

SCHEDULE 2

SECTION V

Proceedings under the Protection from Harassment Act 1997

Scope of this Section

65.27. This Section applies to proceedings under section 3 of the Protection from Harassment Act 1997(1) (“the 1997 Act”).

Claims under section 3 of the 1997 Act

65.28. A claim under section 3 of the 1997 Act—

- (a) shall be subject to the Part 8 procedure; and
- (b) must be commenced—
 - (i) if in the High Court, in the Queen’s Bench Division;
 - (ii) if in the county court, in the court for the district in which the defendant resides or carries on business or the court for the district in which the claimant resides or carries on business.

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.

(1) 1997 c. 40.