

Version 5 amended Power of Arrest pursuant to the order of HHJ Kelly made on the 16th October 2023.



SECTION 222 LOCAL GOVERNMENT ACT 1972 INJUNCTION – POWER OF ARREST

Under section 27, Police and Justice Act, 2006.

**IN THE HIGH COURT OF JUSTICE
KING’S BENCH DIVISION
ROYAL COURTS OF JUSTICE**

Claim no: KB – 2022-BHM-000221

Birmingham City Council	Claimant
(1) Ahzi Nagmadin (2) Jessica Ellen Roberts (4) Rashani Reid (5) Thomas Whittaker (6) Arthur Rogers (7) ABC (8) Persons Unknown Who Participate Or Intend To Participate In Street-Cruises In Birmingham, As Car Drivers, Motorcycle Riders, Passengers And/Or Spectators (9) Persons Unknown Who, Or Who Intend To, Organise, Promote Or Publicise Street Cruises In Birmingham (10) Persons Unknown who participate or intend to participate in Street Cruises in Birmingham as car drivers, motorcycle riders, or passengers in motor cars or on motorcycles (11) Mohammed Wajahas Shabbir (12) Zoe Lloyd (13) Callum Blunderfield (14) Gurinder Singh Sahota	Defendants

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 21 December 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)*

- The 1st to 7th (inclusive) and 10th 11TH 12TH 13th and 14th Defendants are forbidden to participate in a street-cruise within the Claimant’s local government area (known as the City of Birmingham) the boundaries of which are delineated in red on a map attached to this Order at Schedule 1.
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- A power of arrest, pursuant to s.27 Police and Justice Act 2006 shall apply to paragraph 1 above, in relation to any of the 1st to 7th (inclusive) and 10th 11TH 12TH 13th and 14th Defendants participating in a street-cruise as the driver or rider of, or a passenger in or on, any vehicle to which paras 1 and 2 of Schedule 2 to this Order applies. For the avoidance of doubt, the power of arrest granted by this Order does not apply to any other person participating in a street-cruise within the meaning of Schedule 2 to this Order.

Schedule 2

“Street-Cruise”

- “Street-Cruise” means a congregation of the drivers of 2 or more motor-vehicles (including motor-cycles) on the public highway or at any place to which

the public have access within the Claimant's local government area (known as the City of Birmingham) as shown delineated in red on the map at Schedule 1, at which any driver, rider or passenger in or on a motor vehicle, performs any of the activities set out at para.2 below, so as, by such conduct, to cause any of the following:

- (i) excessive noise;
- (ii) danger to other road users (including pedestrians);
- (iii) damage or the risk of damage to private property;
- (iv) any nuisance to another person not participating in the car-cruise.

2. The activities referred to at para.1, above, are:

- (i) driving or riding at excessive speed, or otherwise dangerously,
- (ii) driving or riding in convoy;
- (iii) racing against other motor-vehicles;
- (iv) performing stunts in or on motor-vehicles;
- (v) obstructing the highway or any private property.

Power of Arrest The court thinks that—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 This Order shall continue until the hearing of the claim unless previously varied or discharged by further Order of the Court.

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 Hill J as amended by Ritchie J as re -amended by HHJ Kelly

On 21 December 2022 Amended on 19 May 2023 Re- Amended on 30 August, 4th September 2023 5th October 2023 and 16th October 2023

