

SCHEDULE 3

Rule 14

“VI DRINKING BANNING ORDERS UNDER  
THE VIOLENT CRIME REDUCTION ACT 2006

**Scope of this Section and interpretation**

**65.31.**—(1) This Section applies to applications in proceedings in a county court under sub-sections (2), (3) or (5) of section 4 of the Violent Crime Reduction Act 2006 by a relevant authority, and to applications for interim orders under section 9 of that Act.

(1) In this Section—

- (a) ‘the 2006 Act’ means the Violent Crime Reduction Act 2006;
- (b) ‘relevant authority’ has the same meaning as in section 14(1) of the 2006 Act; and
- (c) ‘the principal proceedings’ means any proceedings in a county court.

**Application where the relevant authority is a party in principal proceedings**

**65.32.**—(1) Subject to paragraph (2)—

- (a) where the relevant authority is the claimant in the principal proceedings, an application under section 4(2) of the 2006 Act for an order under section 4(7) of the 2006 Act must be made in the claim form; and
- (b) where the relevant authority is a defendant in the principal proceedings, an application for an order must be made by application notice which must be filed with the defence.

(2) Where the relevant authority becomes aware of the circumstances that lead it to apply for an order after its claim is issued or its defence filed, the application must be made by application notice as soon as possible thereafter.

(3) Where the application is made by application notice, it should normally be made on notice to the person against whom the order is sought.

**Application where the relevant authority is not a party in principal proceedings**

**65.33.**—(1) Where the relevant authority is not a party to the principal proceedings—

- (a) an application under section 4(3) of the 2006 Act to be made a party must be made in accordance with Section I of Part 19; and
- (b) the application to be made a party and the application for an order under section 4(7) of the 2006 Act must be made in the same application notice.

(2) The applications—

- (a) must be made as soon as possible after the authority becomes aware of the principal proceedings; and
- (b) should normally be made on notice to the person against whom the order is sought.

**Application by a relevant authority to join a person to the principal proceedings**

**65.34.**—(1) An application under section 4(5) of the 2006 Act by a relevant authority which is a party to the principal proceedings to join a person to the principal proceedings must be made—

- (a) in accordance with Section I of Part 19;

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- (b) in the same application notice as the application for an order under section 4(7) of the 2006 Act against the person; and
  - (c) as soon as possible after the relevant authority considers that the criteria in section 4(4) of the 2006 Act are met.
- (2) The application notice must contain—
- (a) the relevant authority’s reasons for claiming that the person’s conduct is material in relation to the principal proceedings; and
  - (b) details of the conduct alleged.
- (3) The application should normally be made on notice to the person against whom the order is sought.

### **Evidence**

**65.35** An application for an order under section 4(7) of the 2006 Act must be accompanied by written evidence, which must include evidence that section 4(6) of the 2006 Act has been complied with.

### **Application for an interim order**

**65.36.**—(1) An application for an interim order under section 9 of the 2006 Act must be made in accordance with Part 25.

- (2) The application should normally be made—
- (a) in the claim form or application notice seeking the order; and
  - (b) on notice to the person against whom the order is sought.
- (3) An application for an interim order may be—
- (a) made without a copy of the application notice being served on the person against whom the order is sought;
  - (b) heard in the absence of the person against whom the order is sought,
- with the permission of the court.”