

- (2) The terms of the order must be precise and capable of being understood by offender.
- (3) The findings of fact giving rise to the making of the order must be recorded.
- (4) The order must be explained to the offender.
- (5) The exact terms of the order must be pronounced in open court and the written order must accurately reflect the order as pronounced."

19        Because an ASBO must obviously be precise and capable of being understood by the offender, a court should ask itself before making an order: "Are the terms of this order clear so that the offender will know precisely what it is that he is prohibited from doing?"

20        The Home Office in a 2002 publication entitled "A Guide to Anti-Social Behaviour Orders and Acceptable Behaviour Contracts" gave examples of the types of anti-social behaviour which the Home Office considered could be tackled by ASBOs. The list (which does not purport to be exhaustive) comprises: harassment of residents or passers-by, verbal abuse, criminal damage, vandalism, noise nuisance, writing graffiti, engaging in threatening behaviour in large groups, racial abuse, smoking or drinking alcohol while under age, substance misuse, joyriding, begging, prostitution, kerb-crawling, throwing missiles, assault and vehicle crime.

21        Home Office guidance suggests that prohibitions, should amongst other things:

- be reasonable and proportionate;
- be realistic and practical;
- be in terms which make it easy to determine and prosecute a breach.

22        In the report of the working group set up under Thomas L.J. there is a section which identifies elements of best practice adopted within the courts when dealing with the terms of an ASBO. Included amongst these elements are:

- the prohibition should be capable of being easily understood by the defendant;
- the condition should be enforceable in the sense that it should allow a breach to be readily identified and capable of being proved;
- exclusion zones should be clearly delineated with the use of clearly marked maps;
- individuals whom the defendant is prohibited from contacting or associating with should be clearly identified;
- in the case of a foreign national, consideration should be given to the need for the order to be translated.

23        The report of the working group also provides examples of general prohibitions imposed by the courts which in their view were specific and enforceable, and could be incorporated in ASBOs in order to protect persons from a wide range of anti-social behaviour. These include conditions prohibiting the offender from: