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Case Law. New Law Reports; Sri Lanka Law Reports; Supreme Court Judgements; NEW LAW REPORTS - VOLUME 1. ALAWATUGODA RATEMAHATMEYA v. KIRIWANTE; ALLIE v. MOHIDEEN;.

In fact, DDT did not kill off the Bald Eagle -- lead poisoning did, in the form of bullets shot from rifles. The short story here is a common one in American wildlife: The result was a true wildlife massacre. We not only shot out all of the buffalo that once grazed on the East Coast, we also shot out all the passenger pigeons, Canada geese, beaver, elk, wolves, deer, mountain lions and -- yes -- eagles, osprey and large numbers of hawks as well. Eagles, osprey and hawks were also decimated by the use of pole traps -- leghold traps set on the top of poles placed around fishing nets and barn yards. Nothing kills hawks and eagles faster, or more efficiently, than a pole trap. Native Americans did their fair share of shooting of eagles too. It takes a lot of feathers to make a "war bonnet" for the tourist trade, and there was no shortage of demand for such things by museums, collectors, and wealthy tourist patrons. As you can see, by -- more than 40 years before DDT was invented -- Bald Eagle populations were vanishingly low. As with Bald Eagles, Osprey were hammered by guns and pole traps, but large numbers were also killed when they collided with pound nets set in coastal fishing areas such as the Chesapeake Bay. The reason for this is fairly simple: This protection was further expanded when the Endangered Species Act was passed in Left to their own devices, and protected from unregulated shooting and trapping, Bald Eagle populations took flight and have now soared. Another American success story. Add that to the rostrum of success we have achieved through a marriage between hunters and conservationists: Nor am I saying that DDT should be legalized. A ban on DDT was a good thing, and helped many bird populations rebound. What I am saying is that DDT is routinely blamed for the decimation of two bird populations -- the Bald Eagle and the Osprey -- that it had little impact on. Is their evil intent here? Is it all a big conspiracy? What happened was that the push to ban DDT in the late s and early s happened to coincide with the rise of computerized direct mail lists. Direct mail requires organizations to have recent victories, and the ban on DDT was a convenient example that could be trotted out by executives across the environmental movement. In , the National Audubon Society claimed a membership of 88,, but just 10 years later its membership had risen to over ,, due in no small part to victories touted in a massive direct mail campaign. Other environmental organizations quickly jumped on to the direct mail bandwagon. The Sierra Club, which had a membership of 33, in , saw its own membership rise to over , by , and top , by Did Audubon and the Sierra Club do anything wrong by growing their membership using truncated and not--quite-complete stories? And without that letter, not only would people not join movements, they would not become activated or motivated to learn more. The natural state of man, I am afraid to say, is prone before a television set. The totality of what has come out of those direct mail campaigns is a true wonder -- massive amounts of land protection, cleaner air, cleaner water, the return of endangered species, and decreases in such once-common toxins as PCBs and lead. When my grandfather was born, almost all the wildlife had been shot out, the air was black, and the rivers were dead. Things were not too much better in It always shocks people when I tell them that we imported deer into parts of Virginia as late as Today, the "deer problem," in this state is that we have too many of them. In fact, across the U. What did that were rank-and-file Americans organized and activated by massive direct mail campaign that began in the late s and that continue to this day. I am not a fan of the too-simple truths of direct mail, but I am not so naive that I do not think they have their place. Sometimes a simple fable is more powerful than a complicated truth.

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Part 1 has to be read alongside Schedule 1 and Schedule 2 and, in relation to amendments to or repeals of other legislation see Schedule Clause 1 empowers a court to grant an injunction against a person aged 10 or over known as "the respondent" subject to two conditions: The second condition is that the court considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour. An injunction under Clause 1 may - for the purpose of preventing the respondent from engaging in anti-social behaviour - either prohibit the respondent from doing anything described in the injunction or require the respondent to do anything described in the injunction. An injunction has to specify the period for which it has effect or state that it has effect until further order. However, if an injunction is imposed before a respondent reaches age 18 then a period must be specified and may not exceed 12 months. Youth Courts will exercise this jurisdiction in respect of respondents under age In other cases, the matter will be decided by either the High Court or the County Court. Clause 2 is concerned with what may be in an injunction. If an injunction includes a requirement to do something then the injunction must also specify who is to be responsible for supervising compliance with that requirement. This could be an individual or an organisation. The court must receive evidence about the suitability and enforceability of any proposed requirements. Also, if 2 or more requirements are to be imposed then the court must consider their compatibility with each other. The supervisor has onerous duties to make necessary arrangements in relation to the requirement and to promote compliance- see clause 2 for further. Clearly, not a duty to be undertaken lightly. A respondent subject to a requirement must keep in touch with the person who is specified to supervise and must inform the supervisor of any change of address. Failure to do either of those things may amount to breach of the injunction- see Clause 2 6. Clause 3 deals with power of arrest. A power of arrest may be attached by the court to a prohibition or requirement if the court thinks that - a the anti-social behaviour in which the respondent has engaged or threatens to engage consists of or includes the use or threatened use of violence against other persons, or b there is a significant risk of harm to other persons from the respondent. Whether there is significant risk would appear to be an exercise of judgment or evaluation to be made by the court. Here is a point which may have to fall for judicial decision. Clause 4 contains a lengthy list of possible applicants. However, it is likely that the principal applicants will be local authorities, housing providers or the Police. A housing provider may make an application only if the application concerns anti-social behaviour that directly or indirectly relates to or affects its housing management functions. The term "housing management functions" includes a functions conferred by or under an enactment; b the powers and duties of the housing provider as the holder of an estate or interest in housing accommodation. Clause 5 deals with applications for injunctions without notice to the respondent. They go against a fundamental principle of hearing both sides before making a decision audi alteram partem. It remains to be seen how the courts will handle this but the court is empowered by clause 5 to adjourn the proceedings and grant an interim injunction or simply adjourn or dismiss the application. I suspect that courts will tread carefully before issuing interim injunctions in the absence of respondents. Clause 6 deals with Interim Injunctions. An interim injunction may be made when the court adjourns the proceedings. Such an injunction may be issued if the "court thinks it just to do so. Clause 7 deals with variation and discharge of injunctions. Clause 10 states that Schedule 1 remands under sections 8 and 9 has effect. Clause 11 activates Schedule 2. These are not considered further here. Clauses 12 and 13 are applicable in cases where the applicant is a provider of residential accommodation. Clause 14 includes a need to consult local Youth Offending Teams in relation to respondents aged 10 to under This is a particularly important provision though it remains to be seen how effective it is as a check against unmeritorious applications. Clause 15 provides for appeal to the Crown Court when a Youth Court has issued an injunction. Clause 16 enables special measures similar to those in criminal proceedings to be applied to witnesses. Clause 17 disapplies the Children and Young Persons Act sc This seems set to result in more children and young

persons being publicly named. Clause 18 provides for "Rules of Court" to be made. Clause 19 is Interpretation and Clause 20 Savings and Transitional matters. The bill does not make specific provision for a standard of proof in relation to breaches of injunctions by those aged 18 or over. Breach will not be a criminal offence unlike the ASBO regime but rather a breach of a civil injunction dealt with by way of contempt of court for adults. Contempt of court is punishable with up to 2 years imprisonment. There is a new scheme of punitive criminal-type sanctions for children. For those under 18, Schedule 2 applies the criminal standard "beyond reasonable doubt" and this schedule goes on to specify the ways by which such individuals found to be in breach may be dealt. Schedule 10 para 49 appears to extend legal aid to this area. A highly critical and devastating analysis likely to be used as a point of reference by those seeking to challenge this system on human rights grounds. When will this commence? Following Royal Assent, the provisions will be brought into force by Commencement Orders. Some of what was said in Parliament: The following proceedings in the House of Lords may be of interest to those wishing to delve into this further.

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