

Trespassing on any land belonging to any person, whether legal or natural, within those counties. (As above, in that any wrong turn onto someone else's property would risk custody.)

Having in his possession in any public place any window hammer, screwdriver, torch or any tool or implement that could be used for the purpose of breaking into motor vehicles.

(Unacceptably wide, as the meaning of any tool or implement' is impossible to ascertain.)

° Entering any land or building on the land that forms a part of educational premises, except as an enrolled pupil with the

agreement of the head of the establishment or in the course of lawful employment.

(It was held that the term 'educational premises' lacked clarity, for example it could have included teaching hospitals or premises where night classes were held. Also, there was a danger that the defendant might unwittingly breach the order if he played on playing fields associated with educational premises (*R v lioness* [2005] EWCA 2395).)

In any public place, wearing, or having with you, anything that covers, or could be used to cover, the face or part of the face this will include hooded clothing, balaclavas, masks or anything else that could be used to hide identity. (This was found to be too wide and a breach could occur by wearing a scarf or carrying a newspaper.)

Doing anything that may cause damage.

(Far too wide, as it may include the defendant scuffing his shoes.)

Committing any criminal offence. (Taken with other prohibitions, the divisional court commented that this was very plainly too wide (*R (on application of W) v DPP* [2005] EWHC 1333 (Admin).)

Further examples and consideration of prohibitions made for football-related violence may be found in the ease of (*R v lioness* [2005] EWCA 2395).

Duration of an order

The minimum duration of an order is two years, which was set in order to give respite to communities from anti-social behaviour. There is no maximum period and an order may be made for an indefinite period. It is for the court to decide the duration of an order, but the applicant agency should propose a time period as part of its application.

The duration applied for should take into account the age of the recipient, any special conditions that might affect their behaviour, the severity of his or her anti-social behaviour, the length of time it has gone on for and the recipient's response to any previous measures to deal with the behaviour. A longer order will generally be appropriate in the case of more serious or persistent anti-social behaviour. Orders issued to children and young people should be reviewed annually and careful consideration must be given to the case for applying for such orders to last beyond two years.

**159.**

**Simon Cordell's Skeleton Argument (2) Pdf**

**Applying to the courts**

Summons's procedure

Magistrates' court (acting in its civil capacity)

The lead individual in charge of the case should arrange for an application form and three copies of the summons form to be completed and served upon the court. Once these proceedings have been issued, the applicant should serve the defendant with the following:

1. the summons.
2. a copy of the completed application form.
3. documentary evidence of statutory consultation.
4. guidance on how the defendant can obtain legal advice and representation.
5. notice of any hearsay evidence.