

SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION - POWER OF ARREST



Under section 27, Police and Justice Act, 2006. Claim no QB-2021-BHM-000056

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

QB-2021-BHM-000056

BIRMINGHAM CITY COUNCIL	Claimant
(1) THOMAS CASH, (2) PATRICK CONNORS (3) PATRICK CONNORS (4) PERSONS UNKNOWN described at Schedule 1 to the Injunction Order.	Defendant

The court orders that a power of arrest under section 27, Police and Justice Act 2006, applies to the following paragraph of an order made on 10 March 2022

(Here set out those provisions of the order to which this power of arrest is attached and no others)

*(Where marked * delete as appropriate)*

1. The Defendants are forbidden to enter or remain on any part of the land within the City of Birmingham as hatched in red on the plan attached to this Order at Schedule 2, for the purpose of establishing, joining or being part of an unauthorised encampment as defined at Schedule 3 to this order.
2. Any Defendant who is part of any encampment referred to at paragraph 1 above is also forbidden, whether by himself or by instructing, encouraging, allowing or permitting any other person, to perform any the following acts within the City of Birmingham
 - (i) Threatening, abusing or distressing any other person (including by permitting animals for which they are responsible to do so).
 - (vi) Carrying knives and/or shotguns.
 - (viii) Driving any vehicle at excessive speed or in a dangerous manner.
3. The term "Unauthorised Encampment" has the meaning set out at Schedule 3 to this Order.

"Unauthorised Encampment" means one or more household, using or occupying land, without the permission of the Claimant, whether temporarily or otherwise, for residential purposes, including by occupying or stationing on the land any caravan, mobile home, other vehicle or structure, or any item or thing ancillary to such use or occupation including (but not limited to) electricity generators, motor-cycles, quad bikes and/or livestock."

Power of Arrest

The court thinks that (a) the injunction prohibits conduct which consists of or includes the use or the threatened use of violence and / or (b) there is a significant risk of harm to a person.

A power of arrest is attached to the order whereby any constable may (under the power given by section 27 Police and Justice Act 2006) arrest without warrant a person if he or she has reasonable cause to suspect that the person is in breach of the provision.

This Power of Arrest

Shall continue until 11.59 pm on 10 March 2023 or until further order.

Note to the Arresting Officer

Where a person is arrested under the power given by section 27, Police and Justice Act 2006, the section requires that:

- A constable who arrests a person for breach of the injunction must inform the person who applied for the injunction.
- A person arrested for breach of the injunction must, within the period of 24 hours beginning with the time of the arrest, be brought before—
 - (a) a judge of the High Court or a judge of the county court, if the injunction was granted by the High Court;
 - (b) a judge of the county court, if—
 - (i) the injunction was granted by the county court, or
 - (ii) the injunction was granted by a youth court but the respondent is aged 18 or over;
 - (c) a justice of the peace, if neither paragraph (a) nor paragraph (b) applies.
 - In calculating when the period of 24 hours ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
 - The judge before whom a person is brought under subsection (3)(a) or (b) may remand the person if the matter is not disposed of straight away.
 - The justice of the peace before whom a person is brought under subsection (3)(c) must remand the person to appear before the youth court that granted the injunction.

Ordered by

Her Honour Judge Carmel Wall

On

10 March 2022
