

INJUNCTIONS

FACT SHEET

What is an injunction?

Injunctions are court orders which tell a person that they are not allowed to do a certain act, or prohibit a person from a certain type of behaviour. Some injunctions can exclude the person from specified places or areas.

Injunctions can be used to prevent a range of anti-social behaviour relating to housing such as using a property for drug dealing, playing loud music at night, barking dogs, verbal abuse and vandalism. They can also be used to prevent someone harassing or assaulting you or coming within a certain distance of your home, or they can order someone to leave your home.

We can apply for an injunction against a person whose behaviour is affecting the management of your home, which will include if someone is causing a nuisance or harassing you.

When will an injunction be used?

Injunctions are a discretionary remedy; this means that the court can decide whether it would be appropriate for one to be issued. Injunctions may only be used to control the behaviour of those with the mental capacity to understand what they are doing and how to modify their behaviour.

How long will an injunction last for?

Injunctions are quick to obtain. The aim of an injunction is to stop the anti-social behaviour rather than to punish the perpetrator and they require a lesser burden of proof than a criminal prosecution.

The Court may only make an injunction where it is satisfied that the conduct of the defendant meets the specified conditions applicable to the relevant injunction (there are different types of injunctions). Evidence suitable for consideration by the Court could include direct witness statements, professional witness statements, hearsay evidence, CCTV footage, and letters of complaint to the landlord or other agencies, such as the police or local authority. One incident of serious

anti-social behaviour may be sufficient for an order to be made. In providing evidence, a complaint from a specific individual is not required.

In some circumstances, the Court may decide to attach a power of arrest to one or more provisions of the injunction. They will do this where there is a use or threat of violence or a significant risk of harm. This could include emotional or psychological harm, which means a power of arrest will be available in some cases where there has been no actual or threatened violence, for example in cases of non-violent racial or sexual harassment.

How quickly can an injunction be granted?

If someone poses an immediate danger to others, an application can be made to the court for an injunction to be granted on the same day. This is called a 'without notice' or ex parte application. The court will consider whether or not the person is a significant risk before deciding to grant this type of injunction.

What happens if someone breaks the terms set out in the injunction?

Upon becoming aware of a breach, an application will need to be made to the court for a hearing. This may be supported by written evidence of the actions that are alleged to have breached the terms of the injunction.

Where a power of arrest is attached to the injunction, the perpetrator may be arrested for breaking the terms of the injunction. Where this happens, the person who has been arrested must be brought before the relevant judge within 24 hours of the arrest. At this initial hearing, the judge may decide to grant bail or may send the person back to custody, to wait for a full hearing. If bail is granted, it will usually be subject to certain conditions.

If the Court is content that the terms of the injunction have been broken, the judge will either impose a fine or to give a prison sentence for contempt of court. The maximum period of imprisonment for this is two years.

Contact us



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Spanish

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Arabic

যদি আপনি এই তথ্যগুলোর যে কোন একটির সম্বন্ধে বিস্তারিত জানতে চান, অথবা আপনার নিজের ভাষাতে ব্লেট, সিডি, অডিও টেপ-এ পেতে চান তাহলে নিম্নলিখিত নম্বরে আমাদের সাথে যোগাযোগ করুন।

Bengali

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French

જો તમારે કોઈ પણ ભાગની આ માહિતી બ્રેઈલ, સીડી ઉપર, ઑડિયો ટેપ અથવા તમારી પોતાની ભાષામાં સમજી શકો તેની જરૂર હોય તો નીચે જણાવેલ નંબર ઉપર અમારો સંપર્ક કરો.

Gujarati

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Portugese

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Somali

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