
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 65

PROCEEDINGS RELATING TO ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

[^{F1}SECTION I

Housing Act 1996 injunctions

Textual Amendments

- F1** Pt. 65 inserted (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rule 1(b), [Sch. 2](#) (with [rule 20\(2\)\(a\)](#))

Scope of this Section and interpretation

65.2.—(1) This Section applies to applications for an injunction and other related proceedings under Chapter III of Part V of the Housing Act 1996 (injunctions against anti-social behaviour).

(2) In this Section “the 1996 Act” means the Housing Act 1996.

Applications for an injunction

65.3.—(1) An application for an injunction under [^{F2}Chapter III of Part V] of the 1996 Act shall be subject to the Part 8 procedure as modified by this rule and [^{F3}Practice Direction 65].

(2) The application ^{F4}...—

- (a) [^{F5}must be] made by a claim form in accordance with [^{F6}Practice Direction 65];
- [^{F7}(b) may be made at any County Court hearing centre; and]
- (c) supported by [^{F8}a witness statement] which must be filed with the claim form.

[
^{F9}(2A) If the application—

- (a) is on notice; and
- (b) is not made at a County Court hearing centre which serves the address where—
 - (i) the defendant resides; or
 - (ii) the conduct complained of occurred,

the application will be issued by the County Court hearing centre where the application is made, and sent to the hearing centre in (i) or (ii) as appropriate.

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(Practice Direction 65 makes further provision in respect of claims which are not made at the County Court hearing centre which serves the relevant address.)]

(3) The claim form must state—

- (a) the matters required by rule 8.2; and
- (b) the terms of the injunction applied for.

(4) An application under this rule may be made without notice and where such an application without notice is made—

[the application may—

- ^{F10}(a1) (i) be made at any County Court hearing centre;
- (ii) be heard at the hearing centre where the application is made; and
- (iii) at any stage of the proceedings, be transferred by the court to—
 - (aa) the hearing centre which serves the address where the defendant resides or where the conduct complained of occurred; or
 - (bb) another hearing centre as the court considers appropriate;]
- (a) the [^{F11}witness statement] in support of the application must state the reasons why notice has not been given; and
- (b) the following rules do not apply—
 - (i) 8.3;
 - (ii) 8.4;
 - (iii) 8.5(2) to (6);
 - (iv) 8.6(1);
 - (v) 8.7; and
 - (vi) 8.8.

(5) In every application made on notice, the application notice must be served, together with a copy of the [^{F12}witness statement], by the claimant on the defendant personally.

(6) An application made on notice may be listed for hearing before the expiry of the time for the defendant to file an acknowledgement of service under rule 8.3, and in such a case—

- (a) the claimant must serve the application notice and [^{F13}witness statement] on the defendant not less than two days before the hearing; and
- (b) the defendant may take part in the hearing whether or not he has filed an acknowledgment of service.

Textual Amendments

- F2** Words in rule 65.3(1) substituted (1.9.2004) by [The Civil Procedure \(Amendment No.2\) Rules 2004 \(S.I. 2004/2072\)](#), rules 1(a), **14(a)**
- F3** Words in rule 65.3(1) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **40(a)**
- F4** Words in rule 65.3(2) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **28(a)(i)(aa)**; [S.I. 2014/954](#), art. 2(a)
- F5** Words in rule 65.3(2)(a) inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **28(a)(i)(bb)**; [S.I. 2014/954](#), art. 2(a)
- F6** Words in rule 65.3(2)(a) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **40(a)**

- F7** Rule 65.3(2)(b) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(a)(i)(cc)**; S.I. 2014/954, art. 2(a)
- F8** Words in rule 65.3(2)(c) substituted (1.9.2004) by The Civil Procedure (Amendment No.2) Rules 2004 (S.I. 2004/2072), rules 1(a), **14(b)**
- F9** Rule 65.3(2A) inserted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(a)(ii)**; S.I. 2014/954, art. 2(a)
- F10** Rule 65.3(4)(a1) inserted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(a)(iii)**; S.I. 2014/954, art. 2(a)
- F11** Words in rule 65.3(4)(a) substituted (1.9.2004) by The Civil Procedure (Amendment No.2) Rules 2004 (S.I. 2004/2072), rules 1(a), **14(c)**
- F12** Words in rule 65.3(5) substituted (1.9.2004) by The Civil Procedure (Amendment No.2) Rules 2004 (S.I. 2004/2072), rules 1(a), **14(d)**
- F13** Words in rule 65.3(6)(a) substituted (1.9.2004) by The Civil Procedure (Amendment No.2) Rules 2004 (S.I. 2004/2072), rules 1(a), **14(e)**

Injunction containing provisions to which a power of arrest is attached

65.4.—(1) In this rule “relevant provision” means a provision of an injunction to which a power of arrest is attached.

(Sections 153C(3) and 153D(4) of the 1996 Act confer powers to attach a power of arrest to an injunction)

- (2) Where an injunction contains one or more relevant provisions—
 - (a) each relevant provision must be set out in a separate paragraph of the injunction; and
 - (b) subject to paragraph (3), the claimant must deliver a copy of the relevant provisions to any police station for the area where the conduct occurred.
- (3) Where the injunction has been granted without notice, the claimant must not deliver a copy of the relevant provisions to any police station for the area where the conduct occurred before the defendant has been served with the injunction containing the relevant provisions.
- (4) Where an order is made varying or discharging any relevant provision, the claimant must—
 - (a) immediately inform the police station to which a copy of the relevant provisions was delivered under paragraph (2)(b); and
 - (b) deliver a copy of the order to any police station so informed.

Application for warrant of arrest under section 155(3) of the 1996 Act

65.5.—(1) An application for a warrant of arrest under section 155(3) of the 1996 Act must be made in accordance with Part 23 and may be made without notice.

- (2) An applicant for a warrant of arrest under section 155(3) of the 1996 Act must—
 - (a) file an affidavit setting out grounds for the application with the application notice; or
 - (b) give oral evidence as to the grounds for the application at the hearing.

Proceedings following arrest

- 65.6.**—(1) This rule applies where a person is arrested pursuant to—
 - (a) a power of arrest attached to a provision of an injunction; or
 - (b) a warrant of arrest.
- (2) The judge before whom a person is brought following his arrest may—
 - (a) deal with the matter; or

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- (b) adjourn the proceedings.
- (3) Where the proceedings are adjourned the judge may remand the arrested person in accordance with section 155(2)(b) or (5) of the 1996 Act.
- (4) Where the proceedings are adjourned and the arrested person is released—
- (a) the matter must be dealt with (whether by the same or another judge) within 28 days of the date on which the arrested person appears in court; and
 - (b) the arrested person must be given not less than 2 days' notice of the hearing.
- (5) An application notice seeking the committal for contempt of court of the arrested person may be issued even if the arrested person is not dealt with within the period mentioned in paragraph (4)(a).
- [^{F14}(6) Sections 2 and 8 of Part 81 apply where an application is made in [^{F15}the County Court] to commit a person for breach of an injunction, as if references in those Sections to the judge included references to a [^{F16}District Judge].
- (For applications for the discharge of a person committed to prison for contempt of court see rules 81.31 and 81.32.)]

Textual Amendments

- F14** Rule 65.6(6) and words substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **11(a)** (with art. 20)
- F15** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **4(a)(i)**; S.I. 2014/954, art. 2(a)
- F16** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **4(a)(iv)**; S.I. 2014/954, art. 2(a)

Recognizance

- 65.7.**—(1) Where, in accordance with paragraph 2(2)(b) of Schedule 15 to the 1996 Act, the court fixes the amount of any recognizance with a view to it being taken subsequently, the recognizance may be taken by—
- (a) a judge;
 - (b) a justice of the peace;
 - (c) a justices' clerk;
 - (d) a police officer of the rank of inspector or above or in charge of a police station; or
 - (e) where the arrested person is in his custody, the governor or keeper of a prison,
- with the same consequences as if it had been entered into before the court.
- (2) The person having custody of an applicant for bail must release him if satisfied that the required recognizances have been taken.]

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