

Where a defendant fails to attend a hearing, the applicant may, after substantiating the complaint on oath, apply to the court to issue a warrant for the defendant's arrest. Various provisions for adjournment, non-attendance at court and the issue of a warrant for arrest are contained in sections 54 to 57 of the Magistrates' Courts Act 1980.

County court

How to prepare a court file for an application

A file to support the application for an order should be prepared by the lead agency or the solicitor acting on their behalf.

A minimum of eight identical court bundles will be required as follows:

- three for the magistrates;
- one for the legal adviser;
- one for the applicant's solicitor;
- one for the defence solicitor;
- one for the defendant; and
- one for the witness box.

The files are in loose-leaf format (in an A4 ring binder) and should be indexed and paginated.

The index and contents should include, as appropriate:

- the summons for the order, together with proof of service;
- the application for the order (in the format provided by the Magistrates' Court (Anti-Social Behaviour Orders) Rules 2002);
- the defendant's details;
- the defendant's previous convictions;
- the defendant's acceptable behaviour contract (ABC) agreements;
- ⁹ a summary of the incidents being relied upon by the applicant;
- a map and description of the exclusion area;
- an association chart (showing relationships and connections where the alleged anti-social behaviour is by a group of people);
- documentation of statutory consultations;
- supporting statements from any multiagency consultation;
- ® a statement from the officer in the case;
- any other statements obtained;
- hearsay notices;
- ⁹ a draft order for approval by the court; and
- a home circumstances report where the subject of the order is a child or young person (if necessary and completed).

The bundle should be prepared and served on the solicitor for the defendant as soon as the summons is

An application for an order in the county court must be made in accordance with the procedure set out in the Practice Direction at Appendix B.

Where the applicant is the claimant in the principal proceedings, the application for the order should be included in the claim form. Where the applicant is the defendant in the principal proceedings, the application should be made by way of an application notice,

served. The applicant's solicitor should attempt to have the contents of the bundle agreed prior to any pre-trial review. Disclosure should be transparent and complete.

Contact

Niamh Noone, Lancashire Constabulary Email: niamh.noone@lancashire.police.uk Telephone: 01772 412919 which should accompany the defence. If the applicant is not a party to the principal proceedings, an application to be made a part^T and for the order must be made to the court in the same application notice.

Orders made on conviction in criminal proceedings

After a defendant has been convicted of an offence, the prosecutor may make an application for an order. Alternatively, the court may make an order of its own volition.

Orders on conviction can be made by the magistrates' court, the youth court or the Crown court. The form of these orders is set out in the Magistrates' Court Rules and the Crown Court Rules. An order may be made only if the court sentences or conditionally discharges the offender for a relevant offence.

The Crown Prosecution Service usually requests the court to make an order on conviction, as there is no formal application process for this order. The court has to consider that:

³ the offender has acted in an anti-social manner, that is in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the offender; and ³ an order is necessary to protect any persons in any place in England and Wales from further anti-social acts by him.

Evidence

Evidence should explain to the court the context of the anti-social behaviour and its effect on other people. It can include: