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STATUTORY INSTRUMENTS

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**2009 No. 2937**

**The Magistrates' Courts (Drinking Banning Orders) Rules 2009**

**Interim Orders**

3.—(1) An application for an interim order under section 9 of the 2006 Act may, with leave of the justices' clerk, be made without notice being given to the individual against whom the interim order is to be made.

(2) The justices' clerk shall only grant leave under paragraph (1) of this rule if he is satisfied that—

- (a) it is necessary for the application to be made without notice being given to the individual in question; and
- (b) it is not necessary for the application to be heard in the presence of the individual.

(3) If an application made under paragraph (1) is granted then the interim order and the application for a drinking banning order under section 3 of the 2006 Act (together with a summons giving a date for the individual to attend court) shall be served on the individual in person as soon as practicable after the making of the interim order.

(4) An interim order which is made at the hearing of an application without notice shall not take effect until it has been served on the individual.

(5) If such an interim order made without notice is not served on the individual within seven days of being made then it shall cease to have effect.

(6) An interim order shall specify the period for which it has effect and that period shall not be more than four weeks.

(7) An interim order may be renewed on one or more occasions for a period of not more than four weeks from the end of the period when it would otherwise cease to have effect.

(8) An interim order shall cease to have effect on the determination of an application under section 3 of the 2006 Act.

(9) Where the court refuses to make an interim order without notice being given to the individual it may direct that the application be made on notice.

(10) If an interim order is made without notice being given to the individual and the individual subsequently applies to the court for the order to be discharged or varied his application shall not be dismissed without the opportunity for him to make oral representations to the court.