

[2003] 1 AC

R (McCann) v Manchester Crown Ct (HL(E))

AC 291; [2002] 2 WLR 720; [2002] 2 All ER 192, HL(E)

S v Miller 2001 SC 977

Saidi v France (1993) 17 EHRR 251

Sporrong and Lonnroth v Sweden (1982) 5 EHRR 3 5

Steel v United Kingdom (1998) 28 EHRR 603

Unterpertinger v Austria (1986) 13 EHRR 175

6 Woodhall (Alice), Ex p (18 8 8) 20 QBD 832, CA

The following additional cases were cited in argument:

Bonalumi v Secretary of State for the Home Department [1985] QB 675; [1985]

2 WLR 722; [1985] 1 All ER 797, CA

Botross v Hammersmith and Fulham London Borough Council (1994) 93 LGR 268, DC

E Carr v Atkins [1987] QB 963; [1987] 3 WLR 529; [1987] 3 All ER 684, CA Ibbotson v United

Kingdom (1998) 27 EHRR CD 332

Krone-Verlog GmbH v Austria (Application No 28977/95) (unreported) 21 May 1997,  
EComHR

Nottingham City Council v Kain (A Minor) [2001] EWCA Civ 1248; [2002] 1 WLR 607,  
CA

Pelle v France (1986) 50 DR 263

F Rv Board of Visitors of Hull Prison, Ex p St Germain [1979] QB 425; [1979] 2 WLR 42;

[1979] 1 All ER 701, CA

### **R (McCann) v Crown Court at Manchester**

#### **APPEAL from the Court of Appeal**

This was an appeal, with leave of the House (Lord Slynn of Hadley,  
C Lord Steyn and Lord Rodger of Earlsferry) granted on 25 April 2002, by the  
defendants, Sean McCann, Michael McCann and Joseph McCann, against a  
decision of the Court of Appeal (Lord Phillips of Worth Matravers MR, Kennedy  
and Dyson LJ) dated 1 March 2001 dismissing their appeals from a decision of the  
Divisional Court of the Queen's Bench Division (Lord Woolf CJ and Rafferty J)  
on 22 November 2000 to refuse the defendants'

H application, by their mother and litigation friend Margaret McCann, for judicial  
review by way of an order of certiorari to quash the decision of Judge Rhys Davies  
QC, the Recorder of Manchester, and justices sitting in the Crown Court at Manchester  
on 16 May 2000 to uphold a decision of a stipendiary magistrate to make anti-social  
behaviour orders against the defendants on the application of the Chief Constable of  
Greater Manchester.

The facts are stated in the opinion of Lord Hope of Craighead.

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#### *Clingham v Kensington and Chelsea Royal London Borough Council*

#### **APPEAL from the Divisional Court of the Queen's Bench Division**

This was an appeal, with leave of the House granted on 23 October 2001, by the  
defendant, Andrew George Clingham, against a decision of the Divisional Court  
(Schiemann LJ and Poole J) dated 11 January 2001 B dismissing his appeal by way of  
case stated against a decision on the admissibility of evidence by District Judge David  
Kennett Brown, sitting as a magistrate at Marylebone Magistrates' Court on 14  
September 2000 at a pre-trial review of an application by Kensington and Chelsea Royal  
London Borough Council for an anti-social behaviour order against the defendant.

In refusing leave to appeal the Divisional Court certified, under section 1(2) of the  
Administration of Justice Act 1960, that the following point of law of general public  
importance was involved in its decision: "Whether hearsay evidence is admissible  
in proceedings to secure the making of an anti-social behaviour order under the  
Crime and Disorder Act 1998?"

The facts are stated in the opinion of Lord Steyn.