My Lords, in a democratic society the protection of public order lies at the heart of good government. This fundamental principle has a prominent place in the European Convention for the Protection of Human Rights and Fundamental Freedoms. Among the grounds on which a public
authority may interfere with the rights described in articles 8 to T 1: of the Convention, are public safety, the protection of public order and the protection of the rights and freedoms of others. It is only in article 10(1) that one finds an express declaration that the exercise of freedoms carries with its duties and responsibilities. But it is a theme which runs right through the Convention. Respect for the rights of others is the price that we must all pay for the rights and freedoms that it guarantees.
On the whole we live in a law-abiding community. Most people respect the rights of others, most of the time. People usually refrain from acts which are likely to cause injury to others or to their property. On the occasions when they do not, the sanctions provided by the criminal law are available. But it is a sad fact that there are some individuals for whom respect for the law and for the rights of others has no meaning. Taken one by one, their criminal or sub-criminal acts may seem to be, and indeed often are, relatively trivial. But, taken together, the frequency and scale of their destructive and offensive conduct presents a quite different picture. So does the aggression and intimidation with which their acts are perpetrated. 1 he social disruption which their behaviour creates is unacceptable. So too is the apparent inability of the criminal law to restrain their activities. This provides the background to the enactment of section 1 of the Crime and Disorder Act 1998 with which your Lordships are concerned in these appeals.
The main question which they raise is the familiar one of classification. If proceedings under section 1 of the Crime and Disorder Act 1998 are to be classified as criminal proceedings for the purposes of

article 6 of the Convention, all the normal rules of evidence which apply to a criminal prosecution in domestic law must be applied to them. This is of crucial importance to the use which may be made in these proceedings of hearsay evidence. In domestic terms, hearsay evidence under the Civil Evidence Act 1995 would be inadmissible in these proceedings if they are too, he classified as criminal. In Convention terms, the persons against whom anti-social behaviour orders were sought would be entitled to the protection g of article 6(3){d) if it applies to them. Under that paragraph every person charged with a criminal offence has the right to examine or have examined the witnesses against him. But much of the benefit which the legislation was designed to achieve would be lost if this is how these proceedings have to be classified. It would greatly disturb the balance which **section 1** of the Crime and Disorder Act 1998 seeks to strike between the interests of the individual and those of society.
The reason for this is not hard to find. So often those who are directly affected by this conduct lack both the inclination and the resources to do anything about it. Above all, they have been intimidated and they are afraid. They know that they risk becoming targets for further anti-social behaviour if they turn to the law for their protection. It is unrealistic to expect them to seek the protection of an injunction under the civil law. Reports to the police about criminal conduct are likely to result in their having to give evidence. In this situation