
STATUTORY INSTRUMENTS

2001 No. 2792

The Civil Procedure (Amendment No. 4) Rules 2001

Amendments to the Civil Procedure Rules 1998

23. In CCR Order 49, rule 6B—

- (a) in the title, delete “and powers of arrest”;
- (b) after paragraph (7), insert—

“(7A) An application for a warrant of arrest under section 155(3) of the Housing Act 1996 must be made in accordance with Part 23 and may be made without notice.

Section 155(4) of the Housing Act 1996 provides that a warrant shall not be issued unless the application is substantiated on oath”;

- (c) for paragraph (8), substitute—

“(8) The judge before whom a person is brought following his arrest may—

- (a) deal with the matter; or
- (b) adjourn the proceedings.”;

- (d) after paragraph (8), insert—

“(8A) Where the proceedings are adjourned the judge may remand the arrested person in accordance with section 155(2)(b) or (5) of the Housing Act 1996.

(8B) 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 14 days of the day on which he was arrested; and
- (b) the arrested person must be given not less than 2 days' notice of the hearing.

(8C) An application notice under Order 29, rule 1(4) may be issued even if the arrested person is not dealt with within the period mentioned in paragraph (8B)(a).”;

- (e) for paragraph (9), substitute—

“(9) Order 29, rule 1 shall apply where an application is made to commit a person for breach of an injunction as if references in that rule to the judge included references to a district judge.”;

- (f) for paragraph (10), substitute—

“(10) A person against whom a committal order has been made may apply to the court under Order 29, rule 3 for his discharge and, if he does so, must, not less than 1 day before the hearing, serve the application notice on the person who made the application for committal.”;

- (g) for paragraph (11), substitute—

“(11) Where, in accordance with paragraph 2(2)(b) of Schedule 15 to the Housing Act 1996, the court fixes the amount of any recognizance with a view to it being taken subsequently, the recognizance may be taken by—

- (a) a judge;

- (b) a justice of the peace;
- (c) a justices' clerk;
- (d) a police officer of the rank of inspector or above or in charge of a police station;
or
- (e) where the arrested person is in his custody, the governor or keeper of a prison,
with the same consequences as if it had been entered into before the court.”; and
- (h) after paragraph (11), insert—
 - “(11A) The person having custody of an applicant for bail must release him if satisfied that the required recognizances have been taken.
 - (11B) In paragraph (8) “arrest” means the arrest of a person pursuant to—
 - (a) a power of arrest which, in exercise of the powers conferred by section 152(6) or 153(1) of the Housing Act 1996, has been attached to an injunction; or
 - (b) a warrant of arrest issued under section 155 of that Act.”.