



Policing and Crime Act 2009

2009 CHAPTER 26

PART 4

INJUNCTIONS: GANG-RELATED VIOLENCE [^{F1}AND DRUG-DEALING ACTIVITY]

Applications

37 Applications for injunctions under section 34

- (1) An application for an injunction under section 34 may be made by—
 - (a) the chief officer of police for a police area,
 - (b) the chief constable of the British Transport Police Force, or
 - (c) a local authority.
- (2) In this Part “local authority” means—
 - (a) in relation to England, a district council, a county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - (b) in relation to Wales, a county council or a county borough council.

Commencement Information

II S. 37 in force at 31.1.2011 by [S.I. 2010/2988](#), [art. 2](#)

38 Consultation by applicants for injunctions

- (1) Before applying for an injunction under section 37, the applicant must comply with the consultation requirement.
- (2) The consultation requirement is that the applicant must consult—
 - (a) any local authority, and any chief police officer, that the applicant thinks it appropriate to consult, and

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Cross Heading: Applications. (See end of Document for details)

- [^{F1}(aa) where the respondent is under the age of 18 (and will be under that age when the application is made), the youth offending team established under section 39 of the Crime and Disorder Act 1998 in whose area it appears to the applicant that the respondent resides, and]
- (b) any other body or individual that the applicant thinks it appropriate to consult.

[^{F2}(3) If it appears to the applicant that the respondent resides in the area of two or more youth offending teams, the obligation in subsection (2)(aa) is to consult such of those teams as the applicant thinks appropriate.]

Textual Amendments

- F1** S. 38(2)(aa) inserted (9.1.2012) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 36(2)**, 59(1); S.I. 2011/3016, **art. 2(c)**
- F2** S. 38(3) inserted (9.1.2012) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 36(3)**, 59(1); S.I. 2011/3016, **art. 2(c)**

Commencement Information

- I2** S. 38 in force at 31.1.2011 by [S.I. 2010/2988](#), **art. 2**

39 Applications without notice

- (1) An application under section 37 may be made without the respondent being given notice.
- (2) In this Part, such an application is referred to as an application without notice.
- (3) Section 38(1) does not apply in relation to an application without notice.
- (4) If an application without notice is made the court must either—
 - (a) dismiss the application, or
 - (b) adjourn the proceedings.
- (5) If the court acts under subsection (4)(b), the applicant must comply with the consultation requirement before the date of the first full hearing.
- (6) In this section “full hearing” means a hearing of which notice has been given to the applicant and respondent in accordance with rules of court.

Commencement Information

- I3** S. 39 in force at 31.1.2011 by [S.I. 2010/2988](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Policing and Crime Act 2009, Cross
Heading: Applications.