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STATUTORY INSTRUMENTS

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**1999 No. 1008**

**The Civil Procedure (Amendment) Rules 1999**

48. After RSC Order 94, rule 15 insert—

**“Proceedings under the Protection from Harassment Act 1997(1)**

**Rule 16.**—(1) In this rule, “the Act” means the Protection from Harassment Act 1997.

(2) This rule shall apply to injunctions granted on or after 1st September 1998 and injunctions granted before that date shall be treated as if this rule had not come into force.

(3) Proceedings in the High Court under section 3 of the Act shall be assigned to the Queen’s Bench Division.

(4) An application for the issue of a warrant for the arrest of the defendant under section 3(3) of the Act shall—

- (a) state that it is an application for the issue of a warrant for the arrest of the defendant;
- (b) set out the grounds for making the application and be supported by an affidavit or evidence on oath;
- (c) state whether the claimant has informed the police of the defendant’s conduct as described in sub-paragraph (b); and
- (d) state whether, to the claimant’s knowledge, criminal proceedings are being pursued.

(5) The Court before whom a person is brought following his arrest may—

- (a) determine whether the facts, and the circumstances which led to the arrest, amounted to disobedience of the injunction, or
- (b) adjourn the proceedings and, where such an order is made, the arrested person shall be released and—
  - (i) may be dealt with within 14 days of the day on which he was arrested; and
  - (ii) be given not less than 2 days' notice of the adjourned hearing.

(6) This rule applies to proceedings under section 3 of the Act in a county court with the following modifications—

- (a) Such proceedings in a county court shall be begun—
  - (i) in the court for the district in which the claimant resides or carries on business; or
  - (ii) in the court for the district in which the defendant resides or carries on business.
- (b) Where a county court—
  - (i) grants an injunction under section 3 of the Act; or

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(ii) issues a warrant for the arrest of the defendant, the injunction or warrant shall be issued in the appropriate prescribed form.”.