



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 4

#### INJUNCTIONS: GANG-RELATED VIOLENCE

##### *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.

#### **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
  - (b) any other body or individual that the applicant thinks it appropriate to consult.

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*Status: This is the original version (as it was originally enacted).*

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### **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.