

- (i) The appropriate avenue to challenge the final ASBO made by the Magistrates' Court is by way of appeal to the Crown Court. This was the Claimant's statutory right, and an avenue he pursued by appealing the order.
  - (ii) The appropriate avenue to challenge an order (and any interim order or directions) of the Crown Court where there is no right of appeal - or the Magistrates' Court if the right of appeal is not pursued - is by way of case stated.
9. The correct procedure for seeking to state a case to the High Court is to apply to the court that made the order (i.e. the Magistrates' Court or Crown Court in this case). The powers and procedure for doing so are as follows:
- (i) The power to state a case from the Magistrates' Court emanates from s.111 of the Magistrates Court Act 1980 (MCA).
  - (ii) The power to state a case from the Crown Court emanates from s.28 of the Senior Courts Act 1981 (SCA).
  - (iii) The language used in both s.111(1) of the MCA and s.28(1) of the SCA are very similar in limiting the appeal jurisdiction in respect of orders, judgments and decisions of the court to requests to state a case. The jurisdiction to state a case is subject to any right of appeal. There is no right of appeal in respect of the making of an ASBO or the interim orders made by either court in this case.
  - (iv) The procedure for stating a case is practically identical as provided for in s.111 of the MCA and regulation 26 of the Crown Court Rules 1982. In short, the aggrieved party has 21 days to apply to the court that made the order to state the case, after which a procedure is set in train to allow that court to consider whether to state a case to the High Court and for the other party or parties to make representations.
10. There is, therefore, no avenue to challenge the decisions of the Magistrates' Court or Crown Court other than to have those courts respectively state the case to the High Court. The Defendant is not aware of any application by the Claimant to the Crown Court to have his case stated. In any event, pursuant to, the Claimant is now time barred from doing so as any such application must be made within 21 days of the