

31 December 2001 magistrates in England and Wales made 588 such orders and refused 19. It is important social legislation designed to remedy a problem which the existing law failed to deal with satisfactorily. This is the first occasion on which the House has had to examine the implications of section 1.

2 There are two appeals before the House. They are unrelated but raise *F* overlapping issues. Both cases involve the power of the magistrates' court under section 1 of the Act, upon being satisfied of statutory requirements, to make an anti-social behaviour order prohibiting a defendant from doing prescribed things. Breach of such an order may give rise to criminal liability. That stage has, however, not been reached in either case. In the case of *Clingham* no order has been made. In the case of the *McCann* brothers anti-*Q* social behaviour orders have been made against all three. The appeals are therefore concerned only with the first stage of the procedure under the Act, namely, the application for such an order, and the making of it, and not with the second stage, namely proceedings taken upon an alleged breach of such an order.

3 In *Clingham* the district judge gave a preliminary ruling on 14 September 2000. In the *McCann* case the recorder gave judgment on an ^H appeal from a stipendiary magistrate on 16 May 2000. In both cases the Human Rights Act 1998 is not directly applicable: *R v Kansal (No 2)* [2002] 2 AC 69. The House has, however, been invited by all counsel to deal with the appeals as if the Human Rights Act 1998 is applicable. My understanding is that your Lordships are willing to do so.