

living anywhere other than a specified address without the permission of a nominated person;
 entering an area edged in red on the attached map including both footways of any road which forms the boundary area;
 visiting a named individual unless accompanied by a parent or legal guardian;
 associating with a named individual in a public place;
 leaving his home between certain hours except in the case of emergency etc.

- 24 An order made under s.1C takes effect on the day on which it was made, but the court may provide in any such order that such requirements of the order as it may specify shall, during any period when the offender is detained in legal custody, be suspended until his release from that custody (s.1C(5)). In *P* the Court observed that where custodial sentences in excess of a few months were passed and offenders were liable to be released on licence (and therefore subject to recall) the circumstances in which there would be a demonstrable necessity to make a suspended anti-social behaviour order, to 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 air-bases 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 *Loneragan 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.”