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Sent: 04 February 2016 20:51
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<http://researchbriefings.files.parliament.uk/documents/SN01889/SN01889.pdf>

11. Part of my submissions had been that the allegations were that D was involved in organising illegal raves but the applicant hadn't adduced evidence of trespass which is a requirement for proving that an indoor rave (which all but one were) was illegal. The DJ ruled that the applicant did not need to prove illegality - all that needed to be proved was that D had acted in an anti-social manner. In my view this is a very questionable decision: firstly, the applicant based their case on the illegality of the raves rather than the fact of the raves themselves and secondly, without proof of illegality the presumption of innocence leads to the conclusion that the raves were legal, and thus D being prohibited from engaging in an ostensibly lawful activity requires more careful consideration on issues of proportionality. D could JR/case state this decision but I think there is little merit in doing so because he would then lose his right to appeal to the Crown Court and even if he succeeded in the High/Div Court, they would merely remit it back to the lower court who would then probably go through the motions of considering proportionality before coming to the same conclusion.