



Housing Act 1996

1996 CHAPTER 52

PART V

CONDUCT OF TENANTS

CHAPTER III

INJUNCTIONS AGAINST ANTI-SOCIAL BEHAVIOUR

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

- (1) In determining whether to exercise its power under [^{F1}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 [^{F2}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

- F1** 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)

Status: Point in time view as at 16/06/2006. This version of this provision has been superseded.

Changes to legislation: Housing Act 1996, Section 154 is up to date with all changes known to be in force on or before 21 June 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)

- F2** 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)

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