



Police and Justice Act 2006

2006 CHAPTER 48

PART 3

CRIME AND ANTI-SOCIAL BEHAVIOUR

Injunctions

27 Injunctions in local authority proceedings: power of arrest and remand

- (1) This section applies to proceedings in which a local authority is a party by virtue of section 222 of the Local Government Act 1972 (c. 70) (power of local authority to bring, defend or appear in proceedings for the promotion or protection of the interests of inhabitants of their area).
- (2) If the court grants an injunction which prohibits conduct which is capable of causing nuisance or annoyance to a person it may, if subsection (3) applies, attach a power of arrest to any provision of the injunction.
- (3) This subsection applies if the local authority applies to the court to attach the power of arrest and the court thinks that either—
 - (a) the conduct mentioned in subsection (2) consists of or includes the use or threatened use of violence, or
 - (b) there is a significant risk of harm to the person mentioned in that subsection.
- (4) Where a power of arrest is attached to any provision of an injunction under subsection (2), a constable may arrest without warrant a person whom he has reasonable cause for suspecting to be in breach of that provision.
- (5) After making an arrest under subsection (4) the constable must as soon as is reasonably practicable inform the local authority.
- (6) Where a person is arrested under subsection (4)—
 - (a) he shall be brought before the court within the period of 24 hours beginning at the time of his arrest, and
 - (b) if the matter is not then disposed of forthwith, the court may remand him.

Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, Section 27. (See end of Document for details)

- (7) For the purposes of subsection (6), when calculating the period of 24 hours referred to in paragraph (a) of that subsection, no account shall be taken of Christmas Day, Good Friday or any Sunday.
- (8) Schedule 10 applies in relation to the power to remand under subsection (6).
- (9) If the court has reason to consider that a medical report will be required, the power to remand a person under subsection (6) may be exercised for the purpose of enabling a medical examination and report to be made.
- (10) If such a power is so exercised the adjournment shall not be in force—
- (a) for more than three weeks at a time in a case where the court remands the accused person in custody, or
 - (b) for more than four weeks at a time in any other case.
- (11) If there is reason to suspect that a person who has been arrested under subsection (4) is suffering from [^{F1}mental disorder within the meaning of the Mental Health Act 1983] the court shall have the same power to make an order under section 35 of [^{F2}that Act] (remand for report on accused's mental condition) as the Crown Court has under that section in the case of an accused person within the meaning of that section.
- (12) For the purposes of this section—
- (a) “harm” includes serious ill-treatment or abuse (whether physical or not);
 - (b) “local authority” has the same meaning as in section 222 of the Local Government Act 1972 (c. 70);
 - (c) “the court” means the High Court or [^{F3}the county] court and includes—
 - (i) in relation to the High Court, a judge of that court, and
 - (ii) in relation to [^{F3}the county] court, a judge ^{F4}... of that court.

Textual Amendments

- F1** Words in s. 27(11) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\), s. 56\(1\), Sch. 1 para. 26\(a\)](#); S.I. 2008/1900, art. 2(a) (with art. 3Sch.)
- F2** Words in s. 27(11) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\), s. 56\(1\), Sch. 1 para. 26\(b\)](#); S.I. 2008/1900, art. 2(a) (with art. 3Sch.)
- F3** Words in s. 27(12) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 44\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 27(12) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 44\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commencement Information

- I1** S. 27 in force at 6.4.2007 for E. by [S.I. 2007/709, art. 4\(b\)](#) (with art. 8)

Changes to legislation:

There are currently no known outstanding effects for the Police and Justice Act 2006, Section 27.