small in number, sometimes effectively silenced communities.
Fear of the *A* consequences of complaining to the police dominated the thoughts of people: reporting incidents to the police entailed a serious risk of reprisals.
The criminal law by itself offered inadequate protection to them. There was a model available for remedial legislation. Before 1998 Parliament had, on a number of occasions, already used the technique of prohibiting by statutory injunction conduct deemed to be unacceptable and making a breach of the & injunction punishable by penalties. It may be that the Company Directors Disqualification Act 1986 was the precedent for subsequent use of the technique. The civil remedy of disqualification enabled the court to prohibit a person from acting as a director: section 1 (1) of the 1986 Act: *R v Secretary of State for Trade and Industry, Ex p McCormick* [1998] BCC 379, 395C-F; *Official Receiver v Stern* [2000] 1 WLR 2230. Breach of the order made available criminal penalties: sections 13 and 14 of the 1986 Act. In 1994 Parliament created the power to prohibit trespassory assemblies which could result in serious disruption affecting communities, movements, and so forth: see section 70 of the Criminal Justice and Public Order Act 1994 which amended Part II of the Public Order Act 1986 by inserting section 14A. Section 14B which was introduced by the 1994 Act, created criminal offences in respect of breaches. In the field of family law, statute created the *D* power to make residence orders, requiring a defendant to leave a dwelling house; or non-molestation orders, requiring a defendant to abstain from threatening an associated person: sections 33(3)(4) and 42 of the Family Law Act 1996. The penalty for breach is punishment for contempt of court. The Housing Act 1996 created the power to grant injunctions against anti-social behaviour: section 152; section 153 (breach). This was, however, a power severely restricted in respect of locality. A broadly similar technique was adopted in the Protection from Harassment Act 1997: section 3; section 3(6) (breach). Post-dating the Crime and Disorder Act 1998, which is the subject matter of the present appeals, Parliament adopted a similar model in sections 14A and 14J (breach) of the Football Spectators Act 1989, inserted by section 1(1) of and Schedule 1 to the Football (Disorder) Act 2000: *Gough v Chief Constable of the Derbyshire Constabulary* [2002] QB 459. In all these *F* cases the requirements for the granting of the statutory injunction depend on the criteria specified in the particular statute. The unifying element is, however, the use of the civil remedy of an injunction to prohibit conduct considered to be utterly unacceptable, with a remedy of criminal penalties in the event of disobedience.

18 There is no doubt that Parliament intended to adopt the model of a c civil remedy of an injunction, backed up by criminal penalties, when it enacted section 1 of the Crime and Disorder Act 1998. The view was taken that the proceedings for an anti-social behaviour order would be civil and would not attract the rigour of the inflexible and sometimes absurdly technical hearsay rule which applies in criminal cases. If this supposition was wrong, in the sense that Parliament did not objectively achieve its aim, it would inevitably follow that the procedure for obtaining anti-social H behaviour orders is completely or virtually unworkable and useless. If that is what the law decrees, so be it. My starting point is, however, an initial scepticism of an outcome which would deprive communities of *their* fundamental rights: see *Brown v Stott* [2003] 1 AC 681, per Lord

A Bingham of Cornhill, at p 704E-F; per Lord Hope of Craighead, at pp 71 8G, 719B-C; my judgment, at p 707G-H.

VIII The classification under domestic law