A GUIDE TO SEXUAL RISK ORDERS

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What are Sexual Risk Orders?

Sexual Risk Orders or "SROs" are civil orders that were introduced in 2014 as a replacement for Risk of Sexual Harm Orders.

These allow individuals to be subject to a wide-ranging set of restrictions without any need for a conviction. This is the distinction between SROs and Sexual Harm Prevention Orders ("SHPOS") which were introduced the same year and require the subject to have been convicted of a relevant offence.

This application can only be made by or on behalf, of a chief officer of police (usually the Met Police Commissioner) or the Director General of the National Crime Agency.

SROs are civil orders heard in the Magistrates' Court at first instance and the Crown Court on appeal.

Most of the procedural law required for an SRO hearing is outlined in the Magistrates Court Act 1980, the Civil Evidence Act 1995 and the Magistrates' Courts (Hearsay Evidence in Civil Proceedings) Rules 1999.

What Needs to be Proven?

The provision for SROs is set out in Section 122A of the Sexual Offences Act 2003.

Section 122A(6) requires the court to determine whether:

- the defendant has done an act of a sexual nature;
- as a result of which there is reasonable cause to believe that it is necessary for a sexual risk order to be made to protect the public or any particular members of the public, from harm from the defendant or children or vulnerable adults generally inside or outside the UK.[1]

The determination of whether an act of a sexual nature had been committed, must be decided to the civil standard on a balance of probabilities.[2] The decision of whether the application is necessary, however, is not subject to the criminal standard, and falls to the discretion of the court "*as an exercise of judgment or evaluation*".[3] The Guidance

[1] Section 122A(6) Sexual Offences Act 2003.
[2] Guidance on Part 2 of the Sexual Offences Act 2003 (March 2023), p.59 ("Secretary of State Guidance)
[3] *R. (McCann) v Crown Court at Manchester* [2002] UKHL; [2003] 1 AC 787.1, per Lord Steyn, para. 37.

outlines factors that may assist the court in determining the level of risk presented by the defendant, such as previous convictions and compliance with any previous orders.[4]

"Act of a sexual nature" is not defined in the statute and is left open to broad interpretation. The Secretary of State's "Guidance on Part 2 of the Sexual Offences Act 2003" states that the term will depend "*to a significant degree on the circumstances of the behaviour and its context.*"[5]

The Guidance provides examples of the kind of behaviour that may be subject to an SRO but makes clear this is not an exhaustive or prescriptive list. It includes criminal behaviour, such as engaging in sexual activity involving a child, as well as behaviour that may be suggestive of exploitation or grooming, such as inviting young people to social gatherings that involve predominately older men.

The examples provided in the Guidance belie the original intention behind the SRO which was to criminalize the kind of exploitative behaviour that led to the Rotherham scandal, but which doesn't amount to a criminal offence by itself.

Initial Steps: Responding to an SRO application

An SRO application will normally include an initial copy of the order being sought including the terms they wish to impose on the defendant. There should also be a bundle of supporting documents, a hearsay application, and a summons for the defendant to attend court.

Once the defendant receives this notice, it is worth instructing counsel early on and confirming with the client whether they wish to oppose the order or at least argue the terms being sought. After receiving instructions, notify the applicant of your position and respond to any hearsay notice provided, or indicate your intention to respond as soon as counsel is instructed or further information is received etc. (See below for time frames for responding to hearsay notices.)

You should confirm with the applicant whether they wish to apply for an interim SRO at the first hearing and consider whether you are ready to respond to such an application. The parties may be able to agree in advance that the first hearing should be simply a case management hearing where directions are set down and a date for the interim SRO is identified. If it is agreed that the first hearing will be for case management, then it is wise to inform the court of the parties' intention, so the case is scheduled accordingly.

[4] Secretary of Stage Guidance p. 56
[5] Secretary of State Guidance p.55

At the case management hearing, parties should consider how much time they need to serve applications and responses with appropriate skeleton arguments. The defendant should also confirm if any further evidence is likely to be served in support of the SRO application and the applicant should consider whether any disclosure requests are likely to be made. As with all timetables, these dates can be adjusted if necessary, but it is helpful to have a realistic framework before listing hearings.

When listing hearings for argument, it is prudent to set aside extra time for the bench to read the bundles and skeleton arguments and deliver a judgment. Some SRO applications can consist of multiple leaver arch files and it is not unusual for a legal argument to be adjourned on the day because the bench has realized they do not have enough time to consider the papers.

At the case management hearing, it is worth arguing that the remaining hearings are reserved to a single district judge who can retain the case for its duration. The Guidance specifically states that it is not necessary for SRO's to be heard before a district judge[6] and court clerks will usually greet such applications with reluctance. However, there are practical reasons for it to be heard by a district judge or at least the same bench where possible.

It will save time overall having a single district judge who is familiar with the case deal with all the hearings, rather than having several different magistrates who will have to read the papers in the bundle each time. This will be especially important if the case bundles are large. It is also preferable to have a legally qualified district judge if the allegations in the order are more serious than a bench would normally deal with in the Magistrates' Court, if the defendant has vulnerabilities that are likely to require special measures, and if there are likely to be complex legal and factual arguments.[7]

Applying for Legal Aid and Certificates for Counsel

Under Part 2 of the Sexual Offences Act 2003 Act, proceedings relating to the application for full orders/interim orders, applications to vary or discharge an order, appeals against an order, and breaches of an order are potentially eligible for criminal legal aid.[8]

[6] Secretary of State Guidance, p.32
[7] In Scotland, applications for the equivalent Orders must be heard by a legally qualified judge in the Sheriff Court.
[8] Secretary of State Guidance p.31

Once legal aid is in place and counsel is instructed, an application for a certificate for an assigned advocate should be prepared and served on the court as soon as possible. SROs usually involve a great deal of legal and evidential argument, so it (literally) pays to have a certificate in place early on.

The considerations for a certificate for counsel are set out in The Criminal Legal Aid (Determinations by a Court and Choice of Representative) Regulations 2013.

Paragraph 16(2) states that the relevant court may allow the representation order to be extended to allow an individual to instruct an advocate "*if there are circumstances which make the proceedings unusually grave or difficult, [and] representation by an advocate would be desirable."*

The terms of the application are set out in paragraph 11(2) of the Regulations, which require that it:

- is made by the individual seeking the determination;
- is made in writing; and
- specifies what the relevant court is being asked to determine and the grounds upon which it is being asked to do so.

This means that counsel must prepare a note for the court, specifying clearly what about this case makes it so difficult and requires a barrister rather than a solicitor to argue it. Essentially, this is an important piece of advocacy outlining why you need to be paid properly.

Grounds that can be argued regarding the gravity and difficulty of the case can include the seriousness of the allegations (e.g. indictable only charges such as rape that would automatically be argued by counsel in the Crown Court); the volume of evidence in the case; the vulnerability of the defendant/ the witnesses; the possible consequences for the defendant; the amount of cross-examination required; and the volume of legal and evidential argument the case is likely to involve.

Once the certificate for counsel is served on the court the advocate must ensure it is considered by the judge. This is normally a matter exclusively for the defendant and won't be subject to an opposing argument by the applicant.

If the certificate for counsel is granted, then ensure a copy of that order is sent by the court clerk to your solicitor and your chambers clerks immediately after the hearing. It will be a lot harder to locate once the case is done and you need to submit a bill.

Interim Sexual Risk Orders

In most cases, the applicant will be applying for an interim SRO (ISRO) under Section 122E, at the same time as an SRO. The ISRO terms are usually the same ones being applied for under the SRO and if the ISRO is successful, they will remain in place while the substantive order is in the process of being argued.

Unless instructed otherwise, counsel should be prepared to oppose these interim orders as forcefully as the substantive orders. A person subject to an ISRO must comply with notification requirements (dealt with below) as well as the terms of the order, and the consequence of breaching those can be as significant as a breach of the substantive SRO, namely a maximum sentence of 5 years of custody.

To impose an ISRO, the court does not need to be satisfied that an act of a sexual nature has been committed. The applicant must only persuade the court that an ISRO is necessary, and the court will make the order "*if it considers it just to do so*"[9]

The interim order may only be imposed for a fixed period specified in the order and will cease to have effect upon the determination of the full order.[10]

When responding to the ISRO application, the defendant may draw the court's attention to the Guidance, which states care should be taken before interim orders are imposed. *"The risk factor may be of such a degree as to justify an interim order application at the same time as an application for a full order, but given that such an order will be made before the court has heard and tested all the evidence, great care must be taken to ensure that such a course of action is justified."*[11]

Under Article 8 of the Human Rights Act 1998), any interference with an individual's right to a private and family life must be necessary and proportionate to the prevention or detection of crime, the rights and freedoms of others or the protection of health or morals.[12] The defendant may seek to rely on this principle, arguing that it is not fair to place restrictive terms on someone before there has been any finding of fact at all, particularly if there is likely to be a long delay before the final order is determined.

If the court is minded to impose the ISRO in any event, the defendant may still be able to argue the terms should be less restrictive than those requested as part of the SRO bearing in mind no finding of fact has been made at this stage.

[9] Section 122E (3), Sexual Offences Act 2003; Secretary of State Guidance, p.30
[10] Section 122E (4), Sexual Offences Act 2003
[11] Secretary of State Guidance, p.30
[12] Ibid.

The defendant has the right to apply for an ISRO to be varied, renewed or discharged under Section (122E (5)) of the Sexual Offences Act 2003 (see below).

Notification Requirements

A person subject to an SRO or an ISRO will be subject to notification requirements separate to the terms of the order imposed.

A person subject to an SRO or an ISRO must notify the police within three days beginning with the date of service of the order, of their name(s) and home address. The subject must also inform the police of any change to their name or home address within three days of that change being made.[13]

The client will need to be advised of these early on to make sure they do not breach them by failing to notify within the narrow time frame. It may also be a relevant consideration for them whether they wish to accept the SRO application rather than oppose it.

Bad Character and Hearsay

A key distinguishing feature of SRO hearings to ordinary criminal proceedings, is that bad character and hearsay evidence are admissible, and cases are often decided entirely on the papers.

Hearsay evidence is principally admissible under section 1 of the Civil Evidence Act 1995. However, section 2(1) requires a party proposing to adduce hearsay evidence to give the other party notice of that fact and, on request, such particulars of or relating to the evidence as is reasonable and practicable in the circumstances for the purpose of enabling him to deal with any matters arising from it being hearsay.

In support of their application, the officer in the case should provide a statement explaining what efforts, if any, were made to contact the witnesses to ask them if they were willing to give evidence, or to explain the decision why the witnesses were not contacted to attend and give evidence. If they haven't then you may request this.

[13] Section 122F, Sexual Offences Act 2003.

The case of McCann[14] is often heavily relied upon by the applicant as an authority that it will not breach a defendant's Article 6 rights to a fair trial for hearsay evidence to be used in applications for civil orders.

A key point in McCann is that civil orders would be unworkable if the applicant were required to call all the witnesses it sought to rely on in support of these applications. The introduction of the SRO in 2014 means the higher courts have never considered whether this decision should be distinguished in cases where a court is deciding to impose an order where an individual is being accused of serious sexual offences and will be made subject to notification requirements.

The defendant cannot oppose the applicant's decision to rely on hearsay evidence, but they can apply to have the witnesses called for cross-examination under Section 3 of the CEA.

Cases such as Mujibal[15], Harris[16], and Cleary[17] provide some basis for arguing that the applicant's witnesses should be called for cross-examination, or further evidence provided why they cannot attend court in person. At the very least this may undermine the weight of their written statements even if they do not attend.

A defendant should consider carefully whether they wish to cross-examine a witness the other party does not intend to call.

In some circumstances, the applicant may prefer to withdraw the application rather than have the witnesses called, so this could be a determinative issue. Equally, some defendants may prefer to have the witnesses' statements read because then they can invite the court to place less weight on the hearsay evidence on the basis that written evidence should carry less weight than oral evidence.

When considering what weight (if any) should be given to hearsay evidence, the CEA states that the court *"shall have regard to any circumstances from which any inference can reasonably be drawn as to the reliability or otherwise of the evidence."* (Section 4(1))

When assessing reliability, particular regard may be had to:

- whether it would have been reasonable and practicable for the party by whom the evidence was adduced to have produced the maker of the original statement as a witness;

[14] *R. (McCann) v Crown Court at Manchester* [2002] UKHL; [2003] 1 AC 787.1.
[15] *Brown v Mujibal* [2017] 4 WLUK 42
[16] *Moat Housing Group-South Ltd v Harris and another* [2005] EWCA Civ 287
[17] *R. (Cleary) v Highbury Corner Magistrates' Court* [2006] EWHC 1869 (Admin)

- whether the original statement was made contemporaneously with the occurrence or existence of the matters stated;
- whether the evidence involved multiple hearsay;
- whether any person involved had any motive to conceal or misrepresent matters;
- whether the original statement was an edited account or was made in collaboration with another for a particular purpose;
- whether the circumstances in which the evidence is adduced as hearsay are such as to suggest an attempt to prevent proper evaluation of its weight.

If the defendant does decide to try and have the witnesses called for cross-examination then under Section 3 of the CEA the defendant should provide written notice of an intention to apply to cross-examine these witnesses within 14 days of receiving the applicant's notice of their intention to rely on hearsay evidence.

A failure to comply with the civil procedure rules should not affect the admissibility of the evidence but may be taken into account as a matter affecting the weight to be given to the evidence.

It is not unusual for the Section 3 application to be later than 14 days if the applicant's hearsay notice is served with the initial application bundle, but it is advisable for a response to be served as soon as practicable and for notice to be given of an intention to serve a notice if you are unlikely to serve it on time. This course of action is more defensible to the court if you fail to keep to the civil time frames.

When setting down directions at the first hearing, parties should consider whether there is likely to be disagreement on which witnesses are called and include time for legal argument on this point. If witnesses are not called, counsel should make clear whether the content of the witness statement is agreed or you are just content for their statements to be read.

Preparing a Response to an SRO Application

Any timetable should include a date for service of the applicant's substantive hearing bundle allowing time for the defendant to prepare theirs with supporting submissions. The bundle should include the client's witness statement and any other statements and supporting evidence they intend to rely on in s.9 format.

The defendant's witness statement will be used as their evidence in chief so it should address each point of the applicant's allegations if these are in dispute. If the defendant does not intend to give any further evidence, then the defendant will need to serve a

hearsay notice under Section 2. The applicant will also have the right to apply for the defendant and any of their witnesses to be cross-examined.

Before the defendant's statement is served, careful consideration should be had whether the instructions are likely to incriminate them in any ongoing criminal proceedings or investigations, and if the instructions are contrary to a case in which no further action was taken. For example if in a police interview regarding these allegations the defendant denied sexual contact, but then subsequently suggests consensual contact.

If the defendant chooses not to give evidence, then the court will have the same right to consider what weight they should give to his written statement as they would to any other written evidence in the case.

When preparing to address the second limb of the application, i.e. whether an SRO is necessary for the protection of the public, the defendant's case may be assisted by a psychiatric or psychological report. If the report finds that the defendant presents a low risk of sexual harm to others then this will be helpful evidence. If the report is unhelpful then it does not need to be relied upon.

In some cases, it may also be helpful to find out if the applicant has carried out a risk assessment on the defendant before making the application for an SRO.

You should consider tactically whether you wish to invite the applicant to carry out an ARMS assessment on the respondent. If the result is likely to be "low risk" then it will be helpful to your argument that the SRO is not necessary for the protection of the public. This will not necessarily be the case with all defendants, but a psychological report may assist you in making that evaluation.

If you follow this course, make sure you are served with the notes from the assessment as they will provide grounds for cross-examination of the officer who prepared the report.

The court may be invited to consider the impact of the terms of the order on the defendant at the stage they are considering whether the order is necessary and when considering which terms should be imposed. In Ebanks the court referenced the "*disastrous impact on a person's reputation*" that a Risk of Sexual Harm Order (the predecessor to SROs) could have, "*notwithstanding that the person might never have been convicted or even cautioned for a sexually related offence, or indeed any offence"*.[18]

[18] *Commissioner of Police of the Metropolis v Robert Ebanks* [2012] EWHC 2368 (Admin).

Substantive Hearings

At this stage both parties will have prepared bundles with skeleton arguments and supporting documents outlining their arguments in respect of the order sought. These should have been served on the court and the opposing party in advance, in accordance with the timetable set at the management hearing.

The applicant will open the case and make any supplementary oral submissions they wish. The officer supporting the application will usually be called. They will adopt their statement as their evidence in chief and can then be cross-examined in addition to any other witnesses called as part of the applicant's case.

The defendant will then be invited to make their case. There is no requirement that submissions should be made first. It may suit the defendant to make submissions after the evidence is given.

At the conclusion of the parties' cases, it is not unusual for the judge to postpone judgement for a written decision to be prepared. The parties will be ordered to return to court at a later date and the SRO terms may be argued then if the application is successful.

Arguing SRO Terms

If the SRO is granted, then the parties can still make submissions regarding the terms. Ultimately any terms imposed must be proportionate, not oppressive, and sufficiently clear and easy to understand.[19]

Lord Hughes in Smith provided helpful general guidance in respect of drafting civil order terms:
"[4] The SOPO offers a flexibility in drafting which is in one sense welcome because it enables the order to be tailored to the exact requirements of the case. That flexibility, however, must not lead draftsmen to an inventiveness which stores up trouble for the future. It will do this if it creates a provision which is, or will become, unworkable. That may be because it is too vague or because it potentially conflicts with other rules applicable to the defendant, or simply because it imposes an impermissible level of restriction on the ordinary activities of life. The SOPO must meet with the twin tests of necessity and clarity. The test of necessity brings with it the subtest of proportionality.

[19] *R. v Smith* [2001] EWCA Crim 1772

[5] As to clarity, a convenient analogy is the framing of an injunction in a civil court, which also attracts the sanction of imprisonment. The terms of a SOPO must be sufficiently clear on their face for the defendant, those who have to deal with him in ordinary life, and those who have to consider enforcement, to understand without real difficulty or the need for expert legal advice exactly what he can and cannot do. Real risk of unintentional breach must be avoided."

The need for orders to be clear and certain has been reaffirmed in more recent cases such as Brain[20] which also require the court to consider whether all terms are necessary and whether they can be adjusted to achieve the same level of public protection without disproportionately impinging on the SRO subject's ability to work and conduct a normal life.

Maguire[21] is an example of an SRO term that was considered insufficiently clear and incapable of being policed. In that instance a clause in a Criminal Behaviour Order requiring an offender with a history of domestic violence *"to inform the local police station of any new partner within 14 days of commencing an intimate relationship"* was not sufficiently clear or capable of being policed. The order was quashed and replaced with one requiring him to "inform the local police of the name and address of any female (excluding family members) with whom he resides for a period of 14 days or more."

Orders should not be imposed where an individual is unable to comply with terms by reason of disability or mental ill-health. This was the case in Humphreys which determined that an application for a CBO was not capable of satisfying the second branch of the statutory test, where the recipient's ADHD made it highly likely that the order would be breached.[22] Advocates should be careful with this argument however as the applicant may counter that the defendants' circumstances may present a risk to the public in absence of any protective factors.

The defendant's personal circumstances should also be considered when considering SRO terms. For example, if the defendant works in IT for a living or has an online bank account, it may be unreasonable to impose an order preventing them from using the internet.

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[20] *R v Brain* [2020] EWCA Crim 457 Applied
[21] *Maguire* [2019] EWCA Crim 1193
[22] *Humphreys v Crown Prosecution Service* [2019] EWHC 2794 (Admin), at [24] where Mr Justice Stuart-Smith stated: *When deciding whether making the proposed CBO will help in preventing the offender from engaging in such behaviour, a finding of fact that the offender is incapable of understanding or complying with the terms of the Order, so that the only effect of the Order will be to criminalise the behaviour over which he has no control, will indicate that the Order is not helpful and will not satisfy the second condition that* [such an order was necessary to protect persons in any place in England and Wales from further antisocial acts by the [defendant]]".

Arguments relating to the defendant's private life under Article 8 still apply and any interference must be proportionate and necessary.

The court should be reminded that the nature of the order is designed to be preventative rather than punitive. This is reflected in the Guidance:
"The court may only impose prohibitions in the order that are necessary to protect the public from harm from the defendant. As a preventative rather than a punitive measure, the order is designed to address, without recourse to the criminal law, behaviour that puts the public at risk of harm. Only prohibitions necessary to protect the public from this harm can be included." [23]

Once an SRO is imposed the defendant should be informed which officer is going to be monitoring the order in place and liaise with them if there are any difficulties meeting notification requirements or any terms of the order at any point.[24]

The Duration of an SRO

The minimum duration of an SRO is two years, however an SRO can be imposed for an indefinite period. The SRO term must be for a fixed period stipulated in the order imposed by the court.

Arguments may be made on the proportionality of the length of the order before it is imposed. Once in place, the Guidance stipulates that the police should monitor each order actively to ensure it meets the need for protection of the community and is still necessary for this purpose.

Varying, Renewing or Discharging an SRO

Both parties have the right to apply for an SRO to be varied, renewed or discharged under Section (122E (5)) of the Sexual Offences Act 2003. The Guidance has more details on how to go about this process at p.39, 60 – 61.

[23] Secretary of State Guidance, p.60
[24] Secretary of State Guidance, p.54 - 55

Breach of an SRO or an Interim SRO

The maximum sentence for a breach of an ISRO or an SRO is five years imprisonment.

The defendant will be in breach of their ISRO or SRO if without reasonable excuse they do anything they are prohibited from doing under the terms of the order.[25]

The Sexual Offences Act does not define 'reasonable excuse" but this may be interpreted by the court in accordance with its natural meaning.

In Nicholson[26] the Court of Appeal indicated that forgetfulness or a misunderstanding of the terms of the order may be capable of constituting a defence of "reasonable excuse".

Where the defence is raised, the evidential burden of disproving reasonable excuse lies with the prosecution.[27]

Appeals

All appeals against an ISRO, an SRO, an order varying/ renewing/discharging an SRO or a refusal to do so, are heard in the Crown Court.[28]

An order made by the Crown Court will be treated as though it were the original order made at the Magistrates' Court unless an order is made directing a re-hearing at the Magistrates' Court.

There is no provision for a stay of an order, pending the outcome of the appeal. However the Crown Court may make an incidental order to suspend the operation of a prohibition and/or positive requirement pending the outcome of the appeal where it appears to the Crown Court to be just.[29]

The Crown Court may make any incidental or consequential orders deemed necessary to give effect to its determination on appeal.

Rules 64 and 75 of the Magistrates' Courts Rules 1981 and Rules 6 to 11 of the Crown Court Rules 1982 apply.[30] The appeal proceedings should be within the scope of

[25] F1122(1) Sexual Offences Act 2003
[26] *Nicholson* [2006] EWCA Crim 15188; See Auld LJ at para.15.
[27] *R. v Charles (Chuks Emmanuel)* [2010] 4 All ER 553.
[28] F1122G(1) Sexual Offences Act 2003
[29] F1122G(2) Sexual Offences Act 2003
[30] Secretary of State Guidance 2023, p. 40

criminal legal aid as outlined above. However, check with your fees clerk whether a separate legal aid application and certificate for counsel application are required or whether the appeal is covered by that granted for the initial proceedings.

Under section 79(3) of the Senior Courts Act 1981 any appeal would involve a re-hearing. Therefore, the court will need to be provided with the parties' bundles and any relevant records from the original hearing being appealed.

See the Secretary of State's Guidance for any challenge to the High Court against the finding of the Crown Court in the SRO appeal. Any case stated appeal or judicial review are likely to be subject to separate funding rules that your fees clerk can help you with.[31]

Case Law

This is a mixed list of cases. As SROs are civil orders concerning criminal conduct, principles from both criminal and civil cases can be argued.

Interpretations of the term "act of a sexual nature"

- *LW v HM Advocate* [2023] HCJAC 18
- *R. v Shinn (Paul)* [2023] EWCA Crim 493
- *R. v Young (Lewis Lloyd)* [2023] EWCA Crim 546
- *Garden v HM Advocate* [2023] HCJAC 14
- *Trustees of the Barry Congregation of Jehovah's Witnesses v BXB* [2023] UKSC 15
- *A v B* [2023] EWCA Civ 360
- *R. v Moreno (Jamie)* [2023] EWCA Crim 131
- *DE v Chief Constable of the West Midlands* [2023] EWHC 146 (KB)
- *R. (on the application of Dobson) v Secretary of State for Justice* [2023] EWHC 50 (Admin)
- *R. v Sheen (Martin)* [2023] EWCA Crim 126
- *R. v Cloud (Ellis)* [2022] EWCA Crim 1668
- *R. v Forde (Luke)* [2022] EWCA Crim 1743

Interpretations of the term "risk to the public"

- *R. v Hanna (Robert)* [2023] EWCA Crim 33

[31] Ibid.

- *R. (on the application of Secretary of State for Justice) v Parole Board for England and Wales* [2022] EWHC 1282 (Admin)
- *R. v Cleland (Cameron John)* [2020] EWCA Crim 906
- *R. v Phillips (James)* [2018] EWCA Crim 2008
- *R. v Fuller* [2016] EWCA Crim 1867
- *R. v J* [2012] EWCA Crim 132
- *R. v Guest (Darren)* [2011] EWCA Crim 1762
- *R. v EB* [2010] NICA 40
- *R. v Hicks (Robert Lwellyn)* [2009] EWCA Crim 733
- *R. v A* [2008] EWCA Crim 268

Hearsay Evidence

- *R. v Brown* [2019] EWCA Crim 1143
- *Hunt v CPS* [2018] EWHC 3341(Admin);
- *R. v A Ltd & Orsi* [2016] EWCA Crim 1469
- *R. v C(A)* [2014] EWCA Crim 371
- *R. v Riat & Ors* [2012] EWCA Crim 1509
- *R. v Newell* [2012] EWCA Crim 650
- *R. v Shah* [2012] EWCA Crim 212
- *R. v Twist & Ors* [2011] EWCA Crim 1143
- *Firth v Epping Magistrates Court* [2011] EWHC 388 (Admin)
- *R. v ED* [2010] EWCA Crim 1213
- *R. v Horncastle* [2010] 2 AC 373, CA
- *R. v Director of Public Prosecutions* [2007] EWHC 1842 (Admin)
- *McEwan v DPP* [2007] 171 JP 308
- *R. v Singh* [2006] EWCA Crim 660
- *R. v Joyce* [2005] EWCA Crim 1785
- *R. v Rock* [1994] Crim LR 843
- *R. v Andrews* [1987] 84 Cr App R 382
- *Howe v Malkin* [1878] 40 LT 196
- *G v Hassen* [2019] EWHC 3879 (QB)
- *Birmingham City Council v Afsar and others* [2019] EWHC 1560 (considered)
- *Tetronics (International) Ltd v HSBC Bank plc (Blue Oak Arkansas LLC intervening)* [2018] EWHC 201 (TCC) (considered)
- *Incommunities Ltd v Boyd* [2013] EWCA Civ 756 (considered)
- *Creation Consumer Finance Ltd v Allied Fort Insurance Services* [2012] EWHC 4094 (Ch) (considered)
- *ND v KP (Ex Parte Application)* [2011] EWHC 457 (Fam) (applied)
- *B Borough Council v S* [2006] EWHC 2584 (Fam) (considered)

- *R (on the application of Cleary v Highbury Corner Magistrates' Court* [2006] EWHC 1869 (Admin) (dicta Brooke LJ Applied)

Interim Orders

- *ABC v Derbyshire CC* [2023] EWHC 986 (KB)
- *Nursing and Midwifery Council v Adeyemo* [2021] EWHC 3606 (Admin)
- *GD v Local Authority* [2021] EWCA Civ 36
- *NP v A Local Authority* [2020] EWCA Civ 1003
- *Chief Constable of the Police Service of Scotland v DJR* [2014] 1 WLUK 325
- *Health and Care Professions Council v Waring* [2016] EWHC 696 (Admin)
- *Chief Constable of Police Scotland v M* [2016] S.L.T. (Sh Ct) 148
- *Moneagle (John) v Procurator Fiscal, Elgin* [2017] SAC (Crim) 17
- *R. v Mascarenas (Peter Tyler)* [2018] EWCA Crim 1467
- *Glasgow Housing Association v O'Donnell* [2004] 8 WLUK 221
- *R. (on the application of M (A Child)) v Sheffield Magistrates Court [*2004] EWHC 1830 (Admin)
- *P v DPP* [2005] EWHC 1485 (Admin)
- *Manchester City Council v M* [2006] EWCA Civ 423
- *B (A Minor) (Care Order: Criteria), Re* [1993] 1 WLUK 4

SRO Terms

- *M v Chief Constable of Hampshire* [2012] EWHC 4034 (Admin)
- *R. (on the application of Pinheiro) v North Tyneside Magistrates Court and another* [2022] EWHC 1176 (Admin) Considered
- *R. v Sepulvida-Gomez* [2019] EWCA Crim 2174, [2020] 4 WLR 11, [2019] All ER (D) 51 (Dec) Applied
- *R. v Connor* [2019] EWCA Crim 234, [2019] 4 WLR 76, [2019] All ER (D) 24 (Mar) Applied
- *R. (on the application of Richards) v Teesside Magistrates Court* [2015] EWCA Civ 7 Applied
- *R. v Spencer* [2013] EWCA Crim 2286 Considered
- *R. v Stocker* [2013] EWCA Crim 1993 Applied
- *R. (on the application of Richards) v Teeside Magistrates Court* [2013] EWHC 2208 (Admin) Applied
- *R. v Instone* [2012] EWCA Crim 1792 Applied
- *R. (on the application of Halabi) v Southwark Crown Court* [2020] EWHC 1053 (Admin)
- *R v Khan* [2018] EWCA Crim 1472 Applied

- *Murray v Chief Constable of Lancashire Constabulary* [2015] EWCA Civ 1174 Considered
- *Metropolitan Police Commissioner v Thorpe* [2015] EWHC 3339 (Admin) Distinguished
- *Director of Public Prosecutions v Bulmer* [2015] EWHC 2323 (Admin) Considered
- *Director of Public Prosecutions v Bulmer* [2015] EWHC 2323 (Admin) Applied
- *Allan v Croydon Council* [2013] EWHC 1924 (Admin) Considered
- *R. v Hancox* [2010] EWCA Crim 102 Applied
- *Heron v Plymouth City Council* [2009] EWHC 3562 (Admin) Applied
- *Delaney v Calderdale Magistrates' Court* [2009] EWHC 3635 (Admin) Applied
- *R. (on the application of F) v Bolton Crown Court* [2009] EWHC 240 (Admin) Considered
- *Fairweather v Metropolitan Police Commissioner* [2008] EWHC 3073 (Admin) Considered
- *R (on the application of B) v Greenwich Magistrates' Court* [2008] EWHC 2882 (Admin) Considered
- *N v DPP* [2007] EWHC 883 (Admin) Applied
- *Gillbard v Caradon District Council* [2006] EWHC 3233 (Admin) Dictum of Hooper LJ Explained

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