

Hearsay applications under the Magistrates Courts (Hearsay Evidence in Civil Proceedings) Rule 1999 to rely solely on hearsay within the Antisocial Behaviour Order (ASBO) application have been put in on the 23/02/2016, 17/08/2016 to Wood Green Crown Court for the appeal hearing, this was challenged, this also has been allowed by the Judge hearing the appeal case. How can anyone stand a fair trial when no witnesses can be called?

1. The truthiness and accuracy of the witness statements that are contained in the format of an MG11 witness statement form.
2. Also, the capacity the court sits in as for the Antisocial Behaviour Order (ASBO) proceeding sit in their civil capacity, but the respondent's application states an offence of a criminal nature such as the organisation of illegal rave, so for any person to understand what rules the case should really be imposed to so that the Appellant could stand a legal and justified fair trial cannot clearly be established, this is for the reasons as listed below.: -

Magistrates and Crown Courts have different regulations when the court houses are sitting in a true and fair civil capacity when at trial and appeal.

A criminal case as the respondent application clearly states it is, has a different views towards the rules of hearsay, than a civil case does and requires a section 9 or 10 to be educed into the case proceedings, if the section 9 or 10 requirements are not agreed by the Judge, or challenged by any applicant, due to a witness not given oral evidence in court, then the context of there statement holds less weight and may not be read out in court verbally aloud that is to say on its own, by any members of the prosecution and in turn becomes inadmissible in criminal cases, but under civil proceeding were there is no criminal element, then them hearsay rule do not comply and the Civil Evidence Act 1995 will in fact apply, in any ongoing proceedings that are in pursuit of an Anti-social Behaviour Order, the Civil Evidence Act 1995 rules should come into force and will allow the admissibility of hearsay without an exception other than a hearsay notice, because of the clear difference that is allowed in the proceeding of criminal and civil law relating to hearsay and the respondent's case being of a mixture of both laws, this leads me to the understanding that I could not stand, what must be a speedy and fair trial in respect to, The Universal Declaration of Human Rights (UDHR) 1948, the Human Rights Act 1998 (the Act or the HRA) and the European Convention on Human Rights (ECHR) 1953.

#### **MG5: Police report**

##### **MG5 – CASE SUMMARY GUIDANCE NOTES**

Any person being accused of an offence under the criminal justice public order act 1994 should be arrested and an mg5 case summery form should be filled out in accordance to code A of the pace codes of conduct.

The prosecutor, defence and court will then need to be informed about what happened when the defendant was interviewed and the guidance contained in the header to section 2 of the MG5 should be followed.

Where the suspect refuses to answer certain questions or to answer satisfactorily, after due warning, a court or jury may draw such inferences as appear proper under the Criminal Justice and Public Order Act 1994 sections 36 and 37.

In such circumstances section 2 on the MG5 should record that a no comment interview took place, special warnings were given (as set out in a - e below) and also record the questions that were asked following the warning. The exact words used should be recorded rather than paraphrasing.

For an inference to be drawn the suspect must be told, in ordinary language:

- a) What offence is being investigated?
- b) What fact they are being asked to account for;
- c) This fact may be due to them taking part in the commission of the offence;
- d) A court may draw a proper inference if they fail or refuse to account for this fact;
- e) A record is being made of the interview and it may be given in evidence if they are brought to trial.

**Orders on Conviction: -**