

Having any item with you in public which could be used in the commission of a burglary, or theft of or from vehicles except that you may carry one door key for your house and one motor vehicle or bicycle lock key. A motor

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vehicle key can only be carried if you are able to inform a checking officer of the registration number of the vehicle and that it can be ascertained that the vehicle is insured for you to drive it. We agree with the respondent's submission that: the first part of this prohibition has been drafted too widely and lacks clarity."

The respondent points out that there are many items that might be used in the commission of a burglary, such as a credit card, a mobile phone, or a pair of gloves. Was the appellant being prohibited from carrying such items? If so, the order is neither clear nor proportionate,

The fifth order prohibited the appellant from:

Having possession of any article in public or carried in any vehicle, that could be used as a weapon. This will include glass bottles, drinking glasses and tools.

**The respondent submits and we agree:**

"that the necessity for such a prohibition is not supported by the material pull forward in support of the application. There is very little in the appellant's antecedent history which indicates a disposition to use a weapon. Furthermore, it is submitted that the wording of the prohibition is obviously too wide, resulting in lack of clarity and consequences which are not commensurate with the risk. Many otherwise innocent items have the capacity to be used as weapons, including anything hard or with an edge or point. This prohibition has draconian consequences. The appellant would be prohibited from doing a huge range of things including having a drink in a public bar."

We have already noted judicial criticism of the use of the word "tool" (see para.[42] above).

The sixth order prohibited the appellant from:

Remaining on any shop, commercial or hospital premises if asked to leave by staff. Entering any premises from which barred.

**The respondent submits:**

"The appellant has convictions for offences of dishonesty, including an attempted burglary of shop premises and he has been reprimanded for shoplifting. Thus, there appears to be a foundation for such a prohibition. It is submitted that this term is capable of being understood by the appellant and is proportionate given that it hinges upon being refused permission to enter/ remain on particular premises by those who have control of them."

We agree, although we wonder whether the appellant would understand the staccato sentence: "Entering any premises from which barred."

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The seventh order prohibited the appellant from:

Entering upon any private land adjoining any dwelling premises or commercial premises outside of opening hours of that premises without the express permission of a person in charge of that premises. This includes front gardens, driveways and paths. Except in the course of lawful employment.