

50. Clearly, the conditions the Appellant was put under are a breach of the Appellant's human rights, and disproportionate due to the fact it would breach:

- A. Article 3 freedom from torture and inhuman or degrading treatment:-
- B. Article 5 right to liberty and security:-
- C. Article 8 respect for your private and family life, home and correspondence:-
- D. Article 23.1 of the universal declaration of human rights states: (1) everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

51. Condition E states entering or remaining on a non-residential private property on an industrial estate between the hours of 10 pm and 7 am without the written permission from the owner of that land and/or leaseholder of the property.

52. With this condition in place, it makes it so that the Appellant's life is left in term while as for it leaves him in a state of confusion as to what he can and can not do as he has been left not equal to others.

53. Any non-residential property the Appellant would like to attend such as where house night club or any friends or families private parties he is not able to attend:

54. This also includes Hospitals, Police Stations, 24-hour Supermarkets, Petrol Stations, Cinemas, Restaurants, Bars, Nightclubs and any other public place open to the public between these times that is non-residential. The Appellant cannot go to without written permission which would be degrading for the Appellant to have to ask each time he wanted to go somewhere and explain why he needed it to be confirmed in writing by the owner and/or leaseholder of the property, how this condition could be applied by any Judge and state it is not a breach of someone human rights should not be justified.

55. Conditions C states knowingly using or supplying property personal or otherwise for the use of a rave as defined under section 63.1 of the criminal justice and public order act, the Appellant has spent the last 10 years building his business saving every penny with help from his family.

56. The company he has built is regulated within the entertainment industry and is represented by the licensing Act 2003, he intends to hire equipment out, the Appellant's business is seriously affected by the conditions, partly because if he hired his equipment to any person and it ended up in an indoor private party or an outdoor illegal rave then the Appellant would be in breach of the conditions he has been imposed to be in compliance with another issue of concern is all events sighted within the Applicant's bundle are indoor events and are therefore not illegal. When hiring out equipment the Appellant does ask what it is going to be used for and also makes sure that he and his clients have that of a professional contract in place, so for him to be sure he is hiring the equipment in good faith.

57. Sometimes when a person tells you their reason for hiring the equipment out you may find out at a later date that what was explained when hiring the equipment out is not always correct and that it was not used for the purpose the person told you. The Appellant should not be liable for other people's actions when following the correct protocols of business and should never be in breach of the Asbo conditions in them circumstances.

58. Also if the Appellant loaned someone any personal belongings and that person ended up at an illegal rave then the Appellant would again be in breach of his conditions, even if the item was something that did not even constitute as being for an illegal rave.

59. These are just two more of the concerns within the conditions that the Appellant is under.

60. Some of our other concerns within the conditions set by the Courts are that the Appellant's Human rights are even further breached, this includes:-

- A. Article 6 right to a fair trial:-

61. The Appellant had to go ahead at the hearing without the barrister having any other paperwork other than the application to strike out, which was not allowed.

62. Also on this date, the police officers did not attend when they knew they should.

63. The Appellant was so unwell at this hearing, he was not coping he should never have had to discharge himself from hospital to try to defend himself.

64. The police have it on the police systems who done what they say the Appellant has done and have not disclosed that information when requested.

65. The following directions were made:

66. The parties to exchange any additional evidence on which they seek to rely by 20<sup>th</sup> January 2015, this is to include any witness statements from any witness, including the defendant himself; and:-

67. The parties are prohibited from relying on any evidence not already served or served in accordance with paragraph 1 of these directions, without the permission of the Court.

68. Although not a formal direction, should any witnesses no longer be required, the Judge requested written confirmation of this to be given to all parties speedily.

69. At present, the following witnesses are required to attend the full hearing:

- A. Inspector Douglas Skinner;-
- B. Police constable Miles;-
- C. Acting police sergeant Edgoose;-
- D. Police constable Elsmore;-
- E. Sergeant King;-
- F. Police constable Ames; and:-
- G. Inspector Hamill.

70. The interim order was set to continue until 10<sup>th</sup> March 2015 when the full hearing was heard this was listed for two full days.

71. The disclosure was asked for this was meant to be given by 20/01/2015 this never happened and no disclosure was given.

72. No disclosure was served on us by the 20/01/2015 that was asked for; this has happened throughout this case. The disclosure we ask for would prove the Appellant did not do what the police are saying within the application.

73. Before the first hearing was due to take place the Appellant and his mother was constantly requesting by methods such as via phone and emails for the acting solicitors Michael Carrol and co's to obtain the relevant information so for them to have the Applicant's best interests at heart regarding a fair trial, thought our requests we understood that things were not being addressed to the correct level of services needed, this included a lack of communication, submission of forms and applications and relevant procedures for a solicitor firm to have the correct correspondents ready for trial, in laymen terms a complete disregard for their clients, things just was simply not being completed.

74. Since the start of the case meetings was constantly being put off by them self's, we had also asked a number of times could the solicitors please go over the CADs, and intelligence reports that were in the Asbo application as we understood there to be serious errors contained within its context, our request was never accomplished, this included the questioning of laws representing the case stating it was an illegal offence to which the Applicant had never been arrested for.

75. Also noticed within the applicant's bundles were other serious breaches of data protection, regulations and codes of conduct, this includes some of the following: - in police officers statements;