

HOUSING ACT 1996: INJUNCTION

THIS PRACTICE DIRECTION SUPPLEMENTS CCR ORDER 49, RULE 6B.

Application for warrant of arrest

- 1.1 An applicant for a warrant of arrest under section 155(3) of the Housing Act 1996 ('the Act') must –
 - (1) file an affidavit setting out grounds for the application with the application notice; or
 - (2) give oral evidence as to the grounds for the application at the hearing.

(Section 155(4) of the Act provides that an application for a warrant of arrest under section 155(3) must be substantiated on oath.)

Application for bail

- 2.1 An application for bail made by a person arrested under –
 - (1) a power of arrest attached to an injunction under Chapter III of Part V of the Housing Act 1996; or
 - (2) a warrant of arrest issued on an application under section 155(3) of that Act,

may be either orally or in an application notice.
- 2.2 An application notice seeking bail must contain –
 - (1) the full name of the person making the application;
 - (2) the address of the place where the person making the application is detained at the time when the application is made;
 - (3) the address where the person making the application would reside if he were to be granted bail;
 - (4) the amount of the recognizance in which he would agree to be bound; and
 - (5) the grounds on which the application is made and, where previous application has been refused, full details of any change in circumstances which has occurred since that refusal.
- 2.3 A copy of the application notice must be served on the person who sought the injunction.

Remand for medical examination and report

- 3.1 Section 156(4) of the Act provides that the judge has power to make an order under section 35 of the Mental Health Act 1983 in certain circumstances. If he does so attention is drawn to section 35(8) of that Act which provides that a person remanded to hospital under that section may obtain at his own expense an independent report on his mental condition from a registered medical practitioner chosen by him and apply to the court on the basis of it for his remand to be terminated under section 35(7).