

25.13 *Test to apply*

R v Khan 2018 EWCA Crim 1472, 2 Cr App R (S) 53 (p 426) para 12 The Court of Appeal considered a Criminal Behaviour Order. Held. This Court noted in *R v Browne-Morgan* 2016 EWCA Crim 1903, 2017 1 Cr App R (S) 33 (p 279) that the court is not required to be satisfied beyond reasonable doubt that making the order will help in preventing the offender from engaging in such behaviour. para 18 We note that the Home Office has issued the updated Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers: Statutory guidance for frontline professionals Dec 2017, which states that the [Criminal Behaviour Order] “is intended for tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court”, [see page 29]. para 20 Criminal behaviour orders should not become a mere matter of box-ticking routine. Such orders are not lightly to be imposed; the court should proceed with a proper degree of caution and circumspection; the order must be tailored to the specific circumstances of the person on whom it is to be imposed; and assessments of proportionality are intensively fact-sensitive. Here, we quash the order.