

*R v Ali* 2017 EWCA Crim 2691 D and Z pleaded to conspiracy to receive stolen goods and money-laundering offences. They sold stolen goods on the Internet for about £1m. Held. In *R v Hancox and Duffy* 2010 EWCA Crim 102, 2 Cr App R (S) 74 (p 484) this Court outlined the following principles: a) these are preventive orders designed to prevent or restrict or disrupt the defendant from the commission of serious crimes, b) the court is making an assessment of future risk and is making a finding whether there is a real or significant risk that the defendant will commit serious offences as defined in England and Wales, c) if an order is made, it may contain such provisions as the court considers appropriate for the statutory purpose of protecting the public by preventing, restricting or disrupting involvement by the defendant in serious crime. This power is not unfettered, d) such orders can be made only for the statutory purpose, e) they must be proportionate, f) the necessity for such orders to be proportionate follows from the fact that they will almost always engage [European Convention on Human Rights art 8](#), g) the interference with such rights must be proportionate to the legitimate public end sought to be achieved. It is not enough that the order may have some public benefit in preventing, restricting or disrupting involvement by the defendant in serious crime; the interference which it will create with the defendant's freedom of action must be justified by the benefit; the provisions of the order must be commensurate with the risk. We add: h) the order must be practicable and enforceable, i) it must satisfy the test of precision and certainty, j) a preventive order of this kind creates a criminal offence. Therefore it must be expressed in terms from which the defendant and any officer contemplating arrest or other means of enforcement can readily know what the defendant may or may not do, k) an order is not an additional form of sentence, it is not designed to punish. It must not be imposed because it is thought that the defendant deserves it.