
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 65

PROCEEDINGS RELATING TO ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

[^{F1}SECTION IV

Anti-social behaviour orders under the Crime and Disorder Act 1998

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

65.21.—(1) This Section applies to applications in proceedings in a county court under subsections (2), (3) or (3B) of section 1B of the Crime and Disorder Act 1998 by a relevant authority, and to applications for interim orders under section 1D of that Act.

(2) In this Section—

- (a) “the 1998 Act” means the Crime and Disorder Act 1998;
- (b) “relevant authority” has the same meaning as in section 1(1A) of the 1998 Act; and
- (c) “the principal proceedings” means any proceedings in a county court.

Application where the relevant authority is a party in principal proceedings

65.22.—(1) Subject to paragraph (2)—

- (a) where the relevant authority is the claimant in the principal proceedings, an application under section 1B(2) of the 1998 Act for an order under section 1B(4) of the 1998 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.

Status: Point in time view as at 30/06/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Civil Procedure Rules 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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

65.23.—(1) An application under section 1B(3B) of the 1998 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;
- (b) in the same application notice as the application for an order under section 1B(4) of the 1998 Act against the person; and
- (c) as soon as possible after the relevant authority considers that the criteria in section 1B(3A) of the 1998 Act are met.

(2) The application notice must contain—

- (a) the relevant authority's reasons for claiming that the person's anti-social acts are material in relation to the principal proceedings; and
- (b) details of the anti-social acts alleged.

(3) The application should normally be made on notice to the person against whom the order is sought.

Application where the relevant authority is not party in principal proceedings

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

- (a) an application under section 1B(3) of the 1998 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 1B(4) of the 1998 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.

Evidence

65.25. An application for an order under section 1B(4) of the 1998 Act must be accompanied by written evidence, which must include evidence that section 1E of the 1998 Act has been complied with.

Application for an interim order

65.26.—(1) An application for an interim order under section 1D of the 1998 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.]

Status:

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