**Injunctions**

Civil Injunctions were introduced in Part 1 of the Anti-Social Behaviour, Crime & Policing Act 2014.

The injunction is a civil power to deal with anti-social individuals and can include prohibitions and positive actions. For example, somebody causing anti-social behaviour when they are under the influence of substances may be forbidden from drinking in a public place and also ordered to engage with substance misuse services to help with an addiction.

The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for offenders, stopping the person’s behaviour from escalating.

**What is the legal test for granting an injunction?**

There are two conditions to meet in order to grant an injunction.

* The first is that the Court is satisfied on the balance of probabilities that the offender engaged or threatened to engage in anti-social behaviour.
* The second condition is that it is just and convenient to grant the injunction for the purpose of preventing the offender from engaging in anti-social behaviour.

Anti-social behaviour is defined as:

* non-housing related - the conduct has caused, or is likely to cause, harassment, alarm, or distress to any person
* housing-related - conduct is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises
* “housing-related” means directly or indirectly relating to the landlord’s housing management function

**What types of Order can the Court give?**

The Order will vary depending on the behaviour but here are some examples:

* Injunctions can be fixed term or indefinite (minors will be for no longer than 12 months)
* Ex-parte or emergency injunctions can be requested without prior notice to the offender where there is a risk of harm to the community
* Interim injunctions can be awarded initially if risk is identified to enable agencies to put protective measures in place
* The Court can attach a Power of Arrest to any prohibition in the injunction where –
	+ the anti-social behaviour includes the use of violence or threats to use violence against other persons; or
	+ there is a significant risk of harm to other persons from the offender
* An Exclusion Order may be awarded by the Court prohibiting an offender from visiting a specific location, street or area. They may also exclude an offender from their own home where this is deemed to be a proportionate response to their behaviour.

**Who can an injunction be issued against?**

A court may grant the injunction against anyone who is 10 years of age or over. Applications against individuals who are 18 years of age or over must be made in the county court or High Court, and applications against individuals who are under 18 must be made in the youth court.

**What happens if I breach my injunction?**

For adults 18 years and over, breach of an injunction can be punishable by up to 2 years in prison (3 months for minors) and/or an unlimited fine. The sentence is not for your conduct, it is for contempt of court.