
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 65

PROCEEDINGS RELATING TO ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

[^{F1}SECTION V

Proceedings under the Protection from Harassment Act 1997

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

65.27. This Section applies to proceedings under section 3 of the Protection from Harassment Act 1997 (“the 1997 Act”).

Claims under section 3 of the 1997 Act

65.28.—[^{F2}(1)] A claim under section 3 of the 1997 Act—

(a) shall be subject to the Part 8 procedure [^{F3}and—]

^{F4}(...) ...

[^{F5}(i) in the High Court, must be commenced in the Queen’s Bench Division, or

(ii) in the County Court, may be commenced at any County Court hearing centre.]

[^{F6}(2) If the application is commenced at a County Court hearing centre which does not serve the address where—

(a) the defendant resides or carries on business; or

(b) the claimant resides or carries on business,

the claim will be issued by the County Court hearing centre where the claim is commenced and sent to the hearing centre serving the address at (a)(i) or (ii), as appropriate.

(Practice Direction 65 makes further provision in respect of claims which are not commenced at the County Court hearing centre which serves the address where the property is situated.)]

Status: Point in time view as at 01/10/2017.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION V. (See end of Document for details)

Textual Amendments

- F2** Rule 65.28 renumbered as rule 65.28(1) (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(e)(i)**; S.I. 2014/954, **art. 2(a)**
- F3** Word in rule 65.28(1)(a) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(e)(ii)**; S.I. 2014/954, art. 2(a)
- F4** Words in rule 65.28(1)(b) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(e)(iii)(aa)**; S.I. 2014/954, art. 2(a)
- F5** Rule 65.28(1)(b)(i)(ii) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(e)(iii)(bb)**; S.I. 2014/954, art. 2(a)
- F6** Rule 65.28(2) inserted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(e)(iv)**; S.I. 2014/954, art. 2(a)

Applications for issue of a warrant of arrest under section 3(3) of the 1997 Act

- 65.29.**—(1) An application for a warrant of arrest under section 3(3) of the 1997 Act—
- (a) must be made in accordance with Part 23; and
 - (b) may be made without notice.
- (2) The application notice must be supported by affidavit evidence which must—
- (a) set out the grounds for the application;
 - (b) state whether the claimant has informed the police of the conduct of the defendant as described in the affidavit; and
 - (c) state whether, to the claimant’s knowledge, criminal proceedings are being pursued.

Proceedings following arrest

- 65.30.**—(1) The judge before whom a person is brought following his arrest may—
- (a) deal with the matter; or
 - (b) adjourn the proceedings.
- (2) 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.]

Status:

Point in time view as at 01/10/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION V.