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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

[<sup>F1</sup>PART 65

PROCEEDINGS RELATING TO ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

[<sup>F1</sup>SECTION II

*Applications by local authorities for power of arrest to be attached to an injunction*

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**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 and interpretation**

**65.8.**—(1) This Section applies to applications by local authorities under section 91(3) of the Anti-social Behaviour Act 2003 [<sup>F2</sup>or under section 27(3) of the Police and Justice Act 2006] for a power of arrest to be attached to an injunction.

(Section 91 of the 2003 Act [<sup>F3</sup>and section 27 of the 2006 Act apply] to proceedings in which a local authority is a party by virtue of section 222 of the Local Government Act 1972 (power of local authority to bring, defend or appear in proceedings for the promotion or protection of the interests of inhabitants in their area)

(2) In this Section “the 2003 Act” means the Anti-social Behaviour Act 2003.

[  
<sup>F4</sup>(3) In this Section “the 2006 Act” means the Police and Justice Act 2006.]

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**Textual Amendments**

- F2** Words in [rule 65.8\(1\)](#) inserted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, [19\(d\)\(i\)](#)
- F3** Words in [rule 65.8\(1\)](#) substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, [19\(d\)\(ii\)](#)
- F4** [Rule 65.8\(3\)](#) inserted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, [19\(d\)\(iii\)](#)

*Status: Point in time view as at 01/10/2007.*

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

### **Applications under section 91(3) of the 2003 Act<sup>F5</sup> or section 27(3) of the 2006 Act] for a power of arrest to be attached to any provision of an injunction**

**65.9.**—(1) An application under section 91(3) of the 2003 Act<sup>F6</sup> or section 27(3) of the 2006 Act] for a power of arrest to be attached to any provision of an injunction must be made in the proceedings seeking the injunction by—

- (a) the claim form;
- (b) the acknowledgment of service;
- (c) the defence or counterclaim in a Part 7 claim; or
- (d) application under Part 23.

(2) Every application must be supported by written evidence.

(3) Every application made on notice must be served personally, together with a copy of the written evidence, by the local authority on the person against whom the injunction is sought not less than 2 days before the hearing.

(Attention is drawn to rule 25.3(3)—applications without notice)

#### **Textual Amendments**

**F5** Words in rule 65.9 heading inserted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **19(e)(i)**

**F6** Words in rule 65.9(1) inserted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **19(e)(ii)**

### **Injunction containing provisions to which a power of arrest is attached**

**65.10.**—(1) Where a power of arrest is attached to a provision of an injunction on the application of a local authority under section 91(3) of the 2003 Act, the following rules in Section I of this Part shall apply—

- (a) rule 65.4; and
- (b) paragraphs (1), (2), (4) and (5) of rule 65.6.

**I**  
<sup>F7</sup>(1A) Where a power of arrest is attached to a provision of an injunction on the application of a local authority under section 27(3) of the 2006 Act, the following rules in Section I of this Part apply—

- (a) rule 65.4;
- (b) paragraphs (1), (2), (4) and (5) of rule 65.6;
- (c) paragraph (1) of rule 65.7, as if the reference to paragraph 2(2)(b) of Schedule 15 to the Housing Act 1996 was a reference to paragraph 2(2)(b) of Schedule 10 to the 2006 Act; and
- (d) paragraph (2) of rule 65.7.]

(2) CCR Order 29, rule 1 shall apply where an application is made in a county court to commit a person for breach of an injunction.]

#### **Textual Amendments**

**F7** Rule 65.10(1A) inserted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **19(f)**

**Status:**

Point in time view as at 01/10/2007.

**Changes to legislation:**

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