

take effect on release, would be limited, although there would be cases in which geographical restraints could properly supplement licence conditions.

25 *Anthony Malcolm Vittles* [2004] EWCA Crim 1089 [2005] 1 Cr.App.R.(S.) 8 is an example of a case in which the Court of Appeal decided that there was a demonstrable necessity to make a “suspended” ASBO, despite the fact that the appellant was sentenced to a total of three years and 10 months’ imprisonment. The appellant, who was a heavy drug user, admitted breaking into between 10 and 30 vehicles belonging to American servicemen who lived off airbases used by American forces. The offences involved theft of items from the motor cars to a value of £3,500. In upholding the making of the order, although reducing the term, the Court of Appeal referred to *P* and said that they took the view that the transient, vulnerable, nature of the American population, specifically targeted by the appellant, made it appropriate that, exceptionally, an anti-social behaviour order should be made, notwithstanding the imposition of a substantial prison sentence.

26 An order shall have effect for a period (not less than two years) specified in the order or until further order (ss.1C(9) and 1C(7)). In *Lonergan v Lewes Crown Court* [2005] EWHC 457; [2005] 1 W.L.R. 2570; [2005] A.C.D. 84 (Admin) Maurice Kay L.J. said in the course of delivering the judgment that just because an ASBO must run for a minimum of two years, it does not follow that each and every prohibition within a particular order must endure for the life of the order. Although doubt was expressed about this in the report of the working group set up by Thomas L.J., in our view Maurice Kay L.J. is right. It may be necessary to include a prohibition which would need to be amended or removed after a period of time for example when the offender starts work (provided that at least one prohibition is ordered to have effect for at least two years). Maurice Kay L.J. also said (para. [7]) that the statute requires the order to be “substantially and not just formally prohibitory.”