

61(9)(a), which is where buildings are excluded from the application of section 61.

It will be further noted the exclusion in the section 61 is introduced by the words "in this section" and so without more it does not apply to other sections. Although the words "in the open air" were removed from section 68 of the 1994 Act, those same words were not removed from section 63 which concerns power to remove people attending or preparing for a rave, nor from section 77, which concerns powers to direct unauthorised campers to leave land.

The District Judge's reasoning is contained in these paragraphs of the Case Stated where she said: "I find section 61 holds the relevant definition of land for sections 68 and 69, and that excludes buildings."

So, by section 68(5)(b), referring to the application of section 61(b) of the definition of 'land'.

Amendments made by the Anti-Social Behaviour Act 2003 remove 'in the open air'.

Nothing is added, save for the explanatory note I give that limited weight. My view is the appellants could be convicted of a very serious offence by way of an explanatory note which, in the interests of justice, is manifestly wrong and therefore I find no case to answer.

"Section 63 is what they are using in this case and as seen above has never had the words open air removed from section 63."

Simon has called the guy he saw today and addressed this but he says the police are using Simon character only in his case.

But how can this be the case as he does not been arrested before for anything to do with this?

I new from the onset of this case due to who they have got dealing with it they are trying to push this law to include building under section 63, but a judge has already ruled this cannot be the case due to some sections not being amended.

If you look at what they want to give Simon this asbo for and what he will not be able to do is under section 63?

You also have this;

[http://www.newforest.gov.uk/media/adobe/1/9/Section\\_12\\_Evidence\\_in\\_support\\_of\\_an\\_ASBO\\_application.pdf](http://www.newforest.gov.uk/media/adobe/1/9/Section_12_Evidence_in_support_of_an_ASBO_application.pdf)

Please read section 12.2 The Police and Criminal Evidence Act (PACE) does not apply to civil Proceedings but, in view of their powers of arrest etc, the police could as a matter of good practice conduct interviews of defendants applying the basic principles of PACE - eg advising them of the