

**38. Restraining order against person who could be required to move on**

- (1) If circumstances arise that would give sufficient grounds for a police officer to give a person a direction under section 24 and that person has previously been given a direction under that provision, the police officer may apply for a restraining order against the person.
- (2) The application is to be made —
  - (a) if the person against whom the order is sought is a child, to the Children's Court; or
  - (b) otherwise, to the Magistrates Court.
- (3) If the court to which the application is made considers it appropriate in the circumstances to do so, it may make a restraining order.

*[Section 38 amended by No. 59 of 2004 s. 141.]*