHAVIOUR

**<sup>F1</sup>152 Power to grant injunctions against anti-social behaviour.**

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**Textual Amendments**

**F1** S. 152 repealed (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 13(2), 93, [Sch. 3](#); S.I. 2004/1502, art. 2(a)(c)(ii)(ii) (with [Sch. para. 1](#)); S.I. 2004/2557, art. 2(a)(i) (with [Sch. para. 1](#))

**<sup>F2</sup>153 Power of arrest for breach of other injunctions against anti-social behaviour.**

.....

**Textual Amendments**

**F2** S. 153 repealed (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 13(2), 93, [Sch. 3](#); S.I. 2004/1502, art. 2(a)(c)(ii)(ii) (with [Sch. para. 1](#)); S.I. 2004/2557, art. 2(a)(i) (with [Sch. para. 1](#))

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### **[<sup>F3</sup>153A Anti-social behaviour injunction**

- (1) This section applies to conduct—
  - (a) which is capable of causing nuisance or annoyance to any person, and
  - (b) which directly or indirectly relates to or affects the housing management functions of a relevant landlord.
- (2) The court on the application of a relevant landlord may grant an injunction (an anti-social behaviour injunction) if each of the following two conditions is satisfied.
- (3) The first condition is that the person against whom the injunction is sought is engaging, has engaged or threatens to engage in conduct to which this section applies.
- (4) The second condition is that the conduct is capable of causing nuisance or annoyance to any of the following—
  - (a) a person with a right (of whatever description) to reside in or occupy housing accommodation owned or managed by the relevant landlord;
  - (b) a person with a right (of whatever description) to reside in or occupy other housing accommodation in the neighbourhood of housing accommodation mentioned in paragraph (a);
  - (c) a person engaged in lawful activity in or in the neighbourhood of housing accommodation mentioned in paragraph (a);
  - (d) a person employed (whether or not by the relevant landlord) in connection with the exercise of the relevant landlord’s housing management functions.
- (5) It is immaterial where conduct to which this section applies occurs.
- (6) An anti-social behaviour injunction prohibits the person in respect of whom it is granted from engaging in conduct to which this section applies.

#### **Textual Amendments**

**F3** Ss. 153A-153E inserted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003](#) (c. 38), **ss. 13(3)**, 93; S.I. 2004/1502, art. 2(a)(ii); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

### **153B Injunction against unlawful use of premises**

- (1) This section applies to conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.
- (2) The court on the application of the relevant landlord may grant an injunction prohibiting the person in respect of whom the injunction is granted from engaging in conduct to which this section applies.

#### **Textual Amendments**

**F3** Ss. 153A-153E inserted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003](#) (c. 38), **ss. 13(3)**, 93; S.I. 2004/1502, art. 2(a)(ii); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

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### 153C Injunctions: exclusion order and power of arrest

- (1) This section applies if the court grants an injunction under subsection (2) of section 153A or 153B and it thinks that either of the following paragraphs applies—
  - (a) the conduct consists of or includes the use or threatened use of violence;
  - (b) there is a significant risk of harm to a person mentioned in section 153A(4).
- (2) The court may include in the injunction a provision prohibiting the person in respect of whom it is granted from entering or being in—
  - (a) any premises specified in the injunction;
  - (b) any area specified in the injunction.
- (3) The court may attach a power of arrest to any provision of the injunction.

#### Textual Amendments

**F3** Ss. 153A-153E inserted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003](#) (c. 38), **ss. 13(3)**, 93; S.I. 2004/1502, art. 2(a)(ii); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

### 153D Injunction against breach of tenancy agreement

- (1) This section applies if a relevant landlord applies for an injunction against a tenant in respect of the breach or anticipated breach of a tenancy agreement on the grounds that the tenant—
  - (a) is engaging or threatening to engage in conduct that is capable of causing nuisance or annoyance to any person, or
  - (b) is allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct.
- (2) The court may proceed under subsection (3) or (4) if it is satisfied—
  - (a) that the conduct includes the use or threatened use of violence, or
  - (b) that there is a significant risk of harm to any person.
- (3) The court may include in the injunction a provision prohibiting the person in respect of whom it is granted from entering or being in—
  - (a) any premises specified in the injunction;
  - (b) any area specified in the injunction.
- (4) The court may attach a power of arrest to any provision of the injunction.
- (5) Tenancy agreement includes any agreement for the occupation of residential accommodation owned or managed by a relevant landlord.

#### Textual Amendments

**F3** Ss. 153A-153E inserted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003](#) (c. 38), **ss. 13(3)**, 93; S.I. 2004/1502, art. 2(a)(ii); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

### 153E Injunctions: supplementary

- (1) This section applies for the purposes of sections 153A to 153D.

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- (2) An injunction may—
  - (a) be made for a specified period or until varied or discharged;
  - (b) have the effect of excluding a person from his normal place of residence.
- (3) An injunction may be varied or discharged by the court on an application by—
  - (a) the person in respect of whom it is made;
  - (b) the relevant landlord.
- (4) If the court thinks it just and convenient it may grant or vary an injunction without the respondent having been given such notice as is otherwise required by rules of court.
- (5) If the court acts under subsection (4) it must give the person against whom the injunction is made an opportunity to make representations in relation to the injunction as soon as it is practicable for him to do so.
- (6) The court is the High Court or a county court.
- (7) Each of the following is a relevant landlord—
  - (a) a housing action trust;
  - (b) a local authority (within the meaning of the Housing Act 1985);
  - (c) a registered social landlord.
- (8) A charitable housing trust which is not a registered social landlord is also a relevant landlord for the purposes of section 153D.
- (9) Housing accommodation includes—
  - (a) flats, lodging-houses and hostels;
  - (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
  - (c) in relation to a neighbourhood, the whole of the housing accommodation owned or managed by a relevant landlord in the neighbourhood and any common areas used in connection with the accommodation.
- (10) A landlord owns housing accommodation if either of the following paragraphs applies to him—
  - (a) he is a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion;
  - (b) he is a person who holds or is entitled to the rents and profits of the premises under a lease which (when granted) was for a term of not less than three years.
- (11) The housing management functions of a relevant landlord include—
  - (a) functions conferred by or under any enactment;
  - (b) the powers and duties of the landlord as the holder of an estate or interest in housing accommodation.
- (12) Harm includes serious ill-treatment or abuse (whether physical or not).]

#### **Textual Amendments**

**F3** Ss. 153A-153E inserted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 13(3)**, 93; S.I. 2004/1502, art. 2(a)(ii); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

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## 154 Powers of arrest: ex-parte applications for injunctions.

- (1) In determining whether to exercise its power under [<sup>F4</sup>section 153C(3) or 153D(4)] to attach a power of arrest to an injunction which it intends to grant on an ex-parte application, the High Court or a county court shall have regard to all the circumstances including—
  - (a) whether it is likely that the applicant will be deterred or prevented from seeking the exercise of the power if the power is not exercised immediately, and
  - (b) whether there is reason to believe that the respondent is aware of the proceedings for the injunction but is deliberately evading service and that the applicant or any person of a description mentioned in [<sup>F5</sup>section 153A(4)] (as the case may be) will be seriously prejudiced if the decision as to whether to exercise the power were delayed until substituted service is effected.
- (2) Where the court exercises its power as mentioned in subsection (1), it shall afford the respondent an opportunity to make representations relating to the exercise of the power as soon as just and convenient at a hearing of which notice has been given to all the parties in accordance with rules of court.

### Textual Amendments

- F4** Words in s. 154(1) substituted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 13\(4\)\(a\)](#), 93; [S.I. 2004/1502](#), art. 2(a)(ii); [S.I. 2004/2557](#), art. 2(a)(i) (with [Sch. para. 1](#))
- F5** Words in s. 154(1)(b) substituted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 13\(4\)\(b\)](#), 93; [S.I. 2004/1502](#), art. 2(a)(ii); [S.I. 2004/2557](#), art. 2(a)(i) (with [Sch. para. 1](#))

## 155 Arrest and remand.

- (1) If a power of arrest is attached to certain provisions of an injunction by virtue of [<sup>F6</sup>section 153C(3) or 153D(4)], a constable may arrest without warrant a person whom he has reasonable cause for suspecting to be in breach of any such provision or otherwise in contempt of court in relation to a breach of any such provision.

A constable shall after making any such arrest forthwith inform the person on whose application the injunction was granted.
- (2) Where a person is arrested under subsection (1)—
  - (a) he shall be brought before the relevant judge within the period of 24 hours beginning at the time of his arrest, and
  - (b) if the matter is not then disposed of forthwith, the judge may remand him.

In reckoning for the purposes of this subsection any period of 24 hours no account shall be taken of Christmas Day, Good Friday or any Sunday.
- (3) If the court has granted an injunction in circumstances such that a power of arrest could have been attached under [<sup>F7</sup>section 153C(3) or 153D(4)] but—
  - (a) has not attached a power of arrest under the section in question to any provisions of the injunction, or
  - (b) has attached that power only to certain provisions of the injunction,

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then, if at any time the applicant considers that the respondent has failed to comply with the injunction, he may apply to the relevant judge for the issue of a warrant for the arrest of the respondent.

- (4) The relevant judge shall not issue a warrant on an application under subsection (3) unless—
- (a) the application is substantiated on oath, and
  - (b) he has reasonable grounds for believing that the respondent has failed to comply with the injunction.
- (5) If a person is brought before a court by virtue of a warrant issued under subsection (4) and the court does not dispose of the matter forthwith, the court may remand him.
- (6) Schedule 15 (which makes provision corresponding to that applying in magistrates' courts in civil cases under sections 128 and 129 of the <sup>M1</sup>Magistrates' Courts Act 1980) applies in relation to the powers of the High Court and a county court to remand a person under this section.
- (7) If a person remanded under this section is granted bail by virtue of subsection (6), he may be required by the relevant judge to comply, before release on bail or later, with such requirements as appear to the judge to be necessary to secure that he does not interfere with witnesses or otherwise obstruct the course of justice.

#### Textual Amendments

- F6** Words in s. 155(1) substituted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 13(5)(a)**, 93; [S.I. 2004/1502](#), **art. 2(a)(ii)**; [S.I. 2004/2557](#), **art. 2(a)(i)** (with [Sch. para. 1](#))
- F7** Words in s. 155(3) substituted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 13(5)(b)**, 93; [S.I. 2004/1502](#), **art. 2(a)(ii)**; [S.I. 2004/2557](#), **art. 2(a)(i)** (with [Sch. para. 1](#))

#### Commencement Information

- I1** S. 155 wholly in force at 15.10.2001; s. 155 not in force at Royal Assent see s. 232(1)-(3); s. 155(1)(2) (except for (2)(b)) in force at 1.9.1997 by [S.I. 1997/1851](#), **art. 2**; s. 155 in force insofar as not already in force at 15.10.2001 by [S.I. 2001/3164](#), **art. 2**

#### Marginal Citations

- M1** 1980 c. 43.

### 156 Remand for medical examination and report.

- (1) If the relevant judge has reason to consider that a medical report will be required, any power to remand a person under section 155 may be exercised for the purpose of enabling a medical examination and report to be made.
- (2) If such a power is so exercised the adjournment shall not be for more than 4 weeks at a time unless the judge remands the accused in custody.
- (3) If the judge so remands the accused, the adjournment shall not be for more than 3 weeks at a time.
- (4) If there is reason to suspect that a person who has been arrested—
  - (a) under section 155(1), or
  - (b) under a warrant issued under section 155(4),

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is suffering from mental illness or severe mental impairment, the relevant judge shall have the same power to make an order under section 35 of the <sup>M2</sup>Mental Health Act 1983 (remand for report on accused's mental condition) as the Crown Court has under section 35 of that Act in the case of an accused person within the meaning of that section.

#### Marginal Citations

M2 1983 c. 20.

### 157 Powers of arrest: supplementary provisions.

- (1) If in exercise of its power under [<sup>F8</sup>section 153C(3) or 153D(4)] the High Court or a county court attaches a power of arrest to any provisions of an injunction, it may provide that the power of arrest is to have effect for a shorter period than the other provisions of the injunction.
- (2) Any period specified for the purposes of subsection (1) may be extended by the court (on one or more occasions) on an application to vary or discharge the injunction.
- (3) If a power of arrest has been attached to certain provisions of an injunction by virtue of [<sup>F9</sup>section 153C(3) or 153D(4)], the court may vary or discharge the injunction in so far as it confers a power of arrest (whether or not any application has been made to vary or discharge any other provision of the injunction).
- (4) An injunction may be varied or discharged under subsection (3) on an application by the respondent or the person on whose application the injunction was made.

#### Textual Amendments

- F8** Words in s. 157(1) substituted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 13(6)(a)**, 93; S.I. 2004/1502, art. 2(a)(ii); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)
- F9** Words in s. 157(3) substituted (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 13(6)(b)**, 93; S.I. 2004/1502, art. 2(a)(ii); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

### 158 Interpretation: Chapter III.

- (1) For the purposes of this Chapter—
  - “charitable housing trust” means a housing trust, within the meaning of the <sup>M3</sup>Housing Associations Act 1985, which is a charity within the meaning of the <sup>M4</sup>Charities Act 1993;  
F10  
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“relevant judge”, in relation to an injunction, means—
    - (a) where the injunction was granted by the High Court, a judge of that court,
    - (b) where the injunction was granted by a county court, a judge or district judge of that or any other county court;

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“tenancy” includes a licence, and “tenant” and “landlord” shall be construed accordingly.

<sup>F11</sup>(2) .....

**Textual Amendments**

- F10** S. 158(1) entries repealed (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003](#) (c. 38), ss. 13(7)(a), 93, [Sch. 3](#); S.I. 2004/1502, art. 2(a)(c)(ii)(ii) (with Sch. para. 1); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)
- F11** S. 158(2) repealed (30.6.2004 for E., 30.9.2004 for W.) by [Anti-social Behaviour Act 2003](#) (c. 38), ss. 13(7)(b), 93, [Sch. 3](#); S.I. 2004/1502, art. 2(a)(c)(ii)(ii) (with Sch. para. 1); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

**Marginal Citations**

- M3** 1985 c. 69.  
**M4** 1993 c. 10.



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