

will cease to have effect if the application for the ASBO or county court order is withdrawn or refused.

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Simon Cordell's Skeleton Argument (2) Pdf

Taking a strategic approach

may extend over any defined area of England and Wales; and

18. has the same breach penalties as for a full order.

The court procedures and forms to be used when applying for or making an interim order are set out in the Magistrates' Courts (Anti-Social Behaviour Orders) Rules 2002 (available at www.opsi.gov.uk/si/si2002/20022784.htm).

Interim orders made in the county courts

A relevant authority may apply for an interim order in the county court once it is party to the 'principal proceedings. The application for an interim order should be made early in the proceedings.

The procedure for making applications for orders in the county court is set out in the Practice Direction of the updated Civil Procedure Rules 65.24 to 26 (Appendix B).

Orders against children and young people

Under the Crime and Disorder Act 1998, applications for ASBOs against young people aged 10 to 17, and in certain circumstances 18-year-olds, can be heard in the magistrates' court. As a result of the recent practice direction (the Magistrates' Courts (Anti-Social Behaviour Orders) Composition of Benches practice direction, February 2006), the justices constituting the court should normally be qualified to sit in the youth court unless to do so would result in a delayed hearing. Applications for orders are not heard in the youth court as a matter of course because of the civil status of the orders, although youth courts may make orders where appropriate on conviction.

Practitioners familiar with dealing with young people's cases will be aware of the restrictions on reporting that apply under the Children and Young Persons Act 1933- However, automatic reporting restrictions do not apply to stand-alone ASBOs as they are civil orders.

In orders on conviction cases, the court does have discretion under section 39 of the Children and Young Persons Act 1933 to impose reporting restrictions. Reporting restrictions will always apply to the criminal proceedings on which the order on conviction is based but in till other cases, the presumption is that publicity will be allowed. See page 52 for detailed guidance on promoting awareness of orders.

A court making an ASBO does have the power to impose restrictions to protect the identity of a person under 18. But the imposition of reporting restrictions may restrict the effectiveness of the order if the effectiveness of the ASBO will largely depend on the wider community knowing the details. Please see the separate sections on publicity and on children and young people.

Breach of an order

Breach of an order is a criminal offence; criminal procedures and penalties apply.

The standard of proof required is the criminal standard. Guilt must be established beyond reasonable doubt. Breach proceedings are heard in the magistrates' court and may be committed to the Crown Court. Such proceedings are the same irrespective of whether the order is a full or interim order made on application to the magistrates' court or the county court, or an order on conviction in criminal proceedings.

Expert prosecutors

A team of 14 anti-social behaviour expert prosecutors has been set up with funding from the Together campaign to support all Crown Prosecution Service (CPS) prosecutors dealing with