

Lord Hutton

For the reasons which I have given I would dismiss the appeals of A the McCann defendants and would declare that the House had no jurisdiction to hear the appeal of the defendant Clingham.

LORD HOBHOUSE OF WOODBOROUGH

My Lords, for the reasons given by my noble and learned friends Lord Steyn and Lord Hope of Craighead and in agreement with the opinion of my noble and learned friend Lord Hutton, in particular what he has said in paragraph 113 of his opinion, I too would make the orders proposed.

LORD SCOTT OF FOSCOTE

My Lords, I agree that for the reasons given in the opinions of my noble and learned friends, Lord Steyn, Lord Hope of Craighead and Lord Hutton, the appeal in the McCann case should be dismissed and in the Clingham case the House should make the order proposed by Lord Steyn.

I, like my noble and learned friend Lord Hobhouse of Woodborough, am in full agreement with what Lord Hutton has said in paragraph 113 of his opinion.

Appeals in McCann case dismissed. Declaration that no jurisdiction to hear appeal in Clingham case.

Solicitors: Peter Kandler & Co; Burton Copeland, Manchester; James Welch; Director of Legal Services, Kensington, and Chelsea Royal London Borough Council; Winckworth Sherwood; Treasury Solicitor.

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R. v DEAN BONESS AND OTHERS

COURT OF APPEAL (Lord Justice Hooper, Mr Justice Roderick Evans, and Mr Justice Pitchers): October 14, 2005

[2005] EWCA Crim 2395; [2006] 1 Cr. App. R. (S.) 120

Anti-social behaviour orders; Sentencing guidelines

Crime and Disorder Act 1998, S. 1 C—antisocial behaviour order on conviction—general considerations

H2 Observations on the considerations which are relevant to the making of orders under the Crime and Disorder Act 1998, s. 1C.

H3 **Bones:** the appellant pleaded guilty to one count of burglary of a dwelling and one of handling stolen goods. The appellant and another person entered an unoccupied house and stole items to the value of £4,800. Following another burglary, the next day, a search of the appellant's home resulted in the discovery of property stolen in that burglary. The appellant had six previous appearances for offences involving vehicle crime, attempted burglary, violence, handling stolen goods and using threatening behaviour. He was subject to two community orders at the time of the offences. Sentenced to three years' detention in a young offender institution, and subjected to an order under the Crime and Disorder Act 1998, S.1 for a period of five years' prohibiting him from entering any public car park within a specified area except in the course of lawful employment, entering any land or building on land which formed part of educational premises except as an enrolled pupil, wearing or having with him in any public place anything which covered or could be used to cover the face or part the face, having with him in a public place any item which could be used in the commission of a burglary or theft from vehicles except one door or bicycle lock key, having possession of any article or carried in public any vehicle that could be used as a weapon, remaining on any shop, commercial or hospital premises if asked to leave by staff or entering