



Policing and Crime Act 2009

2009 CHAPTER 26

PART 4

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

Miscellaneous

47 Guidance

- (1) The Secretary of State must issue guidance relating to injunctions under this Part.
- (2) The Secretary of State may revise any guidance issued under subsection (1).
- (3) Before issuing or revising any guidance under this section the Secretary of State must consult the Lord Chief Justice of England and Wales and such other persons as the Secretary of State thinks appropriate.
- (4) The Secretary of State must lay any guidance issued or revised under this section before Parliament.
- (5) The Secretary of State must publish any guidance issued or revised under this section.
- (6) Each of the following must have regard to any guidance published under subsection (5)
 - (a) a chief officer of police for a police area;
 - (b) the chief constable of the British Transport Police Force;
 - (c) a local authority.

Commencement Information

II S. 47 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: Miscellaneous. (See end of Document for details)

48 Supplemental

- ^{F1}(1)
- (2) Rules of court may provide that an appeal from a decision ^{F2}... to which this subsection applies may be made without notice being given to the respondent.
- (3) Subsection (2) [^{F3}applies—
- (a) to a decision under section 39(4)(a) that an application without notice be dismissed, and
 - (b) to a decision] to refuse to grant an interim injunction under section 41.
- [^{F4}(4) In relation to a respondent attaining the age of 18 after the commencement of proceedings under this Part, rules of court may—
- (a) provide for the transfer of the proceedings from a youth court to the High Court or the county court;
 - (b) prescribe circumstances in which the proceedings may or must remain in a youth court.]

Textual Amendments

- F1** S. 48(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 51\(2\)](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 48(2) omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 12 para. 3\(a\)](#) (with [s. 18\(6\)](#)); [S.I. 2015/813](#), [art. 3\(c\)](#)
- F3** Words in s. 48(3) substituted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 12 para. 3\(b\)](#) (with [s. 18\(6\)](#)); [S.I. 2015/813](#), [art. 3\(c\)](#)
- F4** S. 48(4) inserted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 18\(4\)](#), 61(2) (with [s. 18\(6\)](#)); [S.I. 2015/813](#), [art. 3\(a\)](#)

Commencement Information

- I2** S. 48 in force at 31.1.2011 by [S.I. 2010/2988](#), [art. 2](#)

49 Interpretation

- (1) In this Part—
- “application without notice” has the meaning given by section 39(2);
- “consultation requirement” has the meaning given by section 38(2);
- [^{F5}“court” (except in Schedule 5A)—
- (a) in the case of a respondent aged under 18, means a youth court, and
 - (b) in any other case, means the High Court or the county court,
- but this is subject to any provision in rules of court that is or could be made under section 48(4);]
- [^{F6} “ drug-dealing activity ” has the meaning given by section 34(7);]
- [^{F7} “ judge ”, in relation to a youth court, means a person qualified to sit as a member of that court;]
- “local authority” has the meaning given by section 37(2);
- “relevant judge” has the meaning given by section 43(7);

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“respondent” means the person in respect of whom an application for an injunction is made or (as the context requires) the person against whom such an injunction is granted;

“review hearing” has the meaning given by section 36(5);

“specify”, in relation to an injunction, means specify in the injunction;

“violence” includes violence against property.

- (2) Any reference in this Part to an injunction under this Part includes a reference to an interim injunction.

Textual Amendments

- F5** Definition "court" in s. 49(1) substituted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 18(2), 61(2)** (with [s. 18\(6\)](#)); [S.I. 2015/813](#), art. 3(a)
- F6** Definition "drug-dealing activity" in s. 49(1) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 4 para. 85**; [S.I. 2015/820](#), reg. 3(q)(ix)
- F7** Definition "judge" in s. 49(1) inserted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 12 para. 4** (with [s. 18\(6\)](#)); [S.I. 2015/813](#), art. 3(c)
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Commencement Information

- I3** S. 49 in force at 31.1.2011 by [S.I. 2010/2988](#), **art. 2**

50 Review of operation of this Part

- (1) The Secretary of State must—
- (a) review the operation of this Part, and
 - (b) prepare and publish a report on the outcome of the review.
- (2) The report must be published before the end of the period of 3 years beginning with the day on which this Part comes into force.
- (3) The Secretary of State must lay the report before Parliament.

Commencement Information

- I4** S. 50 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: Miscellaneous.