

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 4 – Injunctions: Gang-Related Violence

Variation and discharge

Section 42 Variation or discharge of injunctions

248. This section sets out how an injunction can be varied or discharged.
249. Subsection (1) states that the court can vary or discharge an injunction if a review hearing is held or if an application to vary or discharge is made.
250. Subsection (2) sets out who is able to make an application to vary or discharge an injunction: the applicant and the respondent.
251. Subsection (3) makes clear that variation can include additional prohibitions or requirements or the extension of existing prohibitions or requirements.
252. Subsection (4) provides that a mandatory review is not required if an injunction is varied within the four week mandatory review period in a case which would otherwise fall within section 36(4).
253. Subsection (5) provides that where the applicant applies to vary or discharge the application, the applicant must notify the persons it consulted under section 38 when the injunction was first sought.