

How to... Avoid common
pitfalls in Anti-Social
Behaviour injunctions and
committal applications

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Civil injunctions pursuant to section 1 Anti-Social Behaviour Crime and Policing Act 2014

Applications for contempt as governed by CPR 65 and CPR 81

Requirement for personal service

- CPR 65.43(5); In every application made on notice, the application notice must be served, together with a copy of the witness statement, by the claimant on the defendant personally.
- CPR 65.43(6)(a); The claimant must serve the application notice and witness statement on the defendant not less than 2 days before the hearing.

Service

- Evidencing attempts made by process server
- Evidence that Defendant is present in the property
- Waiting outside the property
- Engagement with other services; allocated social worker or support worker
- Witness statement dealing with service

Service for contempt applications

- CPR 81.5 (1); Unless the court directs otherwise in accordance with Part 6 and except as provided in paragraph (2), a contempt application and evidence in support must be served on the defendant personally.
- CPR 81.5(2)
- Defendant excluded by terms of injunction and/ or bail conditions?
- Service at the police station

Injunction terms

- Ensuring the terms of the injunction are sufficiently clear
- Exclusion from the property (s.13 Anti-social Behaviour Crime and Policing Act 2014)
- Positive requirements (s.3 Anti-social Behaviour Crime and Policing Act 2014)

Evidential considerations

- Schedule of incidents
- Weight of hearsay evidence
- Witness statement exhibit redacted emails from tenants and/or housing file notes
- Photographs or video evidence

Please email any questions to

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