

“the very titles of such codes of criminal law will often reveal that they are indeed concerned essentially with ‘matiere penale’. For instance, in France there is a ‘code penaie’, in Italy a codice penale¹, in Spain a codigo penal’ and in Germany a ‘Strafgesetzbuch’. It follows that when, in such cases as *Ozturk*, the court investigates whether the text defining the offence belongs to criminal law, it is investigating whether the text belongs to an area of the law where proceedings can result in a penalty being imposed.”=

129.

Simon Cordell’s Skeleton Argument (2) Pdf

Contents

Appendices	58
Appendix A Early intervention and tackling offending behaviour by under-10s	58
Appendix B County Court Practice Direction according to the Civil Procedure Rules	60
Appendix C Order form	62
Appendix D Summons form	64
Appendix E Step-by-step process for anti-social behaviour orders and orders on conviction	65
Appendix F Public funding for defendants	68
Further reading	69
81	

130.

Simon Cordell’s Skeleton Argument (2) Pdf

Simon Cordell Skeleton Argument (3).pdf

Ministerial foreword

It is now seven years since anti-social behaviour orders (ASBOs) were introduced following the Crime and Disorder Act 1998. Since then, over 7,300 ASBOs have been issued. We often hear from residents up and down the country about how useful they are in bringing respite to communities suffering anti-social behaviour, the drive to tackle anti-social behaviour has been pioneered by anti-social behaviour practitioners and other interested parties all over England and Wales.

During this time much has happened:

For our part we have adjusted policy and response to changing demands prompted by practitioners to ensure that the tool continues to be effective.

The Together Action Line, website and Academy events have provided an excellent source of advice and ensured spread of good practice.

Practitioners have developed protocols and helpful leaflets to improve communication between themselves.

A number of organisations have also organised seminars and conferences to bring practitioners together, debate problem areas and resolve issues between them.

The courts have responded and played their part and we particularly welcome Lord Justice Thomas’s guidance, which has been referred to substantially for the revision of this guidance, and which provides the latest case law for practitioners in a very clear and methodical manner.

The fundamental ethos of ASBOs remains that they combine the twin-track approach of enforcement and support.

However, there have also been some developments and policy adjustments as the courts have interpreted ASBO legislation as more and more cases come before them.

After ASBOs were first introduced, orders on conviction were introduced to improve access and timing; and interim orders for extreme cases where communities needed protecting urgently. Since May 2004 courts have been able to issue individual support orders to juveniles issued with ASBOs on application. This is a positive measure, attaching positive