

PRACTICE DIRECTION – ANTI-SOCIAL BEHAVIOUR (ORDERS UNDER SECTION 1B(4) OF THE CRIME AND DISORDER ACT 1998)

- 1.1 This practice direction applies to an application in proceedings in a county court ('the principal proceedings') for an order under section 1B(4) of the Crime and Disorder Act 1998 by a relevant authority (within the meaning of section 1(1A)).

APPLICATION WHERE RELEVANT AUTHORITY IS PARTY IN PRINCIPAL PROCEEDINGS

- 2.1 Where the relevant authority is the claimant in the principal proceedings, an application under section 1B(2) for an order under section 1B(4) should be made in the claim form.
- 2.2 Where the relevant authority is a defendant in the principal proceedings, an application for an order should be made by application notice which should be filed with the defence.
- 2.3 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 should be made as soon as possible thereafter.

APPLICATION WHERE RELEVANT AUTHORITY IS NOT PARTY IN PRINCIPAL PROCEEDINGS

- 3.1 Where the relevant authority is not a party to the principal proceedings –
 - (1) an application under section 1B(3) to be made a party must be made in accordance with Part 19; and
 - (2) the application to be made a party and the application for an order under section 1B(4) must be made in the same application notice.
- 3.2 The applications should be made as soon as possible after the authority becomes aware of the principal proceedings.

EVIDENCE

- 4.1 An application for an order under section 1B(4) must be accompanied by the written evidence on which the relevant authority seeks to rely. The evidence must include evidence that the consultation requirements of section 1E have been complied with.

APPLICATION FOR INTERIM ORDER

- 5.1 An application for an interim order under section 1D must be made in accordance with Part 25.

- 5.2 Such an application should normally be made –
- (1) in the claim form or application notice seeking the order; and
 - (2) on notice to the person against whom the order is sought.

SERVICE OF ORDER UNDER SECTIONS 1B(4) OR 1D

- 6.1 An order under section 1B(4) or an interim order under section 1D must be served personally on the defendant.