(c) Criminal sanctions are found in Part I of the 1998 Act under the heading "Crime and Disorder: general" which covers prohibitions on sex offenders (section 2) and "Crime and disorder strategies" (section 5) thus emphasizing g the preventative nature of the provisions; (d) Prosecutions are not conducted by the Crown Prosecution Service.

The categorization for what constitutes a criminal offence formulated in *Customs and Excise Comrs v City of London Magistrates[3] Court* [2000] 1 WLR 2020 should be adopted. On that basis applications for anti-social behaviour orders involve none of the hallmarks of a criminal matter; there is no formal accusation, made on behalf of the state or by any private prosecutor, that a defendant has committed a breach of the criminal law.

There is no relevant or viable concept of "quasi-criminal" in respect of hearsay evidence, although there may be varying standards of the civil standard of proof. That is a wholly different matter to a "quasi-criminal" approach to matters of admissibility of evidence.

If applications under the 1998 Act for an anti-social behaviour order are *D* civil in nature, the decision of the High Court in *Clingham* is final and no right of appeal lies to the House of Lords, as section i(i)(a) of the Administration of Justice Act i960 only permits an appeal from a decision of the High Court "in any criminal cause or matter".

Charles Gar side QC and *Peter Cadwallader* for the Chief Constable of Greater Manchester. Applications for anti-social behaviour orders are civil E proceedings. Any proceedings for the breach of an order are criminal proceedings. It was the intention of Parliament that applications for antisocial behaviour orders should be civil proceedings. That result was affected by section 1 of the 1998 Act.

Criminal proceedings are begun by arrest, charge and production at court or by laying an information followed by summons or warrant. Applications *F* for anti-social behaviour orders are begun by complaint. That is the method for commencing civil proceedings in magistrates' courts: see Part 2 and sections 51 and 52 of the Magistrates' Courts Act 1980. *Botross v Hammersmith and Eulham London Borough Council* (1994) 93 LGR 268 was a case with special facts. It concerned section 82(1) of the Environmental Protection Act 1990. The Act and that section had a long legislative history going back to 1875. ft had been decided in many cases that the nature of such proceedings was criminal, in part, because the sanctions available included a fine. The court concluded that when Parliament enacted the 1990 Act it had made a mistake in legislating for such proceedings to be begun by complaint and had never intended to change the nature of such proceedings.

The procedure for applications for anti-social behaviour orders H (section 1(2) of the 1998 Act) and sex offender orders (section 2(2) of the Act) are identical. Applications for sex offender's orders are civil proceedings: see *B v Chief Constable of Avon and Somerset Constabulary* [2001] 1 WLR 340.

A Applying the three criteria laid down in *Engel v The Netherlands (No i)* i EHRR 647 to determine whether the proceedings are "criminal" for the purposes of article 6: first, the proceedings for anti-social behaviour orders are classified as civil in domestic law and, second, the defendants are not charged with any offence. As to the third criterion, section 1 of the Act is directed not to the detection, apprehension, trial and punishment of those B who have committed crimes, but the restraint of those who have committed anti-social behaviour (which may also amount to a crime) and whose conduct is such that a measure of restraint is necessary to protect members of the public from further anti-social behaviour. The purpose of the proceedings is of importance within the European Jurisprudence: see *Raimondo v Italy* (1994) 18 EEERR 237; *Guzzardi v Italy* (1980) 3 EHRR 333. The powers available in those case was at least as