

# Some alternative relief!

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By [Antonietta Grasso](#)

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On 23 March 2020, we were subjected to Lockdown, and the guidance is to stay at home!

Our life now is not as we once knew it: From school closures and restrictions such as not visiting family (outside of our own household), these are quite possibly two of the biggest restrictions and difficulties that we are facing for the first time in our lifetime. We have all read about, and possibly experienced, some form of panic stricken folk in action, whether it be at supermarkets or those desperately trying to get back home from being stranded abroad; but two things are clear that lockdown is affecting everything and everyone, one way or another, and that there is uncertainty as to when our lives will get back to where they used to be - or not!?

The majority reading this article will no doubt concur there has been much chaos caused to legal proceedings: On 25 March 2020, the Coronavirus Act 2020 ("the 2020 Act") received Royal Assent, implementing what we can and cannot do in various proceedings and circumstances. There were also a number of Practice Directions that have been newly implemented as a result of this awful virus. Many of us will have had trials and hearings vacated and / or stayed and some will have or will partake remote hearings on various platforms all, perhaps, very new to the majority: Of which on the flip side is a good thing!

Whilst for me, and for perhaps most of the readers, this chaos in the legal world, is in reality only our day job: The effects of the 2020 Act and the Practice Directions will have a massive impact on the parties that have had their cases stayed or vacated. I, for one, so far, have had one application adjourned, and a two-day housing trial stayed until the end of June. No doubt there will be more. Again, I, for one, will not have to be the bearer of such (bad) news to the witnesses whom have experienced nuisance, threats and intimidation at the hands of a neighbouring resident, where they were hopeful, in their minds, that the trial would have ended with a possession order against their nuisance neighbour and be shot of them. But this is no longer so. So whilst their case is halted, the allegations of nuisance and threats continue, and with lockdown in place this will no doubt not improve the situation.

Not all is lost. The 2020 Act and the Practice Directions make no mention of any restrictions in applying for injunctions.

In possession proceedings, for example, where the grounds relied upon relate to nuisance and / or anti-social behaviour, there is still the option of applying for an injunction under the Anti-social Behaviour, Crime and Policing Act 2014. Of course, a court may grant an injunction if two conditions are met (i) that it is satisfied (on the balance of probabilities) that the respondent has engaged or threatens to engage in anti-social behaviour; and (ii) that the court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour.

Injunctions are categorised as “Priority 1” hearings by HMCTS. So even if a possession trial, say, has been adjourned off or stayed, and an injunction which would not necessarily rid the nuisance maker from the property, an injunction would act as the next best measure to prohibit or require the nuisance maker from behaving in a certain way. At times they work and at times they are ignored. If the latter, of course, committal proceedings would be an option.

Wherever possible during the current circumstances, hearings will be conducted by either telephone conference (BT conference call) or by video conference (Skype for Business, court video link, BT MeetMe or Zoom): The latter method will, to some, will be less familiar, if at all. Parties will be required to file electronic bundles in advance of the hearing containing only documents and authorities pertinent to that hearing. However, first and foremost the court will enquire with the parties as to how the hearing should be conducted, i.e. (i) remote communication; (ii) in court, with necessary precautions; or (iii) by way of an adjournment. The parties may make submissions, in writing, if they disagree and to recommend another proposal. These submissions are to be filed and served by email or by CE-file (if available). The judge will then make a decision as to how the hearing is to be dealt with.

So, I am here, amid the Easter 'homeschooling' break: Business as usual - any questions, welcomed !

Keep Safe !

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Antonietta specialises in all property related matters, ranging from housing, boundary disputes, adverse possession, easements and restrictive covenants, landlord and tenant (both commercial and residential) and more. Antonietta has successfully seen her cases through to judicial review hearings in the Administrative Court and in the Court of Appeal. She also appears in First-tier Tribunal – Property Chamber.

She is an extremely driven barrister and has a particular versatile ability to deal with difficult, demanding and / or vulnerable clients, or cases that are sensitive in nature. Antonietta has been recognised as Leading Junior, in the field of Property Law, for four consecutive years, describing her as a feisty, excellent and stalwart advocate, and always prepared.

**To discuss your Covid-19 options or to book a videoconference or call with Antonietta, please email Mark Heath on [mark.heath@3pb.co.uk](mailto:mark.heath@3pb.co.uk) or call him on 0330 332 2633**

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