

3. The Respondent's case is that the Appellant has been integrally involved in the organisation of raves in London, particularly Enfield, and/or the supply of sound equipment to those raves. The Respondent relies on each incident set out in the application notice to support his case [RI-3]. The Respondent submits that it is necessary for an ASBO to be in place to protect the public from further anti-social acts, specifically the organisation of raves, done by the Appellant.
4. A chronology of events is appended to this Skeleton Argument.

LEGAL FRAMEWORK

5. Whilst the relevant provisions of the 1998 Act were repealed by the Anti-Social Behaviour, Crime and Policing Act 2014, s.21 of that Act provides that these proceedings are unaffected except that, on 23 March 2020, the Appellant's ASBO will automatically become an Injunction under as if made under s.1 of that Act.
6. Section 4 of the 1998 Act provides that an appeal against the making of an ASBO lies to the Crown Court.
7. Section 79(3) of the Senior Courts Act 1981 provides that an appeal to the Crown Court is by way of a re-hearing. The relevant test, therefore, is that set out in s.1 of the Act.
8. Pursuant to s.1(4) of the 1998 Act, the court may exercise its discretion and make an ASBO if the two-part test set out in s.1(1) is satisfied. Section 1(1) states:

(1) An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely—

(a) that the person has acted, since the commencement date, in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; and

(b) that such an order is necessary to protect relevant persons from further antisocial acts by him.

9. It is for the Respondent to satisfy the court to the criminal standard that the Appellant has acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself. However, the second limb of the test "does not involve a standard of proof: it is an exercise of judgment