



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 2

HOUSING

13 Injunctions against anti-social behaviour on application of certain social landlords

- (1) The Housing Act 1996 (c. 52) is amended as follows.
- (2) Sections 152 (power to grant injunctions against anti-social behaviour) and 153 (power of arrest for breach of certain injunctions against anti-social behaviour) are omitted.
- (3) Before section 154 (power of arrest in ex parte applications) there are inserted the following sections—

“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.

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.

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.

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.

153E Injunctions: supplementary

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

Status: This is the original version (as it was originally enacted).

- (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).”
- (4) In section 154—
 - (a) in subsection (1) for “section 152(6) or section 153” there is substituted “section 153C(3) or 153D(4)”;
 - (b) in subsection (1)(b) for “152(1)(a) or section 153(5)(a)” there is substituted “section 153A(4)”.
- (5) In section 155—
 - (a) in subsection (1) for “section 152(6) or section 153” there is substituted “section 153C(3) or 153D(4)”;
 - (b) in subsection (3) for “section 152(6) or section 153” there is substituted “section 153C(3) or 153D(4)”.
- (6) In section 157—
 - (a) in subsection (1) for “section 152(6) or section 153” there is substituted “section 153C(3) or 153D(4)”;
 - (b) in subsection (3) for “section 152(6) or section 153” there is substituted “section 153C(3) or 153D(4)”.
- (7) In section 158—
 - (a) in subsection (1) the entries relating to “child”, “harm”, “health” and “ill-treatment” are omitted;
 - (b) subsection (2) is omitted.