

[2006] 1 CHAPTER. (S.) 120

groups in a manner causing or likely to cause any person to fear for their safety or congregating in groups of more than six persons in an outdoor public place, doing anything which might cause damage, not being anywhere but his home address or at an alternative address agreed in advance between the hours of 23.30 and 07.00, being carried on any vehicle other than a vehicle in lawful use, and being in company with 12 named individuals. The order was to run for five years from the appellant's release from custody.

H4 Bebbington and others: nine appellants pleaded guilty and one was convicted of affray or, in the case of Bebbington, threatening behaviour. The appellants with others were supporters of Chester City F.C. They were drinking in a public house in Chester when a group of supporters of Wrexham F.C. arrived at Chester station on their way home from a match. The appellants were warned by police not to leave the public house. The appellants did leave the public house and a confrontation occurred between them and the Wrexham supporters. The confrontation involved the singing of loud and abusive songs and threats of violence. Sentenced (except in the case of the appellant Bebbington) to custodial sentences of between four months and two years' imprisonment, with an order under the Crime and Disorder Act 1998 s.1C prohibiting the defendant from entering any premises for the purpose of attending any football matches in England and Wales which were regulated for the purposes of the Football Spectators Act 1989, entering a specified area on any day on which Chester City were playing at home, during a period beginning three hours before kick-off and ending six hours after kick-off, attending within a 10-mile radius of any premises outside Chester at which Chester City were playing on the day of any away match, and on any day on which England or Wales played a regulated football match in England or Wales, going within a three-mile radius of the stadium where the match was being played during the period commencing three hours before kick-off and ending six hours after kick off. The orders were to last between four years and eight years in the different cases.

H5 Held: the power to make an anti-social behaviour order was introduced by the Crime and Disorder Act 1998, which came into force on April 1, 1999. There were various procedures which could lead to the making of an order, in particular one which involved an application by a relevant authority to a magistrates' court. The Court was concerned with the power to make an order following a conviction for a relevant offence. The power was granted by the Crime and Disorder Act 1998 s. 1C, as inserted by the Police Reform Act 2002 and subsequently amended by the Anti-Social Behaviour Act 2003, s.86. The section provided that if the court considered that the offender had acted, at any time since April 1, 1999, in an anti-social manner, and that an order under the section was necessary to protect persons in any place in England and Wales from further anti-social acts by him, the court might make an order prohibiting the offender from doing anything described in the order. It had been held in *McCann v Manchester Crown Court* [2003] 1 Cr.App.R. 27 that proceedings on complaint under s.1 of the Act were civil in nature, that hearsay evidence was admissible, and that the magistrates' court had to be satisfied to the criminal standard that the defendant had acted in an anti-social manner. The test for whether the order was necessary required an exercise of judgement or evaluation. That did not require proof beyond a reasonable doubt. In *A v Acton Youth Court* (unreported, April 26, 2005) it had been said that the actual and potential consequences of an order made it particularly important that procedural